

Union Calendar No. 422

111TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
111-699

REPORT ON LEGISLATIVE AND OVERSIGHT ACTIVITIES

OF THE

HOUSE COMMITTEE ON HOMELAND SECURITY

together with

ADDITIONAL VIEWS

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

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



DECEMBER 31, 2010.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

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WASHINGTON : 2010

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, December 31, 2010.

Hon. LORRAINE MILLER,
Clerk of the House of Representatives,
The Capitol, Washington, DC.

DEAR MS. MILLER: Pursuant to clause 1(d)(1) of Rule XI and Rule X of the Rules of the House of Representatives, here is a report of the legislative and oversight activities of the Committee on Homeland Security during the 111th Congress.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Union Calendar No. 422

111TH CONGRESS } 2d Session }	HOUSE OF REPRESENTATIVES {	REPORT 111-699
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LEGISLATIVE AND OVERSIGHT ACTIVITIES OF THE COMMITTEE ON HOMELAND SECURITY

111TH CONGRESS

DECEMBER 31, 2010.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. THOMPSON, from the Committee on Homeland Security,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

OVERVIEW

The Committee on Homeland Security met on February 4, 2009, for an organizational meeting for the 111th Congress under the direction of Chairman Bennie G. Thompson of Mississippi. The Committee Membership, was set at 34 Members with 21 Democrats and 13 Republicans.

The Committee established six Subcommittees: the Subcommittee on Border, Maritime, and Global Counterterrorism; the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment; the Subcommittee on Transportation Security and Infrastructure Protection; the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology; the Subcommittee on Emergency Communications, Preparedness, and Response; and the Subcommittee on Management, Investigations, and Oversight.

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JURISDICTION AND LEGISLATIVE HISTORY

A provision for the establishment of a Committee on Homeland Security was included in H. Res. 5, the Rules of the House of Representatives for the 111th Congress, agreed to on January 6, 2009. The jurisdiction of the Committee is as follows:

HOUSE 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:

- (I) Committee on Homeland Security
 - (1) Overall homeland security policy.
 - (2) Organization and administration of the Department of Homeland Security.
 - (3) Functions of the Department of Homeland Security relating to the following:
 - (A) Border and port security (except immigration policy and non-border enforcement).
 - (B) Customs (except customs revenue).
 - (C) Integration, analysis, and dissemination of homeland security information.
 - (D) Domestic preparedness for and collective response to terrorism.
 - (E) Research and development.
 - (F) Transportation security.

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 of a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis—

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

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

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

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

(2) Each committee to which subparagraph (1) applies having more than 20 members shall establish an oversight subcommittee, or require its subcommittees to conduct oversight in their respective jurisdictions, to assist in carrying out its responsibilities under this clause. The establishment of an oversight subcommittee does not limit the responsibility of a subcommittee with legislative jurisdiction in carrying out its oversight responsibilities.

(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.

(d)(1) Not later than February 15 of the first session of a Congress, each standing committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing its plan each committee shall, to the maximum extent feasible—

(A) consult with other committees that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of ensuring maximum coordination and cooperation among committees when conducting reviews of such laws, programs, or agencies and include in its plan an explanation of steps that have been or will be taken to ensure such coordination and cooperation;

(B) review specific problems with Federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals;

(C) give priority consideration to including in its plan the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

(D) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review every 10 years; and

(E) have a view toward insuring against duplication of Federal programs.

(2) Not later than March 31 in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Government Reform shall report to the House the oversight plans submitted by committees together with any recommendations that it, or the House leadership

group described above, may make to ensure the most effective coordination of oversight plans and otherwise to achieve the objectives of this clause.

(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.

Special oversight functions

3. (g)(1) The Committee on Homeland Security shall review and study on a continuing basis all Government activities relating to homeland security, (including the interaction of all departments and agencies with the Department of Homeland Security.

(2) In addition, the Committee shall review and study on a primary and continuing basis all Government activities, programs and organizations related to homeland security that fall within its primary legislative jurisdiction

LEGISLATIVE HISTORY TO ACCOMPANY CHANGES TO RULE X

(Congressional Record, January 4, 2005, Page H25)

Rule X and the Committee on Homeland Security

Legislative History

Overall homeland security policy—The jurisdiction of the Committee on Homeland Security over “overall homeland security policy” is to be interpreted on a government-wide or multi-agency basis similar to the Committee on Government Reform’s jurisdiction over “overall economy, efficiency, and management of government operations and activities. . . .” Surgical addresses of homeland security policy in sundry areas of jurisdiction occupied by other committees would not be referred to the Committee on Homeland Security on the basis of “overall” homeland security policy jurisdiction.

For example, the Committee on Homeland Security shall have jurisdiction over a bill coordinating the homeland security efforts by all of the critical infrastructure protection sectors. Jurisdiction over a bill addressing the protection of a particular sector would lie with the committee otherwise having jurisdiction over that sector.

Organization and administration of the Department of Homeland Security—The jurisdiction of the Committee on Homeland Security would apply only to organizational or administrative aspects of the Department where another committee’s jurisdiction did not clearly apply. The Committee’s jurisdiction is to be confined to organizational and administrative efforts and would not apply to programmatic efforts within the Department of Homeland Security within the jurisdiction of other committees.

Homeland Security Oversight—This would vest the Committee on Homeland Security with oversight jurisdiction over the homeland security community of the United States. Nothing in this clause shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review homeland se-

curity activities to the extent that such activity directly affects a matter otherwise within the jurisdiction of that committee.

Individual Committee Concerns

AGRICULTURE—The jurisdiction of the Committee on Homeland Security over “border and port security” shall be limited to agricultural importation and entry inspection activities of the Department of Homeland Security under section 421 of the Homeland Security Act of 2002. The Committee on Agriculture shall retain jurisdiction over animal and plant disease policy including the authority reserved to the Department of Agriculture to regulate policy under section 421 of the Homeland Security Act of 2002, and the Animal Health Protection Act, the Plant Protection Act, the Plant Quarantine Act, and the Agriculture Quarantine Inspection User Fee Account. The Committee on Agriculture shall retain jurisdiction over the agricultural research and diagnosis mission at the Plum Island Animal Disease Center.

ARMED SERVICES—The Committee on Armed Services shall retain jurisdiction over warfighting, the military defense of the United States, and other military activities, including any military response to terrorism, pursuant to section 876 of the Homeland Security Act of 2002.

ENERGY AND COMMERCE—The Committee on Homeland Security shall have jurisdiction over measures that address the Department of Homeland Security’s activities for domestic preparedness and collective response to terrorism. The words “to terrorism” require a direct relation to terrorism. The Committee on Homeland Security’s jurisdiction over “collective response to terrorism” means that it shall receive referrals of bills addressing the Department of Homeland Security’s responsibilities for, and assistance to, first responders as a whole. The Committee on Energy and Commerce (and other relevant committees) shall retain their jurisdiction over bills addressing the separate entities that comprise the first responders. For example, the Committee on Energy and Commerce shall retain its jurisdiction over a bill directing the Department of Health and Human Services to train emergency medical personnel.

FINANCIAL SERVICES—The Committee on Financial Services shall retain jurisdiction over the National Flood Insurance Program and Emergency Food and Shelter Program of FEMA, and the Defense Production Act. The Committee on Financial Services shall retain its jurisdiction over the anti-money laundering, terrorist financing, and anti-counterfeiting activities within the Department of the Treasury and the financial regulators.

GOVERNMENT REFORM—The Committee on Homeland Security shall have jurisdiction over “the organization and administration of the Department of Homeland Security.” The Committee on Government Reform shall retain jurisdiction over federal civil service, the overall economy, efficiency, and management of government operations and activities, including Federal procurement, and federal paperwork reduction. The Committee on Government Reform shall retain jurisdiction over government-wide information management efforts including the Federal Information Security Management Act. The Committee on Homeland Security shall have jurisdiction over integration, analysis, and dissemination of homeland security information by the Department of Homeland Security, and the

Committee on Government Reform shall retain jurisdiction over measures addressing public information and records generally including the Privacy Act and the Freedom of Information Act. The Committee on Government Reform shall have jurisdiction over the policy coordination responsibilities of the Office of Counternarcotics Enforcement.

INTELLIGENCE—The Permanent Select Committee on Intelligence shall retain jurisdiction over the intelligence and intelligence-related activities of all departments and agencies of the Federal Government, including the Office of the Director of National Intelligence and the National Counterterrorism Center as defined in the Intelligence Reform and Terrorism Prevention Act of 2004.

JUDICIARY—The Committee on the Judiciary shall retain jurisdiction over immigration policy and non-border enforcement of the immigration laws. Its jurisdiction over immigration policy shall include matters such as the immigration and naturalization process, numbers of aliens (including immigrants and non-immigrants) allowed, classifications and lengths of allowable stay, the adjudication of immigration petitions and the requirements for the same, the domestic adjudication of immigration petitions and applications submitted to the Department of Labor or the Department of Homeland Security and setting policy with regard to visa issuance and acceptance. Its jurisdiction over non-border enforcement shall be limited to those aspects of immigration enforcement not associated with the immediate entry of individuals into the country, including those aspects of the Bureau of Immigration and Customs Enforcement. The Committee on Homeland Security shall have jurisdiction over border and port security including the immigration responsibilities of inspectors at ports of entry and the border patrol. As used in the new Rule X(1)(1)(9) and this legislative history, the word “immigration” shall be construed to include “naturalization” and no substantive change is intended by the new rule’s not containing the word “naturalization.”

SCIENCE—The Committee on Science shall retain some jurisdiction over the research and development activities of the Department of Homeland Security as such matters are incidental to the Committee on Science’s existing jurisdiction (except where those activities are in the jurisdiction of another committee).

TRANSPORTATION AND INFRASTRUCTURE—The Committee on Transportation and Infrastructure shall retain jurisdiction over the Coast Guard. However, the Committee on Homeland Security has jurisdiction over port security, and some Coast Guard responsibilities in that area will fall within the jurisdiction of both committees. Jurisdiction over emergency preparedness will be split between the Committee on Transportation and Infrastructure and the Committee on Homeland Security. The Committee on Transportation and Infrastructure shall retain its jurisdiction under clause 1(r)(2) over “federal management of emergencies and natural disasters.” This means that the committee retains its general jurisdiction over the emergency preparedness and response operations of the Federal Emergency Management Agency (FEMA). Bills addressing FEMA’s general preparation for disaster from any cause shall be referred to the Committee on Transportation and Infrastructure. The Committee on Homeland Security shall have jurisdiction over the Department of Homeland Security’s responsibilities

with regard to emergency preparedness only as they relate to acts of terrorism. Thus, the Committee on Homeland Security shall have jurisdiction over the responsibilities of the Office for Domestic Preparedness, in accordance with section 430 of the Homeland Security Act of 2002.

As indicated earlier, the Committee on Homeland Security's jurisdiction over "collective response to terrorism" means that it would receive referrals of bills addressing the Department of Homeland Security's responsibilities for, and assistance to, first responders as a whole and not over measures addressing first responder communities individually.

The Committee on Homeland Security shall have jurisdiction over the functions of the Department of Homeland Security relating to transportation security, while the Committee on Transportation and Infrastructure shall retain its jurisdiction over transportation safety. In general, the Committee on Homeland Security would have jurisdiction over bills addressing the Transportation Security Administration and the Committee on Transportation and Infrastructure would have jurisdiction over bills addressing the various entities within the Department of Transportation having responsibility for transportation safety, such as the Federal Aviation Administration and the Federal Motor Carrier Safety Administration. The jurisdiction of the Committee on Homeland Security does not include expenditures from trust funds under the jurisdiction of other committees, including but not limited to the Highway Trust Fund, the Airport and Airway Trust Fund, the Harbor Maintenance Trust Fund, the Federal Buildings Fund, and the Inland Waterways Trust Fund.

WAYS AND MEANS—The jurisdiction of the Committee on Ways and Means over "customs revenue" is intended to include those functions contemplated in section 412(b)(2) of the Homeland Security Act of 2002 and includes those functions as carried out in collection districts and ports of entry and delivery.

MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE AND THE COMMITTEE ON HOMELAND SECURITY

[*Congressional Record*, H15, January 4, 2007]

On January 4, 2005, the U.S. House of Representatives adopted H. Res. 5, establishing the Rules of the House for the 109th Congress. Section 2(a) established the Committee on Homeland Security as a standing committee of the House of Representatives with specific legislative jurisdiction under House Rule X. A legislative history to accompany the changes to House Rule X was inserted in the Congressional Record on January 4, 2005.

The Committee on Transportation and Infrastructure and the Committee on Homeland Security (hereinafter "Committees") jointly agree to the January 4, 2005 legislative history as the authoritative source of legislative history of section 2(a) of H. Res. 5 with the following two clarifications.

First, with regard to the Federal Emergency Management Agency's, FEMA, emergency preparedness and response programs, the Committee on Homeland Security has jurisdiction over the De-

partment of Homeland Security's responsibilities with regard to emergency preparedness and collective response only as they relate to terrorism. However, in light of the federal emergency management reforms that were enacted as title VI of Public Law 109(295, a bill amending FEMA's all-hazards emergency preparedness programs that necessarily addresses FEMA's terrorism preparedness programs would be referred to the Committee on Transportation and Infrastructure; in addition, the Committee on Homeland Security would have a jurisdictional interest in such bill. Nothing in this Memorandum of Understanding affects the jurisdiction of the Committee on Transportation and Infrastructure of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the Federal Fire Prevention and Control Act of 1974.

Second, with regard to port security, the Committee on Homeland Security has jurisdiction over port security, and some Coast Guard responsibilities in that area fall within the jurisdiction of both Committees. A bill addressing the activities, programs, assets, and personnel of the Coast Guard as they relate to port security and non-port security missions would be referred to the Committee on Transportation and Infrastructure; in addition, the Committee on Homeland Security would have a jurisdictional interest in such bill.

This Memorandum of Understanding between the Committee on Transportation and Infrastructure and the Committee on Homeland Security provides further clarification to the January 4, 2005 legislative history of the jurisdiction of the Committees only with regard to these two specific issues. The Memorandum does not address any other issues and does not affect the jurisdiction of other committees.

JAMES L. OBERSTAR

Chairman-designate,

Committee on Transportation & Infrastructure

BENNIE G. THOMPSON

Chairman-designate,

Committee on Homeland Security

MEMBERSHIP AND ORGANIZATION OF THE COMMITTEE ON HOMELAND SECURITY

(21–13)

COMMITTEE ON HOMELAND SECURITY

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AL GREEN, Texas	
JAMES A. HIMES, Connecticut	
MARY JO KILROY, Ohio	
DINA TITUS, Nevada	
WILLIAM L. OWENS, New York	
VACANCY	
VACANCY	

January 4, 2009-Appointment of Mr. Bennie G. Thompson of Mississippi as Chair, and Mr. Peter T. King of New York as Ranking Member pursuant to H. Res. 8 and H. Res. 12, respectively.

January 6, 2009-Mr. James R. Langevin of Rhode Island is on a leave of absence from the Committee on Homeland Security, while retaining his seniority.

January 9, 2009-Appointment of Minority Members to the Committee pursuant to H. Res. 38.

January 28, 2009-Appointment of Majority Members to the Committee pursuant to H. Res. 96.

November 19, 2009-Appointment of Mr. William L. Owens of New York to sit after Mr. Ben Ray Luján of New Mexico pursuant to H. Res. 921.

January 22, 2010-Ms. Loretta Sanchez resigned as Chair of the Subcommittee on Border, Maritime, and Global Counterterrorism.

January 27, 2010-Mr. Henry Cuellar was appointed as Chair of the Subcommittee on Border, Maritime, and Global Counterterrorism; and Ms. Laura Richardson was appointed as Chair of the Subcommittee on Emergency Communications, Preparedness, and Response, filling the vacancy created by the resignation of Mr. Cuellar as Chair of that Subcommittee.

March 8, 2010-Mr. Eric J.J. Massa of New York resigned as a Member of the House of Representatives.

May 5, 2010-Mr. Ben Ray Luján, of New Mexico resigned as a Member of the Committee on Homeland Security.

May 6, 2010-Mr. William L. Owens of New York was appointed to sit after Ms. Dina Titus of Nevada pursuant to H. Res. 1334.

May 17, 2010-Mr. Mark E. Souder of Indiana resigned as a Member of the House of Representatives.

June 16, 2010-Appointment of Mr. Tom Graves of Georgia to the Committee pursuant to H.Res. 1447.

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION
SHARING, AND TERRORISM RISK ASSESSMENT

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(Ex Officio)

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MARY JO KILROY, Ohio	PETER T. KING, New York
BENNIE G. THOMPSON,	(<i>Ex Officio</i>)
Mississippi	
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VACANCY	PETER T. KING, New York
BENNIE G. THOMPSON,	(<i>Ex Officio</i>)
Mississippi	
(<i>Ex Officio</i>)	

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS,
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EMANUEL CLEAVER, Missouri	MICHAEL T. MCCAUL, Texas
DINA TITUS, Nevada	PETER T. KING, New York <i>(Ex Officio)</i>
WILLIAM L. OWENS, New York	
BENNIE G. THOMPSON, Mississippi	

(Ex Officio)

HISTORY OF THE COMMITTEE ON HOMELAND SECURITY

SELECT COMMITTEES ON HOMELAND SECURITY

107th Congress

In the 107th Congress, the House Select Committee on Homeland Security was established on June 19, 2002, pursuant to H. Res. 449 (adopted by voice vote). The Committee was composed of nine Members of the House: Mr. Richard “Dick” Armey of Texas, Chairman; Mr. Thomas DeLay of Texas; Mr. Julius Caesar “J.C.” Watts of Oklahoma; Ms. Deborah Pryce of Ohio; Mr. Robert Portman of Ohio; Ms. Nancy Pelosi of California; Mr. Jonas Martin Frost of Texas; Mr. Robert Menendez of New Jersey; and Ms. Rosa L. DeLauro of Connecticut.

The mandate of the Select Committee in the 107th Congress was to “develop recommendations and report to the House on such matters that relate to the establishment of a department of homeland security.” The Select Committee accomplished its mandate on November 22, 2002, when the House concurred in the Senate amendment to H.R. 5005, a bill establishing the Department of Homeland Security, by unanimous consent, and cleared H.R. 5005 for the President. The bill was presented to the President on November 22, 2002, and was signed on November 25, 2002, becoming Public Law 107–296.

The termination date of the House Select Committee on Homeland Security was “after final disposition of a bill [. . .] including final disposition of any veto message on such bill,” which occurred on November 25, 2002.

Law	Title	Bill
P.L. 107-296	<i>The Homeland Security Act of 2002.</i>	H.R. 5005

108th Congress

The second House Select Committee on Homeland Security was established in the 108th Congress on January 7, 2003, pursuant to provisions of H. Res. 5 (adopted by a recorded vote of 221 yeas and 203 nays). The Membership of the Select Committee was established on February 12, 2003, as: Mr. Christopher Cox of California, Chairman; Ms. Jennifer Dunn of Washington; Mr. William “Bill” Young of Florida; Mr. Donald “Don” Young of Alaska; Mr. F. James Sensenbrenner, Jr. of Wisconsin; Mr. Wilbert Joseph “Billy” Tauzin of Louisiana; Mr. David Dreier of California; Mr. Duncan Hunter of California; Mr. Harold Rogers of Kentucky; Mr. Sherwood Boehlert of New York; Mr. Lamar Smith of Texas; Mr. Wayne Curtis

“Curt” Weldon of Pennsylvania; Mr. Christopher Shays of Connecticut; Mr. Porter J. Goss of Florida; Mr. David Camp of Michigan; Mr. Lincoln Diaz-Balart of Florida; Mr. Robert W. Goodlatte of Virginia; Mr. Ernest James Istook, Jr. of Oklahoma; Mr. Peter T. King of New York; Mr. John E. Linder of Georgia; Mr. John B. Shadegg of Arizona; Mr. Mark E. Souder of Indiana; Mr. William McClellan “Mac” Thornberry of Texas; Mr. James A. Gibbons of Nevada; Ms. Kay Granger of Texas; Mr. Pete Sessions of Texas; Mr. John E. Sweeney of New York; Mr. Jim Turner of Texas; Mr. Bennie G. Thompson of Mississippi; Ms. Loretta Sanchez of California; Mr. Edward J. Markey of Massachusetts; Mr. Norman D. Dicks of Washington; Mr. Barney Frank of Massachusetts; Ms. Jane Harman of California; Mr. Benjamin L. Cardin of Maryland; Ms. Louise M. Slaughter of New York; Mr. Peter A. DeFazio of Oregon; Mrs. Nita M. Lowey of New York; Mr. Robert E. Andrews of New Jersey; Ms. Eleanor Holmes Norton, a Delegate from the District of Columbia; Ms. Zoe Lofgren of California; Ms. Karen McCarthy of Missouri; Ms. Shiela Jackson Lee of Texas; Mr. William “Bill” Pascrell, Jr. of New Jersey; Mrs. Donna M. Christensen, a Delegate from the U.S. Virgin Islands; Mr. Bobby “Bob” Etheridge of North Carolina; Mr. Charles Gonzalez of Texas; Mr. Ken Lucas of Kentucky; Mr. James R. Langevin of Rhode Island; and Mr. Kendrick B. Meek of Florida.

The Select Committee was authorized to develop recommendations and report to the House by bill or otherwise on such matters that relate to the Homeland Security Act of 2002 (Public Law 107–296) as may be referred to it by the Speaker, and was charged with reviewing and studying on a continuing basis laws, programs, and Government activities relating to homeland security. In addition, the Select Committee was directed to conduct a thorough and complete study of the operation and implementation of the Rules of the House, including Rule X, with respect to the issue of homeland security, and submit its recommendations regarding any changes in the Rules of the House to the Committee on Rules not later than September 30, 2004.

On September 30, 2004, the Select Committee on Homeland Security submitted its recommendations on jurisdictional changes to the Rules of the House of Representatives to the Committee on Rules.

The Committee had six measures signed into law during the 108th Congress:¹

Law	Title	Bill
P.L. 108-136	<i>National Defense Authorization Act for Fiscal Year 2004.</i> ..	H.R. 1588★
P.L. 108-268	<i>To provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities.</i> ..	H.R. 4332★

¹★ Indicates measures which were not referred directly to the Committee on Homeland Security. † Indicates measures which were not referred to the Committee, but to which measures were included during Congressional action.

Law	Title	Bill
P.L. 108-276	<i>Project BioShield Act of 2004.</i>	S. 15 (H.R. 2122)
P.L. 108-293	<i>Coast Guard and Maritime Transportation Act of 2004.</i>	H.R. 2443★
P.L. 108-330	<i>Department of Homeland Security Financial Accountability Act.</i> ..	H.R. 4259
P.L. 108-458	<i>Intelligence Reform and Terrorism Prevention Act of 2004.</i>	S. 2845 (H.R. 5223)

Pursuant to H. Res. 5, the Select Committee terminated on January 2, 2005, with the expiration of the 108th Congress.

COMMITTEE ON HOMELAND SECURITY

109th Congress

The 109th Congress marked the first Congress for the standing Committee on Homeland Security. During the two previous Congresses, the House of Representatives established separate Select Committees on Homeland Security: the first - to establish the Department of Homeland Security, the second - to monitor the initial activities of the Department and to examine the need for a standing committee in the House with jurisdictional authority over matters relating to the issue of homeland security.

The Committee on Homeland Security was established as a standing Committee of the House with the passage of H. Res. 5, on January 4, 2005. The resolution was adopted by a recorded vote of 220 yeas and 195 nays.

The Committee Membership was set at 34 Members with 19 Republicans and 15 Democrats. The following Members were appointed to the Committee on Homeland Security for all or part of the Congress: Mr. Christopher Cox of California; Mr. Peter T. King of New York; Mr. Don Young of Alaska; Mr. Lamar S. Smith of Texas; Mr. Curt Weldon of Pennsylvania; Mr. Christopher Shays of Connecticut; Mr. John Linder of Georgia; Mr. Mark E. Souder of Indiana; Mr. Tom Davis of Virginia; Mr. Daniel E. Lungren of California; Mr. Jim Gibbons of Nevada; Mr. Rob Simmons of Connecticut; Mr. Mike Rogers of Alabama; Mr. Stevan Pearce of New Mexico; Ms. Katherine Harris of Florida; Mr. Bobby Jindal of Louisiana; Mr. David G. Reichert of Washington; Mr. Michael T. McCaul of Texas; Mr. Charles W. Dent of Pennsylvania; Ms. Ginny Brown-Waite of Florida; Mr. Bennie G. Thompson of Mississippi; Ms. Loretta Sanchez of California; Mr. Edward J. Markey of Massachusetts; Mr. Norman D. Dicks of Washington; Ms. Jane Harman of California; Mr. Peter A. DeFazio of Oregon; Ms. Nita M. Lowey of New York; Ms. Eleanor Holmes Norton of District of Columbia; Ms. Zoe Lofgren of California; Ms. Sheila Jackson Lee of Texas; Mr. Bill Pascrell of Jr., New Jersey; Ms. Donna M. Christensen of U.S. Virgin Islands; Mr. Bob Etheridge of North Carolina; Mr. James R. Langevin of Rhode Island; and Mr. Kendrick B. Meek of Florida.

On February 9, 2005, the Committee on Homeland Security adopted its Rules, which provided for the establishment of five Subcommittees. The Subcommittee on Prevention of Nuclear and Biological Attack; the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment; the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity; the

Subcommittee on Management, Integration, and Oversight; and the Subcommittee on Emergency Preparedness, Science, and Technology.

On October 7, 2005, the Committee revised its Rules to establish a Subcommittee on Investigations.

The Committee had eight measures signed into law during the 109th Congress:

Law	Title	Bill
P.L. 109-13	<i>Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005..</i>	H.R. 1268★ (H.R. 418)
P.L. 109-59	<i>Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users..</i>	H.R. 3★
P.L. 109-163	<i>National Defense Authorization Act for Fiscal Year 2006. ..</i>	H.R. 1815★
P.L. 109-241	<i>Coast Guard and Maritime Transportation Act of 2006.</i>	H.R. 889★
P.L. 109-295	<i>Department of Homeland Security Appropriations Act, 2007..</i> (Title VI - Post Katrina Emergency Management Reform Act)	H.R. 5441★
P.L. 109-347	<i>“Security and Accountability For Every Port Act of 2006” or the “SAFE Port Act”..</i>	H.R. 4954
P.L. 109-364	<i>John Warner National Defense Authorization Act for Fiscal Year 2007..</i>	H.R. 5122★
P.L. 109-367	<i>Secure Fence Act of 2006.</i>	H.R. 6061

110th Congress

The Committee on Homeland Security continued as a standing Committee pursuant to the provisions of H. Res. 5, agreed to in the House on January 4, 2007, by a record vote of 235 yeas and 195 nays.

The Committee on Homeland Security met on January 23, 2007, for an organizational meeting for the 110th Congress under the direction of Chairman Bennie G. Thompson of Mississippi. The Committee Membership was set at 34 Members with 19 Democrats and 15 Republicans. The following Members were appointed to the Committee on Homeland Security for all or part of the Congress: Mr. Bennie G. Thompson of Mississippi; Ms. Loretta Sanchez of California; Mr. Edward J. Markey of Massachusetts; Mr. Norman D. Dicks of Washington; Ms. Jane Harman of California; Mr. Peter A. DeFazio of Oregon; Mrs. Nita M. Lowey of New York; Ms. Eleanor Holmes Norton a Delegate from the District of Columbia; Ms. Zoe Lofgren of California; Ms. Sheila Jackson-Lee of Texas; Mrs. Donna M. Christensen a Delegate from the U.S. Virgin Islands; Mr. Bob Etheridge of North Carolina; Mr. James R. Langevin of Rhode Island; Mr. Henry Cuellar of Texas; Mr. Christopher P. Carney of Pennsylvania; Ms. Yvette D. Clarke of New York; Mr. Al Green of Texas; Mr. Ed Perlmutter of Colorado; Mr. Bill Pascrell, Jr. of New Jersey; Mr. Peter T. King of New York; Mr. Lamar Smith of Texas; Mr. Christopher Shays of Connecticut; Mr. Mark E. Souder of Indiana; Mr. Tom Davis of Virginia; Mr. Daniel E. Lungren of California; Mr. Mike Rogers of Alabama; Mr. David G. Reichert of Washington; Mr. Michael T. McCaul of Texas; Mr. Charles W. Dent of Pennsylvania; Ms. Ginny Brown-Waite of

Florida; Mr. Gus M. Bilirakis of Florida; Mr. David Davis of Tennessee; Mr. Paul C. Broun of Georgia; Mrs. Candice S. Miller of Michigan; Ms. Marsha Blackburn of Tennessee; Mr. Kevin McCarthy of California; and Mr. Bobby Jindal of Louisiana.

The Committee established six Subcommittees: the Subcommittee on Border, Maritime, and Global Counterterrorism; the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment; the Subcommittee on Transportation Security and Infrastructure Protection; the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology; the Subcommittee on Emergency Communications, Preparedness, and Response; and the Subcommittee on Management, Investigations, and Oversight.

The Committee had four measures signed into law during the 110th Congress:

Law	Title	Bill
P.L. 110-53	<i>Implementing Recommendations of the 9/11 Commission Act of 2007..</i>	H.R. 1
P.L. 110-181	<i>National Defense Authorization Act for Fiscal Year 2008. ..</i>	H.R. 4986★ (H.R. 1585)★
P.L. 110-388	<i>A bill to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security..</i>	S. 2816
P.L. 110-412	<i>Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act of 2008..</i>	H.R. 6098

111th Congress

The Committee on Homeland Security continued as a standing Committee pursuant to the provisions of H. Res. 5, agreed to in the House on January 6, 2009, by a record vote of 235 yeas and 195 nays.

The Committee on Homeland Security met on February 4, 2009, for an organizational meeting for the 111th Congress under the direction of Chairman Bennie G. Thompson of Mississippi. The Committee Membership, was set at 34 Members with 21 Democrats and 13 Republicans. The following Members were appointed to the Committee on Homeland Security for all or part of the Congress: Mr. Bennie G. Thompson of Mississippi; Ms. Loretta Sanchez, of California; Ms. Jane Harman of California; Mr. Peter A. DeFazio of Oregon; Ms. Eleanor Holmes Norton a Delegate from the District of Columbia; Ms. Zoe Lofgren of California; Ms. Sheila Jackson-Lee of Texas; Mr. Henry Cuellar of Texas; Mr. Christopher P. Carney of Pennsylvania; Ms. Yvette D. Clarke of New York; Ms. Laura Richardson of California; Mrs. Ann Kirkpatrick of Arizona; Mr. Ben Ray Luján of New Mexico; Mr. Bill Pascrell, Jr. of New Jersey; Mr. Emmanuel Cleaver of Missouri; Mr. Al Green of Texas; Mr. James A. Himes of Connecticut; Ms. Mary Jo Kilroy of Ohio; Mr. Eric J.J. Massa of New York; Ms. Dina Titus of Nevada; Mr. William L. Owens of New York; Mr. Peter T. King of New York; Ms. Lamar Smith of Texas; Mr. Mark E. Souder of Indiana; Mr. Daniel E. Lungren of California; Mr. Mike Rogers of Alabama; Mr. Michael T.

McCaul of Texas; Mr. Charles W. Dent of Pennsylvania; Mr. Gus M. Bilirakis of Florida; Mr. Paul C. Broun of Georgia; Mrs. Candice S. Miller of Michigan; Mr. Pete Olson of Texas; Mr. Anh “Joseph” Cao of Louisiana; Mr. Steve Austria of Ohio; and Mr. Tom Graves of Georgia.

The Committee established six Subcommittees: the Subcommittee on Border, Maritime, and Global Counterterrorism; the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment; the Subcommittee on Transportation Security and Infrastructure Protection; the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology; the Subcommittee on Emergency Communications, Preparedness, and Response; and the Subcommittee on Management, Investigations, and Oversight.

The Committee had 14 measures signed into law during the 111th Congress:^{2 34}

111th Congress

Law	Title	Bill
P.L. 111—84	National Defense Authorization Act for Fiscal Year 2010. ..	H.R. 2647★
P.L. 111—140	Nuclear Forensics and Attribution Act.	H.R. 730
P.L. 111—145	United States Capitol Police Administrative Technical Correction Act of 2009. ..	H.R. 1299† (H.R. 2935)
P.L. 111—198	Homebuyer Assistance and Improvement Act.	H.R. 5623
P.L. 111—207	Cruise Vessel Security and Safety Act of 2009.	H.R. 3360★
P.L. 111—245	First Responder Anti-Terrorism Training Resources Act.	H.R. 3978
P.L. 111—252	To allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service..	H.R. 1517
P.L. 111—258	Reducing Over-Classification Act.	H.R. 553
P.L. 111—259	Intelligence Authorization Act for Fiscal Year 2011.	H.R. 2701★
P.L. 111—271	Redundancy Elimination and Enhanced Performance for Preparedness Grants Act. ..	H.R. 3980
P.L. 111—281	Coast Guard Authorization Act of 2010.	H.R. 3619
P.L. 111—	Northern Border Counternarcotics Strategy Act of 2010.	H.R. 4748
P.L. 111—	Anti-Border Corruption Act of 2010.	S. 3243
P.L. 111—	Ike Skelton National Defense Authorization Act for Fiscal Year 2011. ..	H.R. 6523★

²H.R. 4748 was presented to the President on December 28, 2010, and is expected to be signed into law. As of the date of the filing of this report, the measure has not been signed and a Public Law number has not been assigned.

³S. 3243 was presented to the President on December 28, 2010, and is expected to be signed into law. As of the date of the filing of this report, the measure has not been signed and a Public Law number has not been assigned.

⁴H.R. 6523 was presented to the President on December 29, 2010, and is expected to be signed into law. As of the date of the filing of this report, the measure has not been signed and a Public Law number has not been assigned.

FULL COMMITTEE

BENNIE G. THOMPSON, Mississippi, *Chairman*

LORETTA SANCHEZ, California	PETER T. KING, New York
JANE HARMAN, California	LAMAR SMITH, Texas
PETER A. DEFazio, Oregon	DANIEL E. LUNGREN, California
ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
ZOE LOFGREN, California	MICHAEL T. MCCAUL, Texas
SHEILA JACKSON LEE, Texas	CHARLES W. DENT, Pennsylvania
HENRY CUELLAR, Texas	GUS M. BILIRAKIS, Florida
CHRISTOPHER P. CARNEY, Pennsylvania	PAUL C. BROWN, Georgia
YVETTE D. CLARKE, New York	CANDICE S. MILLER, Michigan
LAURA RICHARDSON, California	PETE OLSON, Texas
ANN KIRKPATRICK, Arizona	ANH “JOSEPH” CAO, Louisiana
BILL PASCRELL, JR., New Jersey	STEVE AUSTRIA, Ohio
EMANUEL CLEAVER, Missouri	TOM GRAVES, Georgia
AL GREEN, Texas	
JAMES A. HIMES, Connecticut	
MARY JO KILROY, Ohio	
DINA TITUS, Nevada	
WILLIAM L. OWENS, New York	
VACANCY	
VACANCY	

During the 111th Congress, the Committee on Homeland Security held a total of 20 days of hearings and received testimony from 77 witnesses on numerous topics and considered 23 measures.

ORGANIZATIONAL MEETING OF THE COMMITTEE

The Committee on Homeland Security met on February 4, 2009 for an organizational meeting for the 111th Congress under the direction of Chairman Bennie G. Thompson of Mississippi.

The Full Committee met pursuant to notice and adopted the Committee Rules for the 111th Congress by voice vote. The Committee also approved the Committee on Homeland Security’s Oversight Plan for the 111th Congress and Committee Resolution No. 1, relating to staff hiring, by voice vote.

The Committee established six Subcommittees: the Subcommittee on Border, Maritime, and Global Counterterrorism; the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment; the Subcommittee on Transportation Security and Infrastructure Protection; the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology the Subcommittee on Emergency Communications, Preparedness, and Re-

sponse; and the Subcommittee on Management, Investigations, and Oversight.

BUSINESS MEETINGS

AUTHORIZATION OF THE ISSUANCE OF SUBPOENAS - MR. AND MRS. SALAH

The Committee met on December 9, 2009 and adopted Committee Resolutions 3 and 4.

Committee Resolution 3, authorizing the issuance of a *subpoena ad testificandum* and a *subpoena duces tecum* to require Mr. Tareq Salahi to provide testimony and certain supplementary materials reflecting the circumstances surrounding the White House State Dinner of November 24, 2009 to the Committee on January 20, 2010; was agreed to, as modified, by a recorded vote of 26 yeas and 3 nays (Roll Call Vote No. 20). The subpoena was issued on December 10, 2009, and served on December 11, 2009.

Committee Resolution 4, authorizing the issuance of a *subpoena ad testificandum* and a *subpoena duces tecum* to require Mrs. Michaela Salahi to provide testimony and certain supplementary materials reflecting the circumstances surrounding the White House State Dinner of November 24, 2009 to the Committee on January 20, 2010; was agreed to, as modified, by a recorded vote of 27 yeas and 2 nays (Roll Call Vote No. 21). The subpoena was issued on December 10, 2009, and served on December 11, 2009.

LEGISLATIVE ACTIVITIES OF THE COMMITTEE

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

PUBLIC LAW 111-84 (H.R. 2647)

To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

Legislative History

H.R. 2647 was introduced in the House by Mr. Skelton and Mr. McHugh on June 2, 2009, and referred to the Committee on Armed Services.

On June 16, 2009, the Committee on Armed Services considered H.R. 2647 and ordered the measure reported to the House, amended, by a recorded vote of 61 yeas and 0 nays.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Armed Services on June 18, 2009, agreeing, that, in order to expedite consideration of the measure by the full House, the Committee on Homeland Security would not seek a sequential referral of H.R. 2647. The letter further requested support to the appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of

the Committee on Armed Services sent a letter to the Chair of the Committee on Homeland Security acknowledging the jurisdictional interests of the Committee on Homeland Security and the agreement for the Committee on Homeland Security to not seek a sequential referral of H.R. 2647.

The Committee on Armed Services reported H.R. 2647 to the House on June 16, 2009, as H. Rpt. 111-166. On June 23, 2009, the Committee on Armed Services filed a supplemental report on the bill H.R. 2647 as H. Rpt. 111-166, Part II.

The Committee on Rules met on June 23, 2009, and granted a Rule providing for the consideration of H.R. 2647.

The House considered H.R. 2647 under the provisions of H. Res. 572 on June 24, 2009. During consideration, a motion to recommit with instructions to the Committee on Armed Services was made in the House, but failed by a recorded vote of 170 yeas and 244 nays. The House, then, on June 25, 2009 passed H.R. 2647 by a recorded vote of 389 yeas and 22 nays, with 1 voting "Present" (Roll no. 460). The title of the measure was amended so as to read "A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes."

H.R. 2647 was received in the Senate on July 6, 2009, read twice, and placed on Senate Legislative Calendar under General Orders. The Senate considered H.R. 2647 by unanimous consent. The Senate then struck all after the enacting clause and inserted in lieu thereof the text of S. 1390, as amended. H.R. 2647 was subsequently passed by the Senate as so amended, by unanimous consent.

On July 23, 2009, the Senate then insisted upon its amendment to H.R. 2647, requested a Conference with the House, and appointed Conferees: Senators: Levin; Kennedy; Byrd; Lieberman; Reed; Akaka; Nelson of Florida; Nelson of Nebraska; Bayh; Webb; McCaskill; Udall of Colorado; Hagan; Begich; Burris; McCain; Inhofe; Sessions; Chambliss; Graham; Thune; Martinez; Wicker; Burr; Vitter; and Collins. On September 29, 2009, the Senate appointed conferee Kirk in lieu of Kennedy; and LeMieux in lieu of Martinez, by unanimous consent.

The House disagreed to the Senate amendment on October 6, 2009, and agreed to a Conference with the Senate thereon by voice vote. A motion to close portions of the Conference failed by a recorded vote of 178 yeas and 234 nays.

On October 6, 2009, the Speaker appointed Conferees on the part of the House: From the Committee on Armed Services; from the Permanent Select Committee on Intelligence; from the Committee on Education and Labor; from the Committee on Energy and Commerce; from the Committee on Foreign Affairs; from the Committee on Homeland Security; from the Committee on House Administration; from the Committee on the Judiciary; from the Committee on Natural Resources; from the Committee on Oversight and Government Reform; from the Committee on Science and Technology; from the Committee on Small Business; from the Committee on Transportation and Infrastructure; and from the Committee on Veterans'

Affairs. Conferees from the Committee on Homeland Security were appointed for consideration of sec. 1101 of the House bill, and modifications committed to conference: Thompson of Mississippi, Titus, and Bilirakis.

The Committee of Conference met on October 7, 2009, and reported a Conference Report to accompany H.R. 2647 as H. Rpt. 111-288.

The Committee on Rules met on October 8, 2009, and granted a Rule providing for the consideration of the Conference Report to accompany H.R. 2647, the Rule was filed in the House as H. Res. 808. The House considered H. Res. 808 as a privileged matter on October 8, 2009, and agreed to the resolution by a recorded vote of 234 yeas and 188 nays.

On October 8, 2009, the House considered the Conference Report to accompany H.R. 2647 under the provisions of H. Res. 808. During consideration, a motion to recommit with instructions failed by a recorded vote of 208 yeas and 216 nays with 2 voting “present.” The House then agreed to the Conference Report to accompany H.R. 2647 by a recorded vote of 281 yeas and 146 nays.

The Senate considered the Conference Report to accompany H.R. 2647 on October 20, 2009. On that same date, a cloture motion on the Conference Report to accompany H.R. 2647 was presented in the Senate. The Senate continued consideration of the Conference Report to accompany H.R. 2647 on October 21 and 22, 2009. On October 22, 2009, Cloture on the Conference Report was invoked in the Senate by a recorded vote of 64 yeas and 35 nays. The Senate then agreed to the Conference Report to accompany H.R. 2647 by a recorded vote of 68 yeas and 29 nays, clearing the measure for the President.

H.R. 2647 was presented to the President on October 26, 2009, and signed into law on October 28, 2009 as Public Law 111-84.

NUCLEAR FORENSICS AND ATTRIBUTION ACT

PUBLIC LAW 111-140 (H.R. 730)

To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

Legislative History

110th Congress

H.R. 2631, the Nuclear Forensics and Attribution Act, was introduced in the House on June 7, 2007, by Mr. Schiff, Mr. Langevin, and three original co-sponsors. H.R. 2631 was referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs. Within the Committee, H.R. 2631 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

On October 10, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing on H.R. 2631, the Nuclear Forensics and Attribution Act.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology considered H.R. 2631 on October 31, 2007,

and forwarded the measure to the Full Committee for consideration, as amended, by voice vote.

The Committee on Homeland Security considered H.R. 2631 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, as amended, by unanimous consent.

Committee on Homeland Security reported H.R. 2631 to the House on June 11, 2008, as H. Rpt. 110-708, Pt. 1.

H.R. 2631 was considered in the House under Suspension of the Rules on June 18, 2008, and passed by voice vote.

H.R. 2631 was received in the Senate on June 19, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

On September 23, 2008, the Senate Committee on Homeland Security and Governmental Affairs considered H.R. 2631 and ordered the measure reported to the Senate, as amended. The Senate Committee on Homeland Security and Governmental Affairs reported H.R. 2631 to the Senate on September 25, 2008, with no written report.

The Senate passed H.R. 2631 on September 26 (Legislative Day of September 17), 2008, after agreeing to the Committee Amendment in the Nature of a Substitute.

111th Congress

H.R. 730 was introduced in the House on January 27, 2009, by Mr. Schiff, Mr. McCaul, and one other original co-sponsor and referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs. Within the Committee, H.R. 730 was referred to Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

On March 20, 2009, the Chair of the Committee on Foreign Affairs sent a letter to the Chair of the Committee on Homeland Security agreeing to waive further consideration of H.R. 730 in order to expedite consideration by the full House. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Foreign Affairs acknowledging the jurisdictional interests of the Committee on Foreign Affairs and the agreement not to seek further consideration of H.R. 730.

On March 20, 2009, the Chair of the Committee on Science and Technology sent a letter to the Chair of the Committee on Homeland Security indicating a jurisdictional interest in H.R. 730, but agreeing to not seek a sequential referral in order to expedite consideration by the full House. The letter further indicated the right to seek appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Science and Technology acknowledging the jurisdictional interests of the Committee on Science and Technology and the agreement to not seek a sequential referral of H.R. 730. The letter further indicated the right to seek appointment of Conferees should a House-Senate Conference be called.

On March 24, 2009, the House considered H.R. 730 under Suspension of the Rules and passed the bill by a $\frac{2}{3}$ recorded vote of 402 yeas and 16 nays (Roll No. 148).

H.R. 730 was received in the Senate on March 26, 2009, and referred to the Senate Committee on Homeland Security and Govern-

mental Affairs. The Senate Committee on Homeland Security and Governmental Affairs reported H.R. 730 to the Senate, amended, with no written report.

On December 23, 2009, the Senate passed H.R. 730, as amended, by unanimous consent.

The House considered the Senate amendment to H.R. 730 under Suspension of the Rules on January 20, 2010, and on January 21, 2010 agreed to the Senate amendment by a recorded vote of 397 yeas and 10 nays, clearing the measure for the President.

H.R. 730 was presented to the President on February 4, 2010, and signed into law on February 16, 2010, as Public Law 111-140.

TRAVEL PROMOTION ACT OF 2009 / UNITED STATES CAPITOL POLICE
ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

PUBLIC LAW 111-145 (H.R. 1299/ S. 1023 : H.R. 2935)

To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.
(To establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.)

Legislative History

110th Congress

H.R. 3232, the Travel Promotion Act of 2008, was introduced in the House on July 31, 2007, by Mr. Delahunt and 11 original cosponsors and referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary and the Committee on Homeland Security. Within the Committee on Homeland Security, H.R. 3232 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On September 23, 2008, the Committee on Energy and Commerce considered H.R. 3232 and ordered the measure to be reported to the House, amended, by voice vote.

On September 25, 2008, the House considered H.R. 3232 under Suspension of the Rules and passed the measure, as amended, by voice vote.

H.R. 3232 was received the Senate on September 26, 2008, read twice, and placed on the Senate Legislative Calendar.

S. 1661, the Senate companion measure, was introduced in the Senate on June 19, 2007, by Mr. Dorgan and two original cosponsors and referred to the Senate Committee on Commerce, Science, and Transportation.

The Senate Committee on Commerce, Science, and Transportation considered S. 1661 on June 27, 2008, and ordered the measure to be reported to the Senate with amendments, favorably.

The Senate Committee on Commerce, Science, and Transportation reported S. 1661 to the Senate, amended, on November 27, 2007, as S. Rpt. 110-233.

110th Congress

H.R. 2935, the Travel Promotion Act of 2009, was introduced in the House on June 18, 2009, by Mr. Delahunt, Mr. Smith of Texas, Ms. Titus, and 17 original co-sponsors and referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary and the Committee on Homeland Security. Within

the Committee, H.R. 2935 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On November 6, 2009, the House considered H. Res. 896 under Suspension of the Rules, and agreed to the resolution by voice vote. The text of H.R. 2935 was included as an amendment to the Senate amendment to H.R. 1299, the United States Capitol Police Administration Technical Corrections Act of 2009, pursuant to H. Res. 896. The House subsequently agreed to H.R. 1299, as amended.

The Senate considered H.R. 1299 on February 24 and 25, 2010, and agreed to the House amendment to the Senate amendment to H.R. 1299 by a recorded vote of 78 yeas and 18 nays, clearing the measure for the President.

H.R. 1299 was presented to the President on March 2, 2010, and signed by the President on March 4, 2010 as Public Law 111-145.

HOMEBUYER ASSISTANCE AND IMPROVEMENT ACT OF 2010

PUBLIC LAW 111-198 (H.R. 5623)

To amend the Internal Revenue Code of 1986 to extend the homebuyer tax credit for the purchase of a principal residence before October 1, 2010, in the case of a written binding contract entered into with respect to such principal resident before May 1, 2010, and for other purposes.

Legislative History

H.R. 5623 was introduced in the House on June 29, 2010 by Mrs. Dahlkemper, and Ms. Titus, and six original co-sponsors and referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, the Committee on Homeland Security, and the Committee on Energy and Commerce.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Ways and Means on June 29, 2010, indicating that in order to expedite consideration of the measure by the full House, the Committee would waive further consideration of H.R. 5623. On that same date, the Chair of the Committee on Ways and Means sent a letter to the Chair of the Committee on Homeland Security agreeing to the jurisdictional interests of the Committee on Homeland Security and the appointment of Conferees should a conference be convened.

On June 29, 2010, the House agreed to Suspend the Rules and passed H.R. 5623, amended, by $\frac{2}{3}$ recorded vote of 409 yeas and 5 nays.

The Senate passed H.R. 5623 on June 30, 2010, clearing the measure for the President.

H.R. 5623 was presented to the President on July 1, 2010, and signed into law on July 2, 2010, as Public Law 111-198.

FIRST RESPONDER ANTI-TERRORISM TRAINING RESOURCES ACT

PUBLIC LAW 111-245 (H.R. 3978)

To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes.

Legislative History

H.R. 3978 was introduced in the House on November 2, 2009, by Mr. Rogers of Alabama and referred to the Committee on Homeland Security. Within the Committee, H.R. 3837 was referred to the Subcommittee on Emergency Communications, Preparedness, and Response.

The Subcommittee on Emergency Communications, Preparedness, and Response considered H.R. 3978 on November 3, 2009 and forwarded the measure to the Full Committee with the recommendation that it pass, without amendment, by voice vote.

The Committee on Homeland Security considered H.R. 3978 on November 17, 2009, and ordered the measure reported to the House, without amendment, by voice vote.

Committee on Homeland Security reported H.R. 3978 to the House as H. Rpt. 111-376.

The House considered H.R. 3978 under Suspension of the Rules on December 15, 2009, and passed the measure, as amended, by a $\frac{2}{3}$ vote of 413 yeas and 1 nay (Roll no. 973).

H.R. 3978 was received in the Senate on December 16, 2009, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

On May 17, 2010, the Senate Committee on Homeland Security and Governmental Affairs ordered H.R. 3978 to be reported to the Senate, with an Amendment in the Nature of a Substitute. The Senate Committee on Homeland Security and Governmental Affairs reported H.R. 3978 to the Senate on August 2, 2010, with no written report.

The Senate considered H.R. 3978 on August 5, 2010, and passed the measure, with an Amendment in the Nature of a Substitute by unanimous consent.

The Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security on September 14, 2010, indicating jurisdictional interest in the Senate amendments to H.R. 3978. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure acknowledging the jurisdictional interests of the Committee on Transportation and Infrastructure.

The House considered the Senate amendments to H.R. 3978 on September 15, 2010, and concurred in the Senate amendments by voice vote, clearing the measure for the President.

H.R. 3978 was presented to the President on September 22, 2010, and signed into law on September 30, 2010, as Public Law 111-245.

U.S. CUSTOMS AND BORDER PROTECTION EMPLOYEES

P.L. 111-252 (H.R. 1517)

To allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

Legislative History

H.R. 1517 was introduced in the House on March 16, 2009, by Mr. Engel and Mr. King of New York, and referred to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform. Within the Committee, H.R. 1517 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

The Subcommittee on Border, Maritime, and Global Counterterrorism considered H.R. 1517 on July 22, 2009, and forwarded the measure to the Full Committee with a recommendation that it do pass, without amendment, by voice vote.

The Committee on Homeland Security considered H.R. 1517 on November 17, 2009, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

The Chair of the Committee on Oversight and Government Reform sent a letter to the Chair of the Committee on Homeland Security agreeing that in order to expedite consideration of the measure by the full House, the Committee would waive further consideration of H.R. 1517. The letter further requested the support for an appointment of Conferees should a House-Senate Conference be called. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Oversight and Government Reform acknowledging the jurisdictional interests of the Committee on Oversight and Government Reform and the agreement to waive further consideration of H.R. 1517.

Committee on Homeland Security reported to the House on December 14, 2009, as H. Rpt. 111-373, Pt. I. The Committee on Oversight and Government was subsequently discharged from further consideration.

The House considered H.R. 1517 under Suspension of the Rules on December 15, 2009, and passed the measure, as amended, by a $\frac{2}{3}$ vote of 414 yeas and 1 nay (Roll no. 972).

H.R. 1517 was received in the Senate on December 16, 2009, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

Senate Committee on Homeland Security and Governmental Affairs considered H.R. 1517 on July 28, 2010, and ordered the measure to be reported to the Senate with an Amendment in the Nature of a Substitute. The Senate Committee on Homeland Security and Governmental Affairs reported H.R. 1517 to the Senate on August 5, 2010 as S. Rpt. 111-248.

The Senate considered and passed H.R. 1517 on August 5, 2010, by unanimous consent, with an Amendment in the Nature of a Substitute.

The House considered the Senate amendment to H.R. 1517 on September 23, 2010, and concurred in the amendment by voice vote, clearing the measure for the President. H.R. 1517 was presented to the President on September 28, 2010, and signed into law on October 5, 2010, as Public Law 111-252.

REDUCING OVER-CLASSIFICATION ACT OF 2009

PUBLIC LAW 111-258 (H.R. 553)

To require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

*Legislative History**110th Congress*

H.R. 4806, the Reducing Over-Classification Act of 2008, was introduced in the House by Ms. Harman, Mrs. Lowey, Mr. Langevin, Mr. Markey, Mrs. Christensen, Mr. Perlmutter, Ms. Loretta Sanchez of California, Ms. Zoe Lofgren of California, Ms. Norton, Mr. Dicks, Mr. Carney, Ms. Clarke, Ms. Jackson-Lee of Texas, and Mr. Etheridge on December 18, 2007, and referred solely to the Committee on Homeland Security.

On June 26, 2008, the Committee on Homeland Security considered H.R. 4806 and ordered the measure to be reported to the House favorably, amended, by voice vote. The Committee on Homeland Security reported H.R. 4806 to the House on July 24, 2008, as H.Rpt. 110-776.

On July 28, 2008, the Chair of the Committee on Oversight and Government Reform sent a letter to the Chair of the Committee on Homeland Security agreeing that, in order to expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of H.R. 4806. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Oversight and Government Reform acknowledging the jurisdictional interest of the Committee on Oversight and Government Reform and the agreement for the Committee on Oversight and Government Reform to not seek a sequential referral of H.R. 4806.

The House considered H.R. 4806 under Suspension of the Rules on July 28, 2008, and passed the measure on July 30, 2008, by voice vote. H.R. 4806 was received in the Senate on July 31, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

No further action occurred on H.R. 4806 in the 110th Congress.

111th Congress

H.R. 553, the Reducing Over-Classification Act of 2009, was introduced in the House on January 15, 2009, by Ms. Harman. H.R. 553 was referred solely to the Committee on Homeland Security.

On February 2, 2009, the Chair of the Committee on Oversight and Government Reform sent a letter to the Chair of the Committee on Homeland Security agreeing that, in order to expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of H.R. 553. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Oversight and Government Reform acknowledging the jurisdictional interest of the Committee on Oversight and Government Reform and the agreement for the Committee on Oversight and Government Reform to not seek a sequential referral of H.R. 553.

The House considered H.R. 553 under Suspension of the Rules on February 3, 2009, and passed the bill by voice vote.

H.R. 553 was received in the Senate on February 4, 2009, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Senate Committee on Homeland Security and Governmental Affairs considered H.R. 553 on November 4, 2009, and ordered the measure to be reported to the Senate, with an Amendment in the Nature of a Substitute.

The Senate Committee on Homeland Security and Governmental Affairs reported H.R. 553 to the Senate, on May 27, 2010, as S. Rpt. 111-200.

The Senate passed H.R. 553 on September 27, 2010, amended, by unanimous consent.

The House considered the Senate amendment to H.R. 553 under Suspension of the Rules on September 28, 2010, and concurred in the Senate amendment by voice vote, clearing the measure for the President.

H.R. 533 was presented to the President on September 30, 2010, and signed into law on October 7, 2010, as Public Law 111-258.

IDENTIFYING REDUNDANCIES AND DEVELOPING PERFORMANCE METRICS ACT

PUBLIC LAW 111-271 (H.R. 3980)

To provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

Legislative History

H.R. 3980 was introduced in the House on November 2, 2009, by Mr. Cuellar and referred to the Committee on Homeland Security. Within the Committee, H.R. 3980 was referred to the Subcommittee on Emergency Communications, Preparedness, and Response.

The Subcommittee on Emergency Communications, Preparedness, and Response considered H.R. 3837 on November 3, 2009, and forwarded the measure to the Full Committee with the recommendation that it pass, without amendment, by voice vote.

The Committee on Homeland Security considered H.R. 3980 on November 17, 2009, and ordered the measure to be reported to the House, without amendment, by voice vote.

The Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security on December 1, 2009, agreeing that, in order to expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of H.R. 3980. The letter further requested the support for an appointment of Conferees should a House-Senate Conference be called. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure acknowledging the jurisdictional interests of the Committee on Transportation and Infrastructure and the agreement to not seek a sequential referral of H.R. 3980.

The Committee on Homeland Security reported H.R. 3980 to the House on December 1, 2009, as H. Rpt. 111-346.

The House considered H.R. 3980 Suspension of the Rules on December 2, 2009, and passed the bill, amended, by a $\frac{2}{3}$ recorded vote of 414 yeas and 0 nays.

H.R. 3980 was received in the Senate on December 3, 2009, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Senate Committee on Homeland Security and Governmental Affairs considered H.R. 3980 on July 28, 2010, and ordered the measure to be reported to the Senate with an Amendment in the Nature of a Substitute. The Senate Committee on Homeland Security and Governmental Affairs reported H.R. 3980 to the Senate on September 16, 2010, as S. Rpt. 111-291.

The Senate passed H.R. 3980 on September 22, 2010, after agreeing to the Committee Amendment in the Nature of a Substitute.

The House considered the Senate amendment to H.R. 3980 under Suspension of the Rules on September 28, 2010, and concurred in the Senate amendment by voice vote, clearing the measure for the President.

H.R. 3890 was presented to the President on September 30, 2010, and signed into law on October 12, 2010 as Public Law 111-271.

COAST GUARD AUTHORIZATION ACT OF 2010

PUBLIC LAW 111-281 (H.R. 3619 / H.R. 1029 / S. 1194)

To authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

Legislative History

110th Congress

H.R. 2830 was introduced in the House by Mr. Oberstar, and two original co-sponsors on June 22, 2007, and referred to the Committee on Transportation and Infrastructure.

The Committee on Transportation and Infrastructure ordered H.R. 2830 reported to the House, amended, on June 28, 2007.

The Chairman of the Committee on Homeland Security sent a letter to the Speaker of the House on June 29, 2007, requesting a sequential referral of H.R. 2830. The letter further indicated that section 306, 322, 324, 327, and 327 all contain provisions within the jurisdictional prerogatives of the Committee on Homeland Security.

The Committee on Transportation and Infrastructure reported H.R. 2830 to the House on September 20, 2007, as H. Rpt. 110-338, Pt. 1. On that date, H.R. 2830 was sequentially referred to the House Committee on Homeland Security for a period ending not later than October 1, 2007, for consideration of such provisions of the measure and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(i), rule X.

The Committee on Homeland Security considered H.R. 2830 on September 25, 2007, and ordered the measure reported to the House, amended, by voice vote.

The Committee on Homeland Security reported H.R. 2830 to the House on October 1, 2007, as H. Rpt. 110-338, Pt. II.

H.R. 2830 was subsequently referred to the Committee on Energy and Commerce, and the Committee on the Judiciary for a period ending not later than October 15, 2007.

On October 15, 2007, the referral to the Committee on Energy and Commerce and the Committee on the Judiciary was extended for a period ending not later than October 29, 2007. The referral of the measure to the Committee on Energy and Commerce and the Committee on the Judiciary was further extended on October 29, 2007, for a period ending not later than October 30, 2007. The referral of the measure to the Committee on Energy and Commerce and the Committee on the Judiciary was further extended on October 29, 2007, for a period ending not later than November 16, 2007.

The Committee on the Judiciary reported H.R. 2830 to the House on October 30, 2007, as H. Rpt. 110-338, Part III.

The referral of the measure to the Committee on Energy and Commerce was further extended on November 15, 2007, for a period ending not later than December 7, 2007. Subsequently, the referral was again extended on December 7, 2007, to end on December 14, 2007. Referral of the bill to the Committee on Energy and Commerce was extended on December 14, 2007, for a period ending not later than January 12, 2008. Referral to the Committee on Energy and Commerce was extended on December 18, 2007, for a period ending not later than January 15, 2008. Referral to the Committee on Energy and Commerce was extended on January 1, 2008, for a period ending not later than January 23, 2008. Referral to the Committee on Energy and Commerce was extended on January 23, 2008, for a period ending not later than January 19, 2008. On January 29, 2008, the Committee on Energy and Commerce was discharged from further consideration of H.R. 2830.

The Committee on Rules met on April 22, 2008, and granted a Rule providing for the consideration of H.R. 2830. The Rule was filed in the House as H. Res. 1126 (H. Rpt. 110-604).

The Committee on the Judiciary filed a supplemental report on April 23, 2008 (H. Rpt. 110-338, Part IV).

The House agreed to H. Res. 1126 by a record vote of 223 yeas and 183 nays (Roll No. 219).

The House considered H.R. 2830 on April 24, 2008, under the provisions of H. Res. 1126 and passed the measure by a record vote of 395 yeas and 7 nays (Roll No. 223). H.R. 2830 was received in the Senate on April 28, 2009, read twice, and placed on the Senate Legislative Calendar.

111th Congress

H.R. 3619 was introduced in the House on September 22, 2009, by Mr. Oberstar and one original co-sponsor, and referred to the Committee on Transportation and Infrastructure.

The Committee on Transportation and Infrastructure considered H.R. 3619 on September 24, 2009, and ordered the measure reported to the House, amended, by voice vote. The text of H.R. 1029

was adopted as an amendment to H.R. 3619 during consideration in the Committee on Transportation and Infrastructure.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on September 25, 2009, requesting a sequential referral of H.R. 3619 to the Committee on Homeland Security.

On October 16, 2009, the Committee on Transportation and Infrastructure reported H.R. 3619 to the House as H. Rpt. 111-303, Pt. I.

On that same date, the Committee on Homeland Security received a referral of H.R. 3619 for a period ending not later than October 16, 2009.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure on October 20, 2009, indicating that the waiving of further consideration of H.R. 3619 was to proceed to Floor consideration in an expeditious manner. The letter further requested the support for appointment of Conferees should a House-Senate Conference be convened on H.R. 3619 or similar legislation. On that same date, the Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security acknowledging the jurisdictional interest of the Committee on Homeland Security and agreeing to support the appointment of Conferees should a House-Senate Conference be convened.

The Committee on Rules met on October 21, 2009, and granted a Rule providing for the consideration of H.R. 3619. Rule filed in the House as H. Res. 853. (H. Rpt. 111-311).

The House considered H.R. 3619 on October 22 and 23, 2009, under the provisions of H. Res. 853. The House passed H.R. 3619 by a recorded vote of 385 yeas and 11 nays (Roll No. 813).

H.R. 3619 was received in the Senate on October 26, 2009, and on November 2, 2009, read twice and placed on the Senate Legislative Calendar.

Senate considered H.R. 3619 on May 7, 2010, and passed the measure, amended with the modified text of S. 1194, by unanimous consent.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on May 18, 2010, requesting the appointment of Conferees should a House-Senate Conference be convened.

The House considered H.Res. 1665, providing for passage of the House Amendment to the Senate Amendment to H.R. 3619 under Suspension of the Rules on September 28, 2010, and agreed to the Resolution by voice vote.

The Senate concurred in the House amendment, with an amendment on September 29, 2010, by unanimous consent.

On September 30, 2010, the House by unanimous consent concurred in the Senate amendment to the House amendment to the Senate amendment to H.R. 3619, clearing the measure for the President.

H.R. 3619 was presented to the President on October 4, 2010, and signed into law on October 15, 2010, as Public Law 111-281.

NORTHERN BORDER COUNTERNARCOTICS STRATEGY ACT OF 2010

PUBLIC LAW 111-__ (H.R. 4748)⁵

To amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes.

Legislative History

H.R. 4748 was introduced in the House on March 3, 2010, by Mr. Owens, Mr. Thompson of Mississippi, Mr. Pascrell, and two original co-sponsors, and referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security. Within the Committee, H.R. 4748 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

The House considered H.R. 4748 under Suspension of the Rules on July 27, 2010, and passed the measure by a $\frac{2}{3}$ recorded vote of 413 yeas and 0 nays, (Roll No. 475).

H.R. 4748 was received in the Senate on July 28, 2010, read twice, and referred to the Senate Committee on the Judiciary.

On December 20, 2010 the Senate Committee on the Judiciary was discharged from further consideration of H.R. 4748, the bill was then passed by the Senate, after agreeing to an Amendment in the Nature of a Substitute.

The House considered the Senate amendment to H.R. 4748 under Suspension of the Rules on December 21, 2010, and concurred in the Senate amendment by voice vote, clearing the measure for the President.

H.R. 4748 was presented to the President on December 28, 2010.

ANTI-BORDER CORRUPTION ACT OF 2010

PUBLIC LAW 111-__ (S. 3243 / H.R. 6472)⁶

To require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

Legislative History

S. 3243 was introduced in the Senate on April 21, 2010, by Mr. Pryor and referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Senate Committee on Homeland Security and Governmental Affairs considered S. 3243 on July 28, 2010, and ordered the measure to be reported to the Senate, with an amendment, favorably.

The Senate Committee on Homeland Security and Governmental Affairs reported S. 3243 to the Senate on September 27, 2010, with no written report.

The Senate passed S. 3243 on September 28, 2010, with an amendment, and an amendment to the title by unanimous consent.

⁵H.R. 4748 was presented to the President on December 28, 2010, and is expected to be signed into law. As of the date of the filing of this report, the measure has not been signed and a Public Law number has not been assigned.

⁶S. 3243 was presented to the President on December 28, 2010, and is expected to be signed into law. As of the date of the filing of this report, the measure has not been signed and a Public Law number has not been assigned.

S. 3243 was received in the House on September 28, 2010, and referred to the House Committee on Homeland Security, within the Committee, S. 3243 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On September 29, 2010, the Senate Committee on Homeland Security and Governmental Affairs filed the report on S. 3243 as S. Rpt. 111-338.

The House considered S. 3243 under Suspension of the Rules on December 21, 2010, and passed the measure by voice vote, clearing the measure for the President.

S. 3243 was presented to the President on December 28, 2010.

H.R. 6472, the House companion bill, was introduced in the House on December 1, 2010, by Mr. Shuler, and referred to the Committee on Homeland Security. Within the Committee, H.R. 6472 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

NATIONAL BOMBING PREVENTION ACT OF 2009

H.R. 549

To amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.

Legislative History

110th Congress

H.R. 4749, the National Bomb Prevention Act of 2008, was introduced in the House on December 17, 2007, by Mr. King of New York and Mr. Thompson of Mississippi. H.R. 4749 was referred solely to the Committee on Homeland Security.

The Committee on Homeland Security considered H.R. 4749 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, amended, by voice vote. The Committee on Homeland Security reported H.R. 4749 to the House on June 5, 2008, as H.Rpt. 110-689.

On June 16, 2008, the Chair of the Committee on Science and Technology sent a letter to the Chair of the Committee on Homeland Security agreeing that, in order to expedite consideration by the full House, the Committee would not seek a sequential referral of H.R. 4749. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Science and Technology acknowledging the jurisdictional interests of the Committee on Science and Technology and the agreement for the Committee on Science and Technology to not seek a sequential referral of H.R. 4749.

The measure passed the House under Suspension of the Rules on June 18, 2008, by voice vote. H.R. 4749 was referred to the Senate Committee on Homeland Security and Governmental Affairs.

No further action occurred on H.R. 4749 in the 110th Congress.

111th Congress

H.R. 549 was introduced in the House on January 15, 2009, by Mr. King of New York and Mr. Thompson of Mississippi. H.R. 549 was referred solely to the Committee on Homeland Security.

On January 15, 2009, the Chair of the Committee on Science sent a letter to the Chair of the Committee on Homeland Security agreeing to not seek a sequential referral of H.R. 549 in order to expedite consideration of the measure by the full House.

The House considered H.R. 549 under Suspension of the Rules on February 3, 2009, and passed the bill, amended, by voice vote.

H.R. 549 was received in the Senate on February 4, 2009, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

FAIR, ACCURATE, SECURE, AND TIMELY REDRESS ACT OF 2009

H.R. 559

To amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes.

Legislative History

110th Congress

H.R. 4179, the Fair, Accurate, Secure, and Timely Redress Act of 2008, was introduced in the House on November 14, 2007, by Ms. Clarke, Mr. Thompson of Mississippi, and nine original co-sponsors and referred solely to the Committee on Homeland Security.

The Committee on Homeland Security considered H.R. 4179 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, amended, by unanimous consent. The Committee reported H.R. 4179 to the House on June 5, 2008, as H.Rpt. 110-686.

On June 16, 2008, the Chair of the Committee on Science and Technology sent a letter to the Chair of the Committee on Homeland Security agreeing that, in order to expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of H.R. 4179. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Science and Technology acknowledging the jurisdictional interests of the Committee on Science and Technology and the agreement for the Committee on Science and Technology to not seek a sequential referral of H.R. 4179.

The House considered H.R. 4179 under Suspension of the Rules on June 18, 2008, and passed by voice vote.

H.R. 4179 was received in the Senate on June 19, 2008, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

No further action occurred on H.R. 4179 in the 110th Congress.

111th Congress

H.R. 559 was introduced in the House on January 15, 2009, by Ms. Clarke, Mr. King of New York, Mr. Thompson of Mississippi, and one original co-sponsor. H.R. 559 was referred solely to the Committee on Homeland Security.

The House considered H.R. 559 under Suspension of the Rules on February 3, 2009, and passed the bill by a recorded vote of 413 yeas and 3 nays (Roll No. 49).

H.R. 559 was received in the Senate on February 4, 2009, and referred to the Senate Committee on Commerce, Science, and Transportation.

ALIEN SMUGGLING AND TERRORISM PREVENTION ACT OF 2009

H.R. 1029

To amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes.

Legislative History

110th Congress

H.R. 2399, the Alien Smuggling and Terrorism Prevention Act of 2007, was introduced in the House on May 21, 2007, by Mr. Hill and three original cosponsors and referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security.

The House considered H.R. 2399 under Suspension of the Rules on May 22, 2007, and passed the bill, as amended by a recorded vote, $\frac{2}{3}$ required, of 412 yeas, 0 nays, and 6 voting “present”.

H.R. 2399 was received in the Senate on May 23, 2007, read twice, and referred to the Senate Committee on the Judiciary.

On April 24, 2008, during consideration of H.R. 2830, the Coast Guard Authorization Act of 2007, the text of H.R. 2399 was added as Division B pursuant to H.Res. 1126.

111th Congress

H.R. 1029 was introduced in the House on February 12, 2009, by Mr. Hill and referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security. Within the Committee on Homeland Security H.R. 1029 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On March 27, 2009, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on the Judiciary agreeing to waive further consideration of H.R. 1029 in order to expedite consideration of the measure by the full House. On that same date, the Chair of the Committee on the Judiciary sent a letter to the Chair of the Committee on Homeland Security acknowledging the Committee on Homeland Security’s willingness to support expediting consideration of H.R. 1029 on the House Floor.

The House considered H.R. 1029 under Suspension of the Rules on March 31, 2009, and passed the bill, amended, by voice vote.

H.R. 1029 was received in the Senate on April 1, 2009, and referred to the Senate Committee on the Judiciary.

Provisions of H.R. 1029 were included in the Coast Guard Authorization Act of 2010 (P.L. 111-281).

MOBILE BIOMETRIC IDENTIFICATION

H.R. 1148

To require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security.

*Legislative History**110th Congress*

H.R. 2490 was introduced in the House on May 24, 2007, by Mr. Bilirakis and three original co-sponsors and was referred solely to the Committee on Homeland Security. Within the Committee H.R. 2490 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On June 26, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism was discharged from further consideration of H.R. 2490.

The Full Committee considered H.R. 2490 on June 26, 2008, and ordered the measure reported to the House, amended, with a favorable recommendation. The Committee reported H.R. 2490 to the House on July 10, 2008 as H. Rpt. 110-751.

The House considered H.R. 2490 under Suspension of the Rules on July 28, 2008, and passed the bill by a recorded vote of 394 yeas, 3 nays, and 1 voting present.

H.R. 2490 was received in the Senate on July 30, 2008, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

111th Congress

H.R. 1148 was introduced in the House on February 24, 2009, by Mr. Bilirakis and three original co-sponsors, and referred solely to the Committee on Homeland Security. Within the Committee H.R. 1148 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On March 24, 2009, the House considered H.R. 1148 under Suspension of the Rules and passed the bill by voice vote.

H.R. 1148 was received in the Senate on March 26, 2009, and referred to the Senate Committee on Commerce, Science, and Transportation.

Provisions of H.R. 1148 were included in the Coast Guard Authorization Act of 2010 (P.L. 111-281).

FEMA INDEPENDENCE ACT OF 2009

H.R. 1174

To establish the Federal Emergency Management Agency as a cabinet-level independent agency in the executive branch, and for other purposes.

Legislative History

H.R. 1174 was introduced in the House on February 25, 2009, by Mr. Oberstar and one original co-sponsor, and referred to the Committee on Transportation and Infrastructure, and the Committee on Homeland Security. Within the Committee, H.R. 1174 was referred to the Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Emergency Communications, Preparedness, and Response.

The Committee on Transportation and Infrastructure considered H.R. 1174 on November 5, 2009 and ordered the measure to be reported to the House, amended. On that same date, the Chair and Ranking Minority Member of the Committee on Homeland Security

sent a letter to the Speaker and Minority Leader expressing opposition to H.R. 1174 and urging the Speaker to not schedule the bill for consideration on the House Floor.

The Committee on Transportation and Infrastructure reported H.R. 1174 to the House on April 13, 2010 as H. Rpt. 111-459, Part I. The referral of H.R. 1174 to the Committee on Homeland Security was subsequently extended for further consideration ending not later than September 30, 2010. On September 30, 2010, the referral of the bill to the Committee on Homeland Security was extended for a period ending not later than December 3, 2010. On December 3, 2010, the referral of the bill to the Committee on Homeland Security was extended for a period ending not later than December 17, 2010. On December 17, 2010, the referral of the bill to the Committee on Homeland Security was extended for a period ending not later than December 21, 2010. On December 21, 2010, the referral of the bill to the Committee on Homeland Security was extended for a period ending not later than December 22, 2010. On December 22, 2010, the Committee on Homeland Security was discharged from further consideration of H.R. 1174 and was placed on the Union Calendar (Calendar No. 416).

CIVIL AIR PATROL

H.R. 1178

To direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

Legislative History

110th Congress

H.R. 1333 was introduced in the House on March 6, 2007, by Mr. Dent, Mr. Reichert, Ms. Ginny Brown-Waite of Florida, Mr. McCaul of Texas, Mr. Rogers of Alabama, Mrs. Blackburn, Mr. King of New York, and 26 original co-sponsors. H.R. 1333 was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure. Within the Committee on Homeland Security, the measure was referred to the Subcommittee on Emergency Communications, Preparedness and Response.

The Subcommittee on Emergency Communications, Preparedness and Response considered H.R. 1333 on April 30, 2007, and forwarded the measure to the Full Committee for consideration, amended, by voice vote.

On May 1, 2007, the National Commander of the Civil Air Patrol, met with the Chairman and the Ranking Member of the Subcommittee on Emergency Communications, Preparedness, and Response to discuss the organization's current operations, resources and capabilities, strategic challenges, and requests for assistance.

The Committee on Homeland Security considered H.R. 1333 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, amended, by unanimous consent.

The Committee reported H.R. 1333 to the House as H.Rpt. 110-691, Pt. 1. Referral of the measure to the Committee on Transpor-

tation and Infrastructure extended for a period ending not later than June 13, 2008.

Committee on Transportation and Infrastructure reported H.R. 1333 to the House on June 12, 2008, as H.Rpt. 110-691, Pt. 2.

Considered in the House under Suspension of the Rules on June 18, 2008, and passed the House by voice vote.

H.R. 1333 was received in the Senate on June 19, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

111th Congress

H.R. 1178 was introduced in the House on February 25, 2009, by Mr. Dent, Mr. Cuellar, Mr. Rogers of Alabama, and seven original co-sponsors, and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security. Within the Committee, H.R. 1178 was referred to the Subcommittee on Emergency Communications, Preparedness, and Response.

On April 2, 2009, the Committee on Transportation and Infrastructure considered H.R. 1178 and ordered the measure reported to the House, amended, by voice vote. The Committee on Transportation and Infrastructure reported H.R. 1178 to the House on May 4, 2009 as H. Rpt. 11-93, Pt. I.

Referral of the bill to the Committee on Homeland Security was extended on May 4, 2009, for a period ending not later than June 3, 2009.

On May 7, 2009, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure agreeing to waive further consideration of H.R. 1178, and requesting the appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security agreeing to the jurisdictional interests of the Committee on Homeland Security, and the waiving of further consideration of H.R. 1178. The letter further indicated support for the appointment of Conferees should a House-Senate Conference be called.

The House considered H.R. 1178 on May 12, 2009, under Suspension of the Rules, and passed H.R. 1178, as amended, by voice vote.

H.R. 1178 was received in the Senate on May 13, 2009, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

DEPARTMENT OF HOMELAND SECURITY COMPONENT PRIVACY OFFICER
ACT OF 2009

H.R. 1617

To amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes.

Legislative History

110th Congress

H.R. 5170, the Department of Homeland Security Component Privacy Officer Act of 2008, was introduced in the House by Mr.

Carney and Mr. Thompson of Mississippi on January 28, 2008, and referred to the Committee on Homeland Security. Within the Committee, H.R. 5170 was referred to the Subcommittee on Management, Investigations, and Oversight.

On June 26, 2008, the Subcommittee on Management, Investigations, and Oversight was discharged from consideration of H.R. 5170.

On June 26, 2008, the Committee on Homeland Security considered H.R. 5170 and ordered the bill reported to the House, amended, by voice vote. The Committee reported H.R. 5170 to the House on July 10, 2008, as H. Rpt. 110-755.

The House considered H.R. 5170 under Suspension of the Rules on July 28 and 30, 2008, and passed the bill on July 30, 2008, by voice vote.

H.R. 5170 was received in the Senate on July 31, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

111th Congress

H.R. 1617 was introduced in the House on March 19, 2009, by Mr. Carney and Mr. Thompson of Mississippi and referred solely to the Committee on Homeland Security.

On March 24, 2009, the House considered H.R. 1617 under Suspension of the Rules and passed the bill by a $\frac{2}{3}$ recorded vote of 412 yeas and 16 nays (Roll No. 147).

H.R. 1617 was received in the Senate on March 26, 2009, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

BORDER SECURITY SEARCH ACCOUNTABILITY ACT OF 2009

H.R. 1726

To require the Secretary of Homeland Security to issue a rule with respect to border security searches of electronic devices, and for other purposes.

Legislative History

110th Congress

H.R. 6869, the Border Security Search Accountability Act, was introduced in the 110th Congress by Ms. Loretta Sanchez of California and Mr. Thompson of Mississippi, and referred to the Committee on Homeland Security. Within the Committee, H.R. 6869 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

111th Congress

H.R. 1726, the Border Security Search Accountability Act of 2009, was introduced in the House on March 26, 2009, by Ms. Loretta Sanchez of California, Ms. Clarke, Mr. Thompson of Mississippi, and 16 original co-sponsors, and referred to the Committee on Homeland Security. Within the Committee, H.R. 1726 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

The Subcommittee on Border, Maritime, and Global Counterterrorism considered H.R. 1726 on July 22, 2009, and was forwarded

to the Full Committee with a recommendation that it do pass, amended, by voice vote.

TRANSPORTATION SECURITY WORKFORCE ENHANCEMENT ACT OF 2009

H.R. 1881

To enhance the transportation security functions of the Department of Homeland Security by providing for an enhanced personnel system for employees of the Transportation Security Administration, and for other purposes.

Legislative History

H.R. 1881 was introduced in the House on April 2, 2009, by Mrs. Lowey, Mr. Thompson of Mississippi, Ms. Jackson Lee of Texas, Mr. Carney, Mr. Pascrell, Ms. Lofgren, Mrs. Kirkpatrick of Arizona, Ms. Norton, and 10 original co-sponsors and referred to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform.

The Committee on Homeland Security considered H.R. 1881 on July 9, 2009, and ordered the measure reported to the House, without amendment, by voice vote.

The Committee on Oversight and Government Reform considered H.R. 1881 on September 10, 2009, and ordered the measure reported to the House by a recorded vote of 19 yeas and 10 nays.

The Committee on Homeland Security reported H.R. 1881 to the House on September 29, 2009, as H. Rpt. 111-273, Pt. I. On that same date, the Committee on Oversight and Government Reform reported H.R. 1881 to the House as H. Rpt. 111-273, Pt. II.

TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION ACT

H.R. 2200 (H.R. 2503)

To authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes.

Legislative History

H.R. 2200 was introduced in the House on April 30, 2009, by Ms. Jackson Lee of Texas, Mr. Dent, and Mr. Thompson of Mississippi, and referred to the Committee on Homeland Security. Within the Committee, H.R. 2200 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

On May 6, 2009, the Subcommittee on Transportation Security and Infrastructure Protection considered H.R. 2200 and ordered the measure forwarded, amended, to the Full Committee with the recommendation that it be adopted by voice vote.

On May 14, 2009, the Committee on Homeland Security considered H.R. 2200 and ordered the measure reported to the House, amended, by voice vote.

On May 15, 2009, the Chair of the Committee on Science and Technology sent a letter to the Chair of the Committee on Homeland Security indicating jurisdictional interests in H.R. 2200. The letter further indicated that, in order to expedite consideration of the measure by the full House, the Committee on Science and Technology would not seek a sequential referral of the bill. On that

same day, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Science and Technology acknowledging the jurisdictional interest of the Committee on Science and Technology and the agreement for the Committee to not seek a sequential referral of H.R. 2200.

On May 19, 2009, the Chair of the Committee on Small Business sent a letter to the Chair of the Committee on Homeland Security asserting jurisdictional claims over section 103 of the bill and requesting that section 103 be struck in the Manager's amendment. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Small Business acknowledging the jurisdictional interest of the Committee on Small Business and agreeing to offer a Manager's amendment with section 103 struck from the bill.

The Committee on Homeland Security reported H.R. 2200 to the House on May 19, 2009, as H. Rpt. 111-123.

The Committee on Rules met on May 21, 2009, and reported a Rule providing for the consideration of H.R. 2200. Rule filed in the House as H. Res. 474.

The House considered H.R. 2200 under the provisions of H. Res. 474 on June 4, 2009, and passed the bill, amended, by a recorded vote of 397 yeas and 25 nays (Roll Vote No. 307). During consideration, a motion to recommit with instructions regarding detainees housed at the Naval Air Station Base, Guantanamo Bay, Cuba, (H.R. 2503) was made in the House by Mr. King of New York. The motion to recommit was adopted by voice vote.

On June 8, 2009, H.R. 2200 was received in the Senate, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

Provisions of H.R. 2200 were included in the Coast Guard Authorization Act of 2010 (P.L. 111-281).

AUTHORIZE THE SECURING THE CITIES INITIATIVE

H.R. 2611

To amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes.

Legislative History

H.R. 2611 was introduced in the House on May 21, 2009, by Mr. King of New York, and two original co-sponsors, and referred to the Committee on Homeland Security. Within the Committee, H.R. 2611 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

The Committee on Homeland Security considered H.R. 2611 on November 17, 2009, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee reported H.R. 2611 to the House on January 12, 2010, as H. Rpt. 111-398.

The House considered H.R. 2611 under Suspension of the Rules on January 20, 2010, and passed the bill, as amended, by voice vote.

H.R. 2611 was received in the Senate on January 21, 2010, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2009

H.R. 2868

To amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes.

Legislative History

109th Congress

Prior to introduction in the 109th Congress of H.R. 5695, the Chemical Facility Anti-Terrorism Act of 2006, on June 15, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing entitled “Preventing Terrorist Attacks on America’s Chemical Plants.” The Subcommittee received testimony from Mr. Robert Stephan, Assistant Secretary for Infrastructure Protection, Department of Homeland Security; Mr. Frank J. Cilluffo, Director, Homeland Security Policy Institute, The George Washington University; Mr. Stephen Bandy, Manager, Corporate Safety and Security, Marathon Ashland Petroleum, LLC, testifying on behalf of the National Petrochemical and Refiners Association and the American Petroleum Institute; Mr. Marty Durbin, M Vice President of Federal Affairs, American Chemistry Council; Mr. Allen Summers, President and Chief Executive Office, Asmark, Inc., testifying on behalf of The Fertilizer Institute; and Mr. Sal DePasquale, Security Specialist, CH2M Hill and the University of Georgia.

H.R. 5695 was introduced on June 28, 2006, by Mr. Daniel E. Lungren of California, Mr. Thompson of Mississippi, and nine original cosponsors, and referred to the Committee on Homeland Security, and the Committee on Energy and Commerce. Within the Committee on Homeland Security, H.R. 5695 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

On June 29, 2006, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on H.R. 5695. The Subcommittee received testimony from Hon. Michael Balboni, Senator, New York State Senate; Mr. P.J. Crowley, Senior Fellow and Director of National Defense and Homeland Security, Center for American Progress; Mr. Scott Berger, Director of the Center for Chemical Process Safety, American Institute of Chemical Engineers; and Mr. Marty Durbin, Vice President of Federal Affairs, American Chemistry Council.

The Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity considered H.R. 5695, on July 11, 2006, and ordered the bill forwarded to the Full Committee favorably for consideration, amended, by voice vote.

The Committee on Homeland Security considered H.R. 5695 on July 27 and 28, 2006, and ordered the measure reported to the House, amended, by voice vote. The Committee on Homeland Security

rity reported to the House on September 29, 2006 as H. Rpt. 109-707, Pt. I.

The referral of the bill to the Committee on Energy and Commerce was extended on September 29, 2006, for a period ending not later than November 17, 2006. Referral of the bill to the Committee on Energy and Commerce was extended on November 17, 2006 for a period ending not later than December 8, 2006.

110th Congress

On December 12, 2007, prior to introduction in the 110th Congress, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing on "H.R. __, the Chemical Facility Anti-Terrorism Act of 2008." The Subcommittee received testimony from Col. Mr. Robert B. Stephan, Assistant Secretary, Infrastructure Protection, Department of Homeland Security; Mr. Clyde Miller, Director, Corporate Security, BASF Corporation; Mr. Gerald C. Setley, Vice President, Region 3 Director, International Chemical Workers Union Council, United Food and Commercial Workers Union; Mr. Gary Sondermeyer, Director of Operations, New Jersey Department of Environmental Protection; and Dr. M. Sam Mannan, PE, CSP, Professor and Director, Mary Kay O'Connor Process Safety Center, Artie McFerrin Department of Chemical Engineering, Texas A&M University System.

The Subcommittee on Transportation Security and Infrastructure Protection considered a Committee Print on January 23, 2008, entitled "To amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes." The Subcommittee ordered the measure to be forwarded to the Full Committee for consideration, as amended, by unanimous consent.

On February 26, 2008, the Full Committee held a hearing on a Committee Print entitled "Chemical Facility Anti-Terrorism Act of 2008." The Subcommittee received testimony from Mr. Robert B. Stephan, Assistant Secretary, Department of Homeland Security; David C. Pulham, PhD, Director of Compliance, Siegfried (USA), Inc.; and Mr. Kevin Wattier, General Manager, Long Beach Water Department.

The Committee on Homeland Security considered a Committee Print on March 6, 2008, entitled the "Chemical Facility Anti-Terrorism Act of 2008." By a record vote of 15 yeas and 7 nays (Roll Call Vote No. 16), the Committee agreed to the Committee Print. The Committee further, agreed by unanimous consent, that upon introduction the Committee Print, and referral to the Committee on Homeland Security, the bill be deemed reported to the House.

H.R. 5577 was introduced in the House on March 11, 2008 by Mr. Thompson of Mississippi, Ms. Jackson-lee of Texas, and 17 original co-sponsors. H.R. 5577 was referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce.

The Committee on Homeland Security reported H.R. 5577 to the House, pursuant to the unanimous consent agreement of March 11, 2008, as H. Rpt. 110-550, Pt. 1.

The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on March 14, 2008, for a period ending not

later than April 11, 2008. On April 11, 2008, the referral to the Committee on Energy and Commerce was extended for a period ending May 30, 2008. On May 30, 2008, the referral to the Committee on Energy and Commerce was extended for a period ending July 11, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on July 11, 2008, for a period ending not later than September 12, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on September 12, 2008, for a period ending not later than September 26, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on September 26, 2008, for a period ending not later than October 2, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on October 3, 2008, for a period ending not later than September 26, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on September 28, 2008, for a period ending not later than September 29, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on September 28, 2008, for a period ending not later than October 2, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on October 2, 2008, for a period ending not later than October 3, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on October 3, 2008, for a period ending not later than January 3, 2009.

111th Congress

H.R. 2868 was introduced in the House on June 16, 2009, by Mr. Thompson of Mississippi, Ms. Jackson Lee of Texas, Mr. Pascrell, and two original co-sponsors and referred Committee on Homeland Security, and in addition to the Committee on Energy and Commerce.

On that same date, the Committee on Homeland Security held a hearing on H.R. 2868, the Chemical Facilities Anti-Terrorism Act of 2009. The Committee received testimony from Mr. Philip Reiting, Deputy Under Secretary, National Protection and Programs Directorate, Department of Homeland Security; Ms. Sue Armstrong, Director, Infrastructure Security Compliance Division, Office of Infrastructure Protection, Department of Homeland Security; Mr. Paul Baldauf, Assistant Director, Radiation Protection and Release Prevention, New Jersey Department of Environmental Protection; Mr. Marty Durbin, Vice President, Federal Affairs, American Chemistry Council, Dr. Neal Langerman, Principle Scientist and CEO, Advanced Chemical Safety, Inc.; and Mr. Martin Jeppeson, Director of Regulatory Affairs, California Ammonia Company.

The Committee considered H.R. 2868 on June 18, 19, and 23, 2009. On June 23, 2009, the Committee ordered H.R. 2868 to be reported to the House with a favorable recommendation, amended, by voice vote.

The Committee reported H.R. 2868 to the House, amended, on July 13, 2009, as H. Rpt. 111-205, Pt. I. On that same date, the referral of the bill to the Committee on Energy and Commerce was extended for a period ending not later than July 31, 2009. H.R. 2868 was sequentially referred to the Committee on the Judiciary for a period ending not later than July 31, 2009. On July 31, 2009,

the referral of the bill to the Committee on Energy and Commerce and the Committee on the Judiciary was extended for a period ending not later than September 30, 2009. On September 30, 2009, the referral of the bill to the Committee on Energy and Commerce and the Committee on the Judiciary extended for a period ending not later than October 23, 2009.

The Committee on Energy and Commerce considered H.R. 2868 on October 21, 2009, and ordered the measure reported to the House, amended, by a recorded vote of 29 yeas and 18 nays. On October 23, 2009, the Committee on Energy and Commerce reported H.R. 2868 to the House, amended as H. Rpt. 111-205, Part II. On that same date, the Committee on the Judiciary was discharged from further consideration of H.R. 2868.

The Committee on Rules met on November 3, 2009, and filed a Rule providing for the consideration of H.R. 2868. The Rule was filed in the House as H. Res. 885.

The House considered H.R. 2868 under the provisions of H. Res. 885 on November 5 and 6, 2009, and on November 6, 2010 passed H.R. 2868 by a recorded vote of 230 yeas and 193 nays. During consideration the title of the measure was amended so as to read: “A bill to amend the Homeland Security Act of 2002 to enhance security and protect against acts of terrorism against chemical facilities, to amend the Safe Drinking Water Act to enhance the security of public water systems, and to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, and for other purposes.”

H.R. 2868 was received in the Senate on November 9, 2009, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

Senate Committee on Homeland Security and Governmental Affairs considered H.R. 2868 on July 28, 2010, and ordered the measure to be reported to the Senate with an Amendment in the Nature of a Substitute. On December 16, 2010, the Senate Committee on Homeland Security and Governmental Affairs reported H.R. 2868, as amended, to the Senate as S. Rpt. 111-370.

BERRY AMENDMENT EXTENSION ACT

H.R. 3116

To prohibit the Department of Homeland Security from procuring certain items directly related to the national security unless the items are grown, reprocessed, re-used, or produced in the United States, and for other purposes.

Legislative History

110th Congress

In the 110th Congress, H.R. 917 was introduced in the House on February 8, 2007, by Mr. Hayes and 15 original co-sponsors, and referred to the Committee on Homeland Security. Within the Committee, H.R. 917 was referred to the Subcommittee on Management, Investigations, and Oversight.

111th Congress

H.R. 3116 was introduced in the House on July 13, 2009, by Mr. Kissell, and referred to the Committee on Homeland Security.

Within the Committee, H.R. 3116 was referred to the Subcommittee on Management, Investigations, and Oversight.

The House considered H.R. 3116 under Suspension of the Rules on September 15, 2010, and passed the measure by voice vote.

H.R. 3116 was received in the Senate on September 16, 2010, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

MÉRIDA INITIATIVE

H.R. 3239

To require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Mérida Initiative on the border security of the United States, and for other purposes.

Legislative History

H.R. 3239 was introduced in the House on March 16, 2009, by Mrs. Kirkpatrick of Arizona and Ms. Loretta Sanchez of California, and referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs. Within the Committee, H.R. 3239 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

The Subcommittee on Border, Maritime, and Global Counterterrorism considered H.R. 3239 on July 22, 2009, and forwarded the measure to the Full Committee with a recommendation that it do pass, amended, by voice vote.

The Committee on Homeland Security considered H.R. 3239 on November 17, 2009, and ordered the measure reported to the House, amended, by voice vote.

The Chair of the Committee on Foreign Affairs sent a letter to the Chair of the Committee on Homeland Security on March 5, 2010, agreeing to waive consideration of H.R. 3239 in order to expedite consideration of the measure by the full House. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Foreign Affairs acknowledging the jurisdictional interest of the Committee on Foreign Affairs and the agreement for the Committee on Foreign Affairs to not seek a sequential referral of H.R. 3239.

The Committee on Homeland Security reported H.R. 3239 to the House on March 9, 2010 as H. Rpt. 111-429, Pt. I. Subsequently, the Committee on Foreign Affairs was discharged from further consideration of H.R. 3239.

UNITED STATES MARINER AND VESSEL PROTECTION ACT OF 2009

H.R. 3376

To amend title 46, United States Code, to ensure the traditional right of self-defense of United States mariners against acts of piracy, and for other purposes.

Legislative History

H.R. 3376 was introduced in the House on July 29, 2009, by Mr. LoBiondo, and four original co-sponsors and referred to the Committee on Transportation and Infrastructure.

On July 30, 2009, the Committee on Transportation and Infrastructure considered H.R. 3376 and ordered the measure to be reported to the House by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on July 31, 2009, requesting a sequential referral of H.R. 3376.

The Committee on Transportation and Infrastructure reported H.R. 3376 to the House on December 19, 2009 as H. Rpt. 111-386, Part I. On that same date, H.R. 3376 was sequentially referred to the Committee on the Judiciary and the Committee on Homeland Security for a period ending not later than March 25, 2010. On March 25, 2010, the referral of H.R. 3376 to the Committee on the Judiciary and the Committee on Homeland Security was extended for a period ending not later than May 28, 2010. The referral of H.R. 3376 to the Committee on the Judiciary and the Committee on Homeland Security was extended on May 28, 2010, for a period ending not later than August 6, 2010. The referral of H.R. 3376 to the Committee on the Judiciary and the Committee on Homeland Security was extended on August 6, 2010, for a period ending not later than September 30, 2010. The referral of H.R. 3376 to the Committee on the Judiciary and the Committee on Homeland Security was extended on September 30, 2010, for a period ending not later than December 3, 2010. The referral of H.R. 3376 to the Committee on the Judiciary and the Committee on Homeland Security was extended on December 3, 2010, for a period ending not later than December 17, 2010. The referral of H.R. 3376 to the Committee on the Judiciary and the Committee on Homeland Security was extended on December 17, 2010, for a period ending not later than December 21, 2010. The referral of H.R. 3376 to the Committee on the Judiciary and the Committee on Homeland Security was extended on December 21, 2010, for a period ending not later than December 22, 2010. On December 22, 2010, the Committee on the Judiciary and the Committee on Homeland Security were discharged from further consideration of H.R. 3376.

Provisions of H.R. 3376 were included in the Coast Guard Authorization Act of 2010 (P.L. 111-281).

FIRE GRANTS REAUTHORIZATION ACT OF 2009

H.R. 3791

To amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

Legislative History

H.R. 3791 was introduced in the House on October 13, 2009, by Mr. Mitchell, Mr. Pascrell, Mr. Thompson of Mississippi, Ms. Richardson, Mr. Cuellar, Ms., Kirkpatrick of Arizona, Ms. Clarke, Ms. Loretta Sanchez of California, Mr. Luján, Ms. Jackson Lee of Texas, and 31 original co-sponsors and referred to the Committee on Science and Technology.

The Committee on Science and Technology considered H.R. 3791 on October 21, 2009, and ordered the measure to be reported to the House, amended, by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on October 22, 2009, requesting a sequential referral of H.R. 3791 to the Committee on Homeland Security.

On November 7, 2009, the Committee on Science and Technology reported H.R. 3791 to the House as H. Rpt. 111-333, Part I.

On November 7, 2009, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Science and Technology agreeing that in order expedite consideration of the measure by the full House, the Committee would waive further consideration of H.R. 3791. The letter further indicated a request for support for the appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the Committee on Science and Technology sent a letter to the Chair of the Committee on Homeland Security acknowledging the jurisdictional interests of the Committee on Homeland Security and agreeing to support the appointment of Conferees should a House-Senate Conference be convened.

H.R. 3791 was referred sequentially to the Committee on Homeland Security for a period ending not later than Nov. 7, 2009, and was subsequently discharged on that same date.

The Committee on Rules met on November 17, 2009, and reported a Rule to the House as H. Res. 909 (H. Rpt. 111-340). The House agreed to H. Res. 909 on November 18, 2009, by a recorded vote of 245 yeas and 173 nays. The House considered H.R. 3791 under the provisions of H. Res. 909 on November 1, 2009, and passed the measure by a recorded vote of 395 yeas and 31 nays.

H.R. 3791 was received in the Senate on November 19, 2009, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

STRENGTHENING AND UPDATING RESOURCES AND EQUIPMENT ACT

H.R. 3837

To amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes.

Legislative History

H.R. 3837 was introduced in the House on October 15, 2009, by Ms. Kilroy, Mr. Cuellar, Mr. Thompson of Mississippi, Mr. Pascrell, Ms. Clarke, Mr. DeFazio, Ms. Richardson, Ms. Norton, Ms. Jackson-Lee of Texas, Mr. Cleaver, Ms. Titus, and one original co-sponsors, and referred to the Committee on Homeland Security. Within the Committee, H.R. 3837 was referred to the Subcommittee on Emergency Communications, Preparedness, and Response.

The Subcommittee on Emergency Communications, Preparedness, and Response considered H.R. 3837 on November 3, 2009, and forwarded the measure to the Full Committee with the recommendation that it pass, without amendment, by voice vote.

The Committee on Homeland Security considered H.R. 3837 on November 17, 2009, and ordered the measure reported to the House, amended, by voice vote.

The Committee on Homeland Security reported H.R. 3837 to the House on July 22, 2010, as H. Rpt. 111-558.

CRIMINAL INVESTIGATIVE TRAINING RESTORATION ACT

H.R. 3963

To provide specialized training to Federal air marshals.

Legislative History

H.R. 3963 was introduced in the House on October 29, 2009, by Mr. Daniel E. Lungren of California, Mr. Dent, Mr. Bilirakis, Ms. Jackson Lee of Texas, and Mr. Carney, and referred to the Committee on Homeland Security.

The Committee on Homeland Security considered H.R. 3963 on November 17, 2009, and ordered the measure to be reported to the House, amended, by voice vote.

The Committee on Homeland Security reported H.R. 3963 to the House on December 1, 2009, as H. Rpt. 111-345.

The House considered H.R. 3963 under Suspension of the Rules on December 2, 2009, and passed the bill by voice vote.

H.R. 3963 was received in the Senate on December 3, 2009, and referred to the Senate Committee on Commerce, Science, and Transportation.

HOMELAND SECURITY SCIENCE AND TECHNOLOGY AUTHORIZATION ACT
OF 2010

H.R. 4842

To authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes.

Legislative History

H.R. 4842 was introduced in the House on March 15, 2010, by Ms. Clarke, Mr. Thompson of Mississippi, and Mr. Daniel E. Lungren of California, and referred to the Committee on Homeland Security. Within the Committee, H.R. 4842 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology considered H.R. 4842 on March 15, 2010, and ordered the measure to be forwarded to the Full Committee with a recommendation that it pass, amended, by voice vote.

The Committee on Homeland Security considered H.R. 4842 on April 15, 2010, and ordered the measure to be reported to the House, as amended, by a recorded vote of 26 yeas and 0 nays (Roll Call Vote No. 23).

On May 18, 2010, the Committee on Homeland Security reported H.R. 4842 to the House as H. Rpt. 111-486, Part I.

On that same date, H.R. 4842 was sequentially referred to the Committee on Science and Technology for a period ending not later than June 18, 2010. On June 18, 2010, the referral to the Committee on Science and Technology was extended for a period ending not later than June 25, 2010. On June 25, 2010, the Committee on Science and Technology was discharged from further consideration of H.R. 4842.

The Chair of the Committee on Science and Technology sent a letter to the Chair of the Committee on Homeland Security on June 25, 2010, agreeing to waive consideration of H.R. 4842 in order to expedite consideration of the measure by the full House. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Science and Technology acknowledging the jurisdictional interests of the Committee on Science and Technology.

The House considered H.R. 4842 under Suspension of the Rules on July 20, 2010, and passed the measure, as amended, by voice vote.

Received in the Senate on July 21, 2010, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

CHIEF VETERINARY OFFICER IN THE DEPARTMENT OF HOMELAND
SECURITY

H.R. 5105 (S. 3263)

To establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes.

Legislative History

H.R. 5105 was introduced in the House on April 21, 2010, by Mr. Rogers of Alabama, Ms. Kilroy, Mr. King of New York, Mr. Thompson of Mississippi, Mr. McCaul, Ms. Clarke, and Mr. Carney, and referred the Committee on Homeland Security, and in addition to the Committee on Agriculture.

On June 23, 2010, the Committee on Homeland Security considered H.R. 5105 and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

On November 30, 2010, the Committee reported H.R. 5105 to the House as H. Rpt. 111-668, Pt. I. Referral of the bill to the Committee on Agriculture extended for a period ending not later than December 10, 2010. The referral of H.R. 5105 to the Committee on Agriculture was extended on December 10, 2010, for a period ending not later than December 17, 2010. The referral of H.R. 5105 to the Committee on Agriculture was extended on December 17, 2010, for a period ending not later than December 21, 2010. On December 21, 2010, the referral of the bill to the Committee on Agriculture was extended for a period ending not later than December 22, 2010. On December 22, 2010, the Committee on Agriculture was discharged from further consideration of H.R. 5105 and placed on the Union Calendar (Calendar No. 412).

S. 3263, the Senate companion measure, was introduced in the Senate on April 27, 2010, by Mr. Akaka and Mr. Ensign, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

WMD PREVENTION AND PREPAREDNESS ACT OF 2010

H.R. 5498

To enhance homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes.

Legislative History

H.R. 5498 was introduced in the House on March 15, 2010, by Mr. Pascrell, Mr. King of New York, Mr. Thompson of Mississippi, Ms. Clarke, and Mr. Daniel E. Lungren of California and referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, the Committee on Agriculture, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence. Within the Committee, H.R. 5498 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

On June 15, 2010, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing on H.R. 5498, the “WMD Prevention and Preparedness Act of 2010.” The Subcommittee received testimony from Sara (Sally) T. Beatrice, PhD, Assistant Commissioner, Public Health Laboratory, Department of Health and Mental Hygiene, City of New York; Randall S. Murch, PhD, Associate Director, Research Program Development, National Capital Region, Virginia Polytechnic Institute and State University; Robert P. Kadlec, MD, Vice President, Global Public Sector, PRTM Management Consulting; and Julie E. Fischer, PhD, Senior Associate, Global Health Security Program, Henry L. Stimson Center.

On June 23, 2010, the Full Committee considered H.R. 5498 and ordered the measure to be reported to the House with a favorable recommendation, amended, by a recorded vote of 26 yeas and 0 nays (Roll Call Vote No. 24).

On November 17, 2010, the Chair of the House Permanent Select Committee on Intelligence sent a letter to the Chair of the Committee on Homeland Security indicating that, in order to expedite consideration of the measure by the full House, the Permanent Select Committee on Intelligence would agree to not seek a sequential referral of H.R. 5498. On that same date, the Chair of the Committee on Homeland Security responded and agreed to the waiving of the sequential referral and agreeing to request to seek appointments of Conferees should a House-Senate Conference be convened. On November 18, 2010, the Chair of the Committee on Foreign Affairs sent a letter to the Chair of the Committee on Homeland Security agreeing that, in order to expedite consideration of the measure by the full House, the Committee would waive consideration of H.R. 5498. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Foreign Affairs acknowledging the jurisdictional interests of the Committee on Foreign Affairs.

The Committee on Homeland Security reported H.R. 5498 to the House on November 18, 2010, as H. Rpt. 111-659, Pt. I.

Subsequently, the Committee on Agriculture, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the House Permanent Select Committee on Intelligence were discharged from further consideration of H.R. 5498.

The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on November 18, 2010, for a period ending not later than December 3, 2010. The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on December 3, 2010, for a period ending not later than December 17, 2010. The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on December 17, 2010, for a period ending not later than December 21, 2010. The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on December 21, 2010, for a period ending not later than December 22, 2010. On December 22, 2010, the Committee on Energy and Commerce was discharged from further consideration of H.R. 5498 and placed on the Union Calendar (Calendar No. 411).

HOMELAND SECURITY GRANT MANAGEMENT IMPROVEMENT ACT

H.R. 5562

To amend the Homeland Security Act of 2002 to prohibit requiring the use of a specified percentage of a grant under the Urban Area Security Initiative and State Homeland Security Grant Program for specific purposes, and for other purposes.

Legislative History

H.R. 5562 was introduced in the House on June 21, 2010, by Ms. Richardson, and referred to the Committee on Homeland Security.

On June 23, 2010, the Full Committee considered H.R. 5562 and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by voice vote.

On November 30, 2010, the Committee reported H.R. 5562 to the House as H. Rpt. 111-663.

RECOGNIZING THE IMPORTANCE OF THE DEPARTMENT OF HOMELAND SECURITY

H. RES. 14

Resolution recognizing the importance of the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, in combating human smuggling and trafficking in persons, and commending the Department of Justice for increasing the rate of human smuggling and trafficking prosecutions.

Legislative History

H. Res. 14 was introduced in the House on January 6, 2009, by Mr. Issa referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security.

The House considered H. Res. 14 under Suspension of the Rules on May 6 and 7, 2009. On May 7, 2009, the House adopted H. Res. 14 by voice vote. During consideration, the title was changed so as to read “*Resolution recognizing the importance of the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, in combating*

human smuggling and trafficking in persons, and commending the Department of Justice for increasing the rate of human smuggling and trafficking prosecutions.”

RESOLUTION REGARDING TRANSPORTATION SECURITY ADMINISTRATION SECURITY ON THE NATION’S RAIL AND MASS TRANSIT LINES

H. RES. 28

Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation’s rail and mass transit lines.

Legislative History

H. Res. 28 was introduced in the House on January 7, 2009, by Ms. Jackson Lee of Texas and referred to the Committee on Homeland Security.

The Committee on Homeland Security considered H. Res. 28 on November 17, 2009, and ordered the resolution reported to the House, amended, by voice vote.

The Committee on Homeland Security reported H. Res. 28 to the House on December 1, 2009, as H. Rpt. 111-347.

The House considered H. Res. 28 under Suspension of the Rules on December 2 and 3, 2009. On December 3, 2009, the House agreed to Suspend the Rules and agreed to H. Res. 28 by a recorded vote of 417 yeas and 3 nays. During consideration the House agreed to amend the title so as to read: “*Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 as well as other statutes, enhance security against terrorist attack and other security threats to our Nation’s rail and mass transit systems and other modes of surface transportation.*”.

RECOGNIZING AND HONORING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

H. RES. 195

Recognizing and honoring the employees of the Department of Homeland Security on its sixth anniversary for their continuous efforts to keep the Nation safe.

Legislative History

H. Res. 195 was introduced in the House on February 26, 2009, by Mr. Bilirakis, Mr. Carney, Mr. King of New York, Mr. Thompson of Mississippi, Mr. McCaul, Mr. Rogers of Alabama, Mr. Austria, Mr. Souder, Mrs. Miller of Michigan, Mr. Pascrell, Mr. Cleaver, Mr. Dent, Mr. Broun of Georgia, Mr. Daniel E. Lungren of California, Ms. Loretta Sanchez of California, Mr. Cuellar, Mr. Himes, Ms. Kilroy, Ms. Clarke, Ms. Norton, Mr. Massa, and Mr. Smith of Texas, and referred solely to the Committee on Homeland Security.

On March 4, 2009, the House agreed to Suspend the Rules and adopt H. Res. 195, by a $\frac{2}{3}$ recorded vote of 418 yeas and 0 nays. (Roll No. 95).

RECOGNIZING BEVERLY ECKERT'S SERVICE TO SEPTEMBER 11TH
SURVIVORS AND FAMILIES

H. RES. 201

Recognizing Beverly Eckert's service to the Nation and particularly to the survivors and families of the September 11, 2001, attacks.

Legislative History

H. Res. 201 was introduced in the House on March 2, 2009, by Ms. Slaughter, Mr. King of New York, Mr. Thompson of Mississippi, Ms. Clarke, Mr. Pascrell, and nine original co-sponsors and referred solely to the Committee on Homeland Security.

On March 4, 2009, the House agreed to Suspend the Rules and adopt H. Res. 201, by a $\frac{2}{3}$ recorded vote of 419 yeas and 0 nays. (Roll No. 95).

RESOLUTION OF INQUIRY ON DHS' REPORT "RIGHTWING EXTREMISM:
CURRENT ECONOMIC AND POLITICAL CLIMATE FUELING RESUR-
GENCE IN RADICALIZATION AND RECRUITMENT"

H. RES. 404

Directing the Secretary of Homeland Security to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of documents relating to the Department of Homeland Security Intelligence Assessment titled, "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment".

Legislative History

H. Res. 404 was introduced in the House on May 6, 2009, by Mr. King of New York, Mr. Smith of Texas, Mr. Souder, Mr. Daniel E. Lungren of California, Mr. Rogers of Alabama, Mr. McCaul, Mr. Dent, Mr. Bilirakis, Mr. Broun of Georgia, Mrs. Miller of Michigan, Mr. Olson, and Mr. Austria, and three original co-sponsors and referred to the Committee on Homeland Security.

On May 19, 2009, the Full Committee considered H. Res. 404 and ordered the resolution to be reported to the House with a favorable recommendation, amended, by voice vote.

The Committee reported H. Res. 404 to the House on June 4, 2009, as H. Rpt. 111-134.

HONORING AND CONGRATULATING THE U.S. BORDER PATROL ON ITS
85TH ANNIVERSARY

H. RES. 498

Honoring and congratulating the U.S. Border Patrol on its 85th anniversary.

Legislative History

H. Res. 498 was introduced in the House on June 2, 2009, by Mr. Teague, Mr. McCaul, Mr. Thompson of Mississippi, Mr. King of

New York, Ms. Loretta Sanchez of California, Mr. Cuellar, Mrs. Kirkpatrick of Arizona, Mr. Bilirakis, Mr. Smith of Texas, Mr. Broun of Georgia, Mr. Cao, Mrs. Miller of Michigan, Ms. Titus, and 25 original co-sponsors. H. Res. 498 was referred solely to the Committee on Homeland Security.

On June 9, 2009, the House agreed to Suspend the Rules and agree to the resolution by voice vote.

CONDOLENCES FOR BORDER PATROL AGENT ROBERT ROSAS

H. RES. 681

Expressing condolences to the family and loved ones of Agent Robert Rosas and standing in solidarity with the brave men and women of the United States Border Patrol as they remember the service and sacrifice of Agent Rosas and continue their mission to preserve and defend our borders.

Legislative History

H. Res. 861 was introduced in the House by Mr. Hunter, Mr. Souder, and six original co-sponsors on July 27, 2009, and referred to the Committee on Homeland Security.

On July 29, 2009, the Committee on Homeland Security was discharged from further consideration of H. Res. 681. The House agreed to consider the resolution and agreed to the resolution by voice vote.

SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING SEPTEMBER 11, 2001

H. RES. 722

Expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

Legislative History

H. Res. 722 was introduced in the House on September 8, 2009, by Mr. Hoyer, and one original co-sponsor, and referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Transportation and Infrastructure, the Committee on the Judiciary, the Committee on Homeland Security.

On September 9, 2009, the House considered H. Res. 772 under Suspension of the Rules and adopted the resolution by a $\frac{2}{3}$ recorded vote of 416 yeas and 0 nays (Roll Call Vote No. 693).

NATIONAL PREPAREDNESS MONTH

H. RES. 731

Expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism.

Legislative History

H. Res. 731 was introduced in the House on September 10, 2009, by Ms. Clarke, Mr. King of New York, Mr. Carney, Mr. Cuellar, Mr. Thompson of Mississippi, Mr. Rogers of Alabama, and Mr. Bilirakis, and referred to the Committee on Homeland Security.

The House considered H. Res. 731 under Suspension of the Rules on September 30, and October 1, 2009 and on October 1, 2009, agreed to the resolution by voice vote.

RESOLUTION OF INQUIRY ON DHS'S ROLE REGARDING DETAINEES HELD
AT NAVAL STATION, GUANTANAMO BAY, CUBA ON OR AFTER JANU-
ARY 20, 2009

H. RES. 922

Directing the Secretary of Homeland Security to transmit to the House of Representatives all information in the possession of the Department of Homeland Security relating to the Department's planning, information sharing, and coordination with any state or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009.

Legislative History

H. Res. 922 was introduced in the House on November 19, 2009, by Mr. King of New York Mr. Smith of Texas, Mr. Souder, Mr. Daniel E. Lungren of California, Mr. Rogers of Alabama, Mr. McCaul, Mr. Dent, Mr. Bilirakis, Mr. Broun of Georgia, Mrs. Miller of Michigan, Mr. Olson, Mr. Cao, And Mr. Austria, and referred to the Committee on Homeland Security.

On December 9, 2009, the Full Committee considered H. Res. 922 and ordered the resolution to be reported to the House with a favorable recommendation, amended, by voice vote.

The Committee on Homeland Security reported to the House on December 15, 2009, as H. Rpt. 111-377.

RESOLUTION OF INQUIRY ON TSA'S AVIATION SECURITY SCREENING
MANAGEMENT STANDARD OPERATING PROCEDURES MANUAL

H. RES. 980

Of inquiry directing the Secretary of Homeland Security to transmit to the House of Representatives a copy of the Transportation Security Administration's Aviation Security Screening Management Standard Operating Procedures manual in effect on December 5, 2009, and any subsequent revisions of such manual in effect prior to the adoption of this resolution.

Legislative History

H. Res. 980 was introduced in the House on December 16, 2009, by Mr. Dent, Mr. King of New York, Mr. Bilirakis, Mr. Daniel E. Lungren of California, Mr. Olson, Mrs. Miller of Michigan, and Mr. Austria, and referred to the Committee on Homeland Security.

On January 20, 2010, the Committee considered H. Res. 980 and ordered the resolution to be reported to the House, adversely, by a recorded vote of 24 yeas and 0 nays.

The Committee on Homeland Security reported to the House on January 27, 2010, as H. Rpt. 111-403.

RESOLUTION EXPRESSING SUPPORT FOR THE VIGILANCE AND PROMPT
RESPONSE ON MAY 1, 2010.

H. RES. 1320

A resolution expressing support for the vigilance and prompt response of the citizens of New York City, the New York Police Department, the New York Police Department Bomb Squad, the Fire Department of New York, other first responders, the Federal Bureau of Investigation, United States Customs and Border Protection, the United States Attorney's Office for the Southern District of New York, the Department of Homeland Security, the Department of Justice, the New York Joint Terrorism Task Force, the Bridgeport Police Department, Detective Bureau, Patrol Division, and other law enforcement agencies in Connecticut to the attempted terrorist attack in Times Square on May 1, 2010, their exceptional professionalism and investigative work following the attempted attack, and their consistent commitment to preparedness for and collective response to terrorism.

Legislative History

H. Res. 1320 was introduced in the House on May 4, 2010 by Mr. McMahon, Mr. Himes, Mr. Thompson of Mississippi, Ms. Clarke, Mr. King of New York, and 28 original co-sponsors and referred to the Committee on Homeland Security.

On May 5, 2010, the House considered H. Res. 1320 under Suspension of the Rules and agreed to the resolution by a $\frac{2}{3}$ recorded vote of 418 yeas and 0 nays.

SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING SEPTEMBER
11, 2001

H. RES. 1610

Expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism.

Legislative History

H. Res. 1610 was introduced in the House on September 14, 2010, by Mr. Hoyer and one original co-sponsor, and referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Transportation and Infrastructure, the Committee on the Judiciary, the Committee on Homeland Security, and the House Permanent Select Committee on Intelligence.

The House considered H. Res. 1610 under Suspension of the Rules on September 15, 2010, and agreed to the resolution by a $\frac{2}{3}$ recorded vote of 410 yeas and 0 nays (Roll No. 525).

NATIONAL PREPAREDNESS MONTH

H. RES. 1618

Urging the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month, and for other purposes.

Legislative History

H.Res. 1618 was introduced in the House on September 14, 2010, by Mr. Thompson, Mr. King of New York, Ms. Richardson, Mr. Rogers of Alabama, Ms. Norton, Mr. Cuellar, Mr. Carney, Mr. DeFazio, Ms. Jackson Lee of Texas, Ms. Loretta Sanchez of California, Ms. Harman, Mr. Pascrell, Mr. Cleaver, Mr. Himes, Ms. Clarke, Mr. McCaul, Mr. Bilirakis, Mr. Olson, Mr. Cao, Mr. Austria, and Mr. Al Green of Texas, and referred to the Committee on Homeland Security.

The House considered H.Res. 1618 under Suspension of the Rules and adopted the resolution by voice vote.

LEGISLATION NOT REFERRED CONTAINING PROVISIONS WITHIN THE
JURISDICTION OF THE COMMITTEE

DENTAL EMERGENCY RESPONDER ACT OF 2009

H.R. 903

To amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes.

Legislative History

H.R. 903 was introduced in the House on February 4, 2009, by Mr. Stupak and Mrs. Miller of Michigan and referred to the Committee on Energy and Commerce.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on February 12, 2009, requesting a sequential referral of H.R. 903 to the Committee on Homeland Security.

On July 28, 2010, the Committee on Energy and Commerce considered H.R. 903 and ordered the measure to be reported to the House, amended, by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Energy and Commerce that, in order to expedite consideration of the measure by the full House, the Committee on Homeland Security would not seek a sequential referral of H.R. 903. The letter further indicated that such action would not alter, or otherwise affecting the jurisdiction of the Committee on Homeland Security. On that same date, the Chair of the Committee on Energy and Commerce sent a letter to the Chair of the Committee on Homeland Security agreeing to the jurisdictional interests of the Committee on Homeland Security.

The House considered H.R. 903 under Suspension of the Rules on September 28, 2010, and passed the bill by voice vote.

H.R. 903 was received in the Senate on September 29, 2010, read twice, and referred to the Senate Committee on Health, Education, Labor, and Pensions.

FAA REAUTHORIZATION ACT OF 2009

H.R. 915

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

Legislative History

H.R. 915 was introduced in the House on February 9, 2009 by Mr. Oberstar, and one original co-sponsor and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on February 12, 2009, requesting a sequential referral of H.R. 915 to the Committee on Homeland Security.

The Committee on Transportation and Infrastructure considered H.R. 915 on March 5, 2009, and ordered the measure to be reported to the House, amended, by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on March 9, 2009, requesting that, based upon the Committee on Transportation and Infrastructure's consideration, H.R. 915 be sequentially referred to the Committee on Homeland Security. The Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security on May 18, 2009, acknowledging the jurisdictional interests of the Committee on Homeland Security. On May 19, 2009, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure agreeing to not seek a sequential referral of H.R. 915 in order to expedite consideration on the House Floor. The letter further requested support for the appointment of Conferees should a House-Senate Conference be convened.

The Committee on Transportation and Infrastructure reported H.R. 915 to the House on May 19, 2009 as H. Rpt. 111-119, Pt. I. The Committee on Transportation and Infrastructure filed a supplemental report on May 21, 2009, as H. Rpt. 111-119, Pt. II.

The House considered H.R. 915 on May 21, 2009, and passed the measure by a recorded vote of 277 yeas and 136 nays (Roll No. 291).

H.R. 915 was received in the Senate on June 1, 2009, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

PUBLIC LAW 111-259 (H.R. 2701 / S. 1494)

To authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Legislative History

H.R. 2701 was introduced in the House on June 4, 2009, by Mr. Reyes, and referred to the House Permanent Select Committee on Intelligence.

The Permanent Select Committee on Intelligence considered H.R. 2701 on June 18, 2009, and ordered the measure to be reported to the House, amended.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Permanent Select Committee on Intelligence on June 22, 2009, indicating that, in order to expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of the H.R. 2701. The letter further requested the support for the appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the House Permanent Select Committee on Intelligence sent a letter to the Chair of the Committee on Homeland Security acknowledging the jurisdictional interests of the Committee on Homeland Security.

The Permanent Select Committee on Intelligence reported H.R. 2701 to the House on June 26, 2009, as H. Rpt. 111-186.

On February 25, 2010, the House adopted H. Res. 1105, the Rule providing for the consideration of H.R. 2701. The Rule provided that after passage of H.R. 2701, it shall be in order to consider in the House S. 1494. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2701 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 1494 and request a conference with the Senate thereon. Subsequently the House considered S. 1494, struck all after the enacting clause and inserted in lieu thereof the text of H.R. 2701, as passed by the House.

The House considered H.R. 2701 on February 25 and 26, 2010. The House passed H.R. 2701 on February 26, 2010, by a recorded vote of 235 yeas and 168 nays (Roll No. 73).

The Senate considered H.R. 2701 on September 27, 2010, and passed the bill, amended, by unanimous consent.

The House considered the Senate amendment to H.R. 2701 on September 29, 2010, and concurred in the Senate amendment by a recorded vote of 244 yeas and 181 nays (Roll No. 558), clearing the measure for the President.

H.R. 2701 was presented to the President on October 1, 2010, and signed into law on October 7, 2010, as Public Law 111-259.

COAST GUARD ACQUISITION REFORM ACT OF 2009

H.R. 1665

To structure Coast Guard acquisition processes and policies, and for other purposes.

Legislative History

H.R. 1665 was introduced in the House on March 23, 2009, by Mr. Cummings, and three original co-sponsors, and referred to the Committee on Transportation and Infrastructure.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on March 26, 2009, requesting a sequential referral of H.R. 1665 to the Committee on Homeland Security.

The Committee on Transportation and Infrastructure considered H.R. 1665 on April 2, 2009, and ordered the measure to be reported to the House by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure on July 10, 2009, indicating that, in order to expedite consideration by the full House, the Committee on Homeland Security would not seek a sequential referral of H.R. 1665. On that same date, the Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security acknowledging the jurisdictional interests of the Committee on Homeland Security.

The Committee on Transportation and Infrastructure reported H.R. 1665 to the House on July 20, 2009, as H.Rpt. 111-215.

The House considered H.R. 1665 under Suspension of the Rules on July 28 and 29, 2009. The House passed H.R. 1665 by a recorded vote ($\frac{2}{3}$ required) of 426 yeas and 0 nays (Roll No. 658).

H.R. 1665 was received in the Senate on July 30, 2009, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

Provisions of H.R. 1665 were included in the Coast Guard Authorization Act of 2010 (P.L. 111-281).

SATELLITE HOME VIEWER UPDATE AND REAUTHORIZATION ACT OF 2009

H.R. 3570

To amend title 17, United States Code, to reauthorize the satellite statutory license, to conform the satellite and cable statutory licenses to all-digital transmissions, and for other purposes.

Legislative History

H.R. 3570 was introduced in the House on September 15, 2009, by Mr. Conyers, and three original co-sponsors and referred to the Committee on the Judiciary.

The Committee on the Judiciary considered H.R. 3570 on September 16, 2009, and ordered the measure to be reported to the House by a recorded vote of 34 yeas and 0 nays.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on September 22, 2009, requesting a sequential referral of H.R. 3570 to the Committee on Homeland Security. The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on the Judiciary on October 28, 2009, indicating jurisdictional interests in provisions of H.R. 3570, but agreeing to not seek a sequential referral of the bill in order to expedite consideration of the measure by the full House.

The letter further requested the support for the appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the Committee on the Judiciary sent a letter to the Chair of the Committee on Homeland Security acknowledging the jurisdictional interests of the Committee and agreeing to the request for the appointment of Conferees should a House-Senate Conference be convened.

The Committee on the Judiciary reported H.R. 3570 to the House on October 28, 2009, as H. Rpt. 111-319.

H.R. 3570 was Considered in the House under Suspension of the Rules on December 2 and 3, 2009. The House on December 3, 2009, agreed to Suspend the Rules and pass H.R. 3570 by a $\frac{2}{3}$ recorded vote of 394 yeas and 11 nays (Roll No. 930).

H.R. 3570 was received in the Senate on December 3, 2009, read twice, and referred to the Senate Committee on the Judiciary.

CRUISE VESSEL SECURITY AND SAFETY ACT OF 2009

PUBLIC LAW 111-207 (H.R. 3360)

To amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

Legislative History

H.R. 3360 was introduced in the House on July 28, 2009, by Ms. Matsui, and one original co-sponsor and referred to the Committee on Transportation and Infrastructure.

The Committee on Transportation and Infrastructure considered H.R. 3360 on July 30, 2009, and ordered the measure to be reported to the House by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on August 11, 2009, requesting a sequential referral of H.R. 3360 to the Committee on Homeland Security. The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure on November 12, 2009, agreeing that in order expedite consideration of H.R. 3360 by the full House, the Committee on Homeland Security would not seek a sequential referral of the measure. The letter further requested an appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security agreeing to the jurisdictional interests of the Committee on Homeland Security and agreeing to support the request for appointment of Conferees should a House-Senate Conference be convened.

The Committee on Transportation and Infrastructure reported H.R. 3360 to the House on November 17, 2009, as H. Rpt. 111-332.

The House considered H.R. 3360 under Suspension of the Rules on November 17, 2009, and passed the measure by a $\frac{2}{3}$ recorded vote of 416 yeas and 4 nays (Roll No. 892).

H.R. 3360 was received in the Senate on November 18, 2009, read twice, and placed on the Senate Legislative Calendar under General Orders.

The Senate considered and passed H.R. 3360 with an amendment by unanimous consent on June 10, 2010.

The House agreed on June 30, 2010, to Suspend the Rules and concurred in the Senate amendment to H.R. 3360 by voice vote, clearing the measure for the President.

H.R. 3360 was presented to the President on July 19, 2010, and signed into law on July 27, 2010, as Public Law 111-207.

COAST GUARD MODERNIZATION ACT OF 2009

H.R. 2650

To amend title 14, United States Code, to modernize the leadership of the Coast Guard, to modernize the administration of marine safety by the Coast Guard, and for other purposes.

Legislative History

H.R. 2650 was introduced in the House on June 2, 2009, by Mr. Oberstar, and one original co-sponsor, and referred to the Committee on Transportation and Infrastructure.

Committee on Transportation and Infrastructure Markup Held. Ordered reported to the House, by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on June 5, 2009, requesting a sequential referral of H.R. 2650.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure that, in order to expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of H.R. 2650. The letter further requested the support for the appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security acknowledging the jurisdictional interests of the Committee on Homeland Security.

The Committee on Transportation and Infrastructure reported H.R. 2650 on December 3, 2009, as H. Rpt. 111-352.

Provisions of H.R. 2650 were included in the Coast Guard Authorization Act of 2010 (P.L. 111-281).

MARITIME SAFETY ACT OF 2009

H.R. 2652

To amend title 46, United States Code, to improve vessel safety, and for other purposes.

Legislative History

H.R. 2652 was introduced in the House on June 2, 2009, by Mr. Oberstar, and three original co-sponsors, and referred to the Committee on Transportation and Infrastructure.

The Committee on Transportation and Infrastructure considered H.R. 2652 on June 4, 2009 and ordered the measure to be reported to the House, by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on June 5, 2009, requesting a sequential referral of H.R. 2652. The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure on December 3, 2009, agreeing that, in order to expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of H.R. 2652. The letter further requested the support for the appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security acknowledging the jurisdictional interests of the Committee on Homeland Security and the agreement not to seek a sequential referral of the legislation.

The Committee on Transportation and Infrastructure reported H.R. 2652 to the House on December 3, 2009, as H. Rpt. 111-351.

Provisions of H.R. 2652 were included in the Coast Guard Authorization Act of 2010 (P.L. 111-281).

FEDERAL OIL SPILL RESEARCH PROGRAM ACT

H.R. 2693

To amend title VII of the Oil Pollution Act of 1990, and for other purposes.

Legislative History

H.R. 2693 was introduced in the House on June 3, 2009, by Ms. Woolsey and one original co-sponsor, and referred to the Committee on Science and Technology.

The Committee on Science and Technology considered H.R. 2693 on July 14, 2010, and ordered the measure to be reported to the House, amended, by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on July 15, 2009, requesting a sequential referral of H.R. 2693.

On July 20, 2010, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Science and Technology agreeing that, in order to expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of H.R. 2693. The letter further requested support for the appointment of an appropriate number of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the Committee on Science and Technology sent a letter to the Chair of the Committee on Homeland Security agreeing to the jurisdictional interests of the Committee on Homeland Security and the support request for Conferees should a House-Senate Conference be convened.

The Committee on Science and Technology reported H.R. 2693 to the House on July 21, 2010, as H. Rpt. 111-553.

The House considered H.R. 2693 under Suspension of the Rules on July 21, 2010, and passed the bill, as amended, by voice vote.

H.R. 2693 was received in the Senate on July 22, 2010, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

CLEAN HULL ACT OF 2009

H.R. 3618

To provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes.

Legislative History

H.R. 3618 was introduced in the House on September 22, 2009, by Mr. Oberstar, and two original co-sponsors, and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology.

The Committee on Transportation and Infrastructure considered H.R. 3618 on September 24, 2009, and ordered the measure reported to the House, amended, by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on September 25, 2009, requesting a sequential referral of H.R. 3618 to the Committee on Homeland Security.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure on November 12, 2009, agreeing that, in order expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of H.R. 3618. The letter further requested the appointment of Conferees should a House-Senate Conference be convened. On that same date, The Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security agreeing to the jurisdictional interests of the Committee on Homeland Security and agreeing to support the request for an appointment of Conferees should a House-Senate Conference be convened.

The Committee on Transportation and Infrastructure reported H.R. 3618 to the House on November 17, 2009 as H. Rpt. 111-331, Pt. I. On that date, the Committee on Science and Technology was discharged from further consideration of H.R. 3618.

The House considered H.R. 3618 under Suspension of the Rules on November 17, 2009, and agreed to the bill by voice vote.

H.R. 3618 was received in the Senate on November 18, 2009, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

Provisions of H.R. 3618 were included in the Coast Guard Authorization Act of 2010 (P.L. 111-281).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

H.R. 5136 (H.R. 6523)⁷

To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

⁷H.R. 6523 was presented to the President on December 29, 2010, and is expected to be signed into law. As of the date of the filing of this report, the measure has not been signed and a Public Law number has not been assigned.

Legislative History

H.R. 5136 was introduced in the House on April 26, 2010, by Mr. Skelton, and one original co-sponsor, and referred to the Committee on Armed Services.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Armed Services on May 20, 2010, indicating that, in order to expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of H.R. 5136. The letter further requested the appointment of Conferees should a House-Senate Conference be convened. The Chair of the Committee on Armed Services sent a letter to the Chair of the Committee on Homeland Security on May 21, 2010, acknowledging the jurisdictional interests of the Committee on Homeland Security and agreeing to support the appointment of Conferees should a House-Senate Conference be convened.

The Committee on Armed Services reported H.R. 5136 to the House on May 21, 2010 as H. Rpt. 111-491. On May 26, 2010, the Committee on Armed Services reported a supplemental report on H.R. 5136 as H. Rpt. 111-491, Part II.

The House considered H.R. 5136 on May 27 and 28, 2010. On May 28, 2010, the House passed H.R. 5136 by a recorded vote of 229 yeas and 186 nays (Roll no. 336). On June 8, 2010, the title of the measure was amended so as to read *“To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”*

H.R. 5136 was received in the Senate on June 9, 2010, read twice, and placed on Senate Legislative Calendar. Pursuant to an unanimous consent request, the Senate returned the papers to the House on June 24, 2010. H.R. 5136 was received in the Senate in June 28, 2010, read twice, and placed on the Senate Legislative Calendar.

A related bill, H.R. 6523, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, was introduced on December 15, 2010, and referred to the Committee on Armed Services and in addition to the Committee on the Budget.

H.R. 6523 was considered in the House under Suspension of the Rules and passed, as amended, by a recorded vote ($\frac{2}{3}$ required) of 341 yeas and 48 nays (Roll Call Vote No. 650).

H.R. 6523 was received in the Senate on December 17, 2010, and on December 19, 2010, read twice and placed on the Senate Legislative Calendar. The Senate considered H.R. 6523 on December 22, 2010, and passed the bill with an amendment by unanimous consent.

By unanimous consent, the House concurred in the Senate amendment to H.R. 6523, clearing the measure for the President.

H.R. 6523 was presented to the President on December 29, 2010.

OIL SPILL ACCOUNTABILITY AND ENVIRONMENTAL PROTECTION ACT OF
2010

H.R. 5629

To ensure full recovery from responsible parties of damages for physical and economic injuries, adverse effects on the environment, and clean up of oil spill pollution, to improve the safety of vessels and pipelines supporting offshore oil drilling, to ensure that there are adequate response plans to prevent environmental damage from oil spills, and for other purposes.

Legislative History

H.R. 5629 was introduced in the House on June 29, 2010, by Mr. Oberstar, Mr. DeFazio, and five original co-sponsors, and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary and the Committee on Natural Resources.

The Committee on Transportation and Infrastructure considered H.R. 5629 on July 1, 2010, and ordered the measure to be reported to the House, amended, by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on July 12, 2010, requesting a sequential referral of H.R. 5629. On July 26, 2010, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure agreeing that, in order to expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of H.R. 5629. The letter further requested support for the appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security agreeing to the waiving of a sequential referral and acknowledging the jurisdictional interests of the Committee on Homeland Security and agreeing to support the appointment of Conferees should a House-Senate Conference be convened.

NATIONAL COMMISSION ON CHILDREN AND DISASTERS
REAUTHORIZATION ACT OF 2010

H.R. 5266

To extend the final report deadline and otherwise reauthorize the National Commission on Children and Disasters.

Legislative History

H.R. 5266 was introduced in the House on May 11, 2010, by Ms. Corrine Brown of Florida, and referred to the Committee on Transportation and Infrastructure.

The Committee on Transportation and Infrastructure considered H.R. 5266 on July 1, 2010, and ordered the measure to be reported to the House by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Speaker of the House on July 1, 2010, requesting a sequential referral of H.R. 5266 to the Committee on Homeland Security.

The Committee on Transportation and Infrastructure reported H.R. 5266 to the House in July 19, 2010, as H. Rpt. 111-548.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure on July 20, 2010, agreeing that, in order to expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of H.R. 5266. The letter further requested support for the appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security agreeing to the jurisdictional interests of the Committee on Homeland Security and the support request for Conferees should a House-Senate Conference be convened.

The House considered H.R. 5266 under Suspension of the Rules on July 20, 2010, and passed the bill by voice vote.

H.R. 5266 was received in the Senate on July 21, 2010, read twice, and referred to the Senate Committee on Health, Education, Labor, and Pensions.

OVERSIGHT ACTIVITIES OF THE COMMITTEE

OBAMA ADMINISTRATION'S AGENDA FOR THE DEPARTMENT OF HOMELAND SECURITY

On January 21, 2009, Janet Napolitano was sworn in as the third Secretary of the Department of Homeland Security (DHS) and the first Secretary of Homeland Security to serve in a Democratic administration. In its six years of existence, DHS has experienced management and operational challenges. Thus, Secretary Napolitano inherited a massive organization with major integration challenges and a record of disorganized response to catastrophic incidents.

On February 25, 2009, the Committee on Homeland Security held a hearing entitled "DHS: The Path Forward." The Committee received testimony from Hon. Janet Napolitano, Secretary, Department of Homeland Security.

The purpose of the hearing was to take testimony from Secretary Napolitano concerning the direction and priorities for DHS. Members examined various priorities with Secretary Napolitano that the Committee would pursue through its legislative and oversight efforts during the 111th Congress, including the importance of maintaining the Federal Emergency Management Agency (FEMA) within DHS; the need to produce a smart, comprehensive border security strategy; the centrality of the inclusion of privacy and civil liberties in DHS's programs; the necessity for programs that both protect the security and promote the efficiency of air travel; and the organizational requirement of continued integration of DHS's management, administrative and procurement functions.

At the Chairman's direction, the Committee and its staff continued to conduct oversight on DHS's management and operational functions, and to work with Secretary Napolitano in finding solutions to challenges facing DHS.

HOMELAND SECURITY POLICY MAKING

On February 23, 2009 President Barack Obama issued Presidential Study Directive-1 (PSD-1) in which he stated that “Homeland Security is indistinguishable from National Security” and therefore an “integrated, effective, and efficient approach” must be taken towards security policy making. In PSD-1, the President directed Mr. John Brennan, Assistant to the President for Homeland Security and Counterterrorism, to lead a 60-day review of ways to strengthen and secure the United States through reforming the Homeland Security Council (HSC) and the National Security Council (NSC). Reform options presented to the President included, (1) dissolving the Homeland Security Council into the National Security Council; (2) retaining a two-Council system but requiring greater integration; or (3) eliminating both Councils in favor of creating a new Council to handle the full continuum of security issues—everything from non-proliferation to emergency response. As part of the review, the White House conducted stakeholder outreach and met with Committee staff.

On April 2, 2009, the Committee on Homeland Security held a hearing entitled “Homeland Security Policymaking: HSC at a Crossroads and Presidential Study Directive 1.” The Committee received testimony from Mr. Kenneth L. Wainstein, Former Homeland Security and Counterterrorism Advisor to the President; Ms. Frances Fragos Townsend, Former Homeland Security and Counterterrorism Advisor to the President; Mr. Philip J. Palin, Senior Fellow, National Institute for Strategic Preparedness; Mr. Thomas C. Frazier, Executive Director, Major Cities Chiefs Association; and Bruce Hoffman, Professor, School of Foreign Service, Georgetown University.

The purpose of the hearing was to take testimony on the proposal to consolidate HSC and NSC and recommendations on how to improve homeland security policymaking at the White House. Members engaged witnesses on various approaches to improve homeland security policymaking structure within the administration.

At the Chairman’s direction, the Committee and its staff continued to work with the White House and other stakeholders to evaluate the various options. The Committee continued to express that proposed structure should include state, local and tribal representatives.

In May 2009, the President of the United States merged the staffs of the HSC with the NSC, creating a unified policymaking structure for national security and homeland security issues. Within the new structure, specialization will exist for interagency debate on issues affecting homeland security such as terrorism, weapons of mass destruction, natural disasters, and pandemics.

FEDERAL-STATE PARTNERSHIP FOR IMMIGRATION ENFORCEMENT

Established in 1996, the 287(g) program allows local law enforcement agencies to enter into agreements with Immigration and Customs Enforcement (ICE) to perform certain immigration functions. Since 2007, the program has seen increased interest and undergone dramatic growth, with participation exploding from two jurisdic-

tions in 2003 to almost 70 in 2007. The recent popularity and unprecedented growth presented the 287(g) program with a number of management challenges. On May 14, 2007, Chairman Thompson requested the Government Accountability Office (GAO) to conduct a review of the program.

On March 4, 2009, the Committee on Homeland Security held a hearing entitled “Examining 287(g): The Role of State and Local Law Enforcement in Immigration Law.” The Committee received testimony from Mr. William Riley, Acting Director, Office of State and Local Coordination, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Mr. Richard Stana, Director, Homeland Security and Justice Issues, Government Accountability Office; Sheriff Chuck Jenkins, Frederick County, State of Maryland; Chief J. Thomas Manger, Montgomery County Police Department, State of Maryland; and Mr. Muzaffar A. Chishti, Director at the NYU School of Law Office, Migration Policy Institute.

The purpose of the hearing was to take testimony about the 287(g) program, which is administered by ICE’s Office of State, Local and Tribal Coordination (OSLTC). Members questioned the witnesses about the program and the findings from the GAO report entitled “Better Controls Needed over Program Authorizing State and Local Enforcement of Federal Immigration Laws.” GAO released the report to the public on the day of the hearing.

At the Chairman’s direction, the Committee and its staff continued to work with ICE concerning 287(g) program reforms that would improve accountability and transparency. In a letter, dated April 2, 2009, to then Acting Assistant Secretary for ICE, John Torres, the Committee presented various suggestions to ICE on how to address deficiencies identified in the GAO report. One of the suggestions the Committee presented was the replacement of all memorandums of agreement (MOAs) entered between ICE and local law enforcement agencies with a new and improved template. The Committee suggested that ICE use an updated template for both future agreements and existing ones to ensure all participating local law enforcement agencies and supervising ICE agents were operating from the same set of guidelines. According to GAO, fundamental programmatic concerns stemming from the lack of specificity regarding 287(g) authority by participating agencies and inadequate supervision by ICE could be addressed with defined objectives and guidelines under new MOAs. Another reform the Committee suggested was the inclusion of a transparent and robust complaint process for individuals that felt they were targeted for minor offenses or traffic violations because they belonged to a particular race or national origin in an attempt to ascertain their immigration status. Specifically, the Committee recommended that ICE involve DHS Office of Civil Rights and Civil Liberties in the complaint process. In October 2009, ICE approved standardized MOAs with 67 state and local law enforcement agencies for participation in 287(g) partnerships, which included the Committee’s suggested reforms.

DOING BUSINESS WITH THE DEPARTMENT OF HOMELAND SECURITY

On March 28, 2009, the Committee held a meeting entitled “The U.S. Department of Homeland Security: Doing Business with

America” at the Kroger Gymnasium, Tougaloo College in Jackson, Mississippi.

DEPARTMENT OF HOMELAND SECURITY EFFORTS TO COUNTER SOUTHERN BORDER VIOLENCE

On March 31, 2009, the Committee on Homeland Security held a Classified Member briefing on the border violence occurring along the U.S.-Mexico border. The Committee Members were briefed by representatives from the Departments of Homeland Security and Justice. Representatives from the Department of Homeland Security included: Border Security Branch, Office of Intelligence and Analysis; Southern Borders Team, Office of Intelligence and Analysis; Office of Intelligence, Immigration and Customs Enforcement; Office of International Affairs, Immigration and Customs Enforcement; the Office of Intelligence and Operations Coordination, Customs and Border Protection; Border Patrol, Customs and Border Protection; and the Office of Field Operations, Customs and Border Protection. Representatives from the Department of Justice included Drug Enforcement Agency, and Organized Crime Drug Enforcement Task Forces; and Criminal Division.

SOUTHERN BORDER SITE VISIT

On April 3 and 4, 2009, the Committee on Homeland Security conducted a site visit to El Paso, Texas to examine southern border violence issues. The Committee met with Federal, State, and local representatives and toured relevant facilities and infrastructure.

STATUS UPDATE ON IMPLEMENTATION OF THE TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROGRAM

On April 29, 2009, the Committee on Homeland Security held a Member briefing on Transportation Worker Identification Credential (TWIC) with representatives from the Transportation Security Administration and the U.S. Coast Guard.

OBAMA ADMINISTRATION’S 2010 BUDGET PROPOSAL FOR THE DEPARTMENT OF HOMELAND SECURITY

Following the presidential transition, on February 26, 2009, President Barack Obama submitted the Fiscal Year (FY) 2010 “Budget Blueprint” to the Congress. The President submitted the Budget Blueprint as a preliminary budget request to the Congress with the intent of submitting a complete budget proposal at a later date. In the Budget Blueprint, the President requested \$42.7 billion in net discretionary spending for the Department of Homeland Security (DHS) for FY 2010. Subsequently, pursuant to clause 4(f) of Rule X of the Rules of the House of Representatives, and section 301(d) of the Congressional Budget Act of 1974 (P.L. 93-344), on March 13, 2009, the Committee submitted to the House Committee on the Budget its Views and Estimates on matters within its jurisdiction and functions to be set forth in the budget for FY 2010. The Committee expressed in its Views and Estimates that it generally concurred with the President’s preliminary budget request.

On May 7, 2009, the President submitted the FY 2010 Budget Request to the Congress. In the Budget request, the President re-

requested \$55.11 billion in total budget authority for the DHS, a \$2.63 billion (5%) increase over the FY 2009 enacted budget.

On May 13, 2009, the Committee on Homeland Security held a hearing entitled "The President's FY2010 Budget Request for the Department of Homeland Security." The Committee received testimony from Hon. Janet Napolitano, Secretary, Department of Homeland Security.

The purpose of the hearing was to provide Members the opportunity to question the Secretary of Homeland Security, Janet Napolitano, about the DHS's budget priorities. At the hearing, Members and the Secretary discussed the President's funding priorities in support of the DHS's mission and efforts to deter, detect, prepare for, and respond to terrorism, natural disasters and other catastrophic incidents.

At the Chairman's direction, the Committee and its staff continued to work with the White House, DHS, and the Congress to pass the Department of Homeland Security Appropriations Act, 2010 (P.L. 111-83), which included various funding and legislative proposals suggested by the Committee. These proposals included: 1) additional funding to the Department to support the coordination and management of regulating high-risk chemical facilities and increase the size of the Chemical Facility Anti-Terrorism Standards (C-FATS) regulatory staff; 2) a one-year extension of DHS's existing authority to regulate chemical facilities under C-FATS; 3) additional funding for grant programs at the Department to enhance preparedness at the local level; and 4) directing the Department to report on its strategy to achieve meaningful and effective cargo and supply chain security, in furtherance of meeting the statutorily mandated target of 100 percent scanning of U.S.-bound cargo in foreign ports.

CONGRESSIONAL DELEGATION THOMPSON

From May 27 through June 1, 2009, the Chairman Thompson led a Congressional Delegation to the Argentine Republic, the Republic of Peru, the Federative Republic of Brazil, and the Republic of Panama to examine counterterrorism cooperation, emerging threats, and maritime security.

FEDERAL EMERGENCY MANAGEMENT AGENCY HOUSING

On September 2008, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to the Committee a report entitled, "FEMA's Sheltering and Transitional Housing Activities After Hurricane Katrina," which concluded that prior to Hurricane Katrina; Federal Emergency Management Agency (FEMA) did not have a disaster housing plan and was not fully prepared to provide sheltering or transitional housing to victims of a catastrophic disaster. Further, OIG found that the lack of a fully developed and exercised plan led to many management shortfalls and inefficiencies in responding to the housing needs of Gulf Coast hurricane victims. While FEMA responded to the OIG findings with the publication of the National Disaster Housing Strategy in January 2009, in a letter, dated April 30, 2009, to then Acting Administrator for FEMA, Nancy Ward, the Committee expressed concerns with FEMA's plans to implement the new strategy, particu-

larly as it related to the procurement of temporary housing units. Specifically, the Committee expressed concerns with FEMA's temporary housing units inventory, capacity for contract vehicles, unit storage availability, and alternative housing options.

On July 8, 2009, the Committee on Homeland Security held a hearing entitled "FEMA Housing: An Examination of Current Problems and Innovative Solutions." The Committee received testimony from Hon. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security; Hon. Richard L. Skinner, Inspector General, Department of Homeland Security; Gerald H. Jones, P.E., Member, National Institute of Building Sciences; Ms. Erica Rioux Gees, Representative, The American Institute of Architects; Mr. Reilly Morse, Senior Attorney, Mississippi Center for Justice; Capt. Don Kubley, President/CEO, InterShelter, Inc.; Mr. Braddon B. Rininger, President, Brajo, Inc.; and Mr. Walter J. Boasso, Chief Executive Officer, HELP, LLC.

The purpose of the hearing was to take testimony on the ability of FEMA to provide interim housing in a post-catastrophic incident environment. Members discussed with the DHS Inspector General its September 2008 report and address their concerns with the National Disaster Housing Strategy to the newly Senate confirmed FEMA Administrator. At the hearing, Chairman Thompson indicated that FEMA needed to develop a comprehensive housing plan that included housing following catastrophic events. Administrator Fugate acknowledged the absence of a strategy to address housing following catastrophic events and indicated his intention for FEMA to incorporate catastrophic incidents into the strategy.

At the Chairman's direction, the Committee and its staff continued to conduct oversight on the FEMA's revision of the National Disaster Housing Strategy and its continued responsibilities in disaster housing preparedness.

FEDERAL PROTECTIVE SERVICE

On July 22, 2009, the Committee on Homeland Security held a classified Member briefing on the Federal Protective Service's ability to protect Federal facilities. The Committee received a briefing from representatives from the Department of Homeland Security and the Government Accountability Office.

NATIONAL RESPONSE TO PANDEMIC INFLUENZA

In April 2009, the Centers for Disease Control and Prevention (CDC) reported two cases of respiratory illness in children caused by infection with a virus that appeared to be genetically similar to the swine influenza A (H1N1) virus. These two cases were the first confirmed instances of H1N1 flu within the United States. As authorized by the National Response Framework, the Secretary of Homeland Security Janet Napolitano assumed the role of Principal Federal Official, coordinating Federal response efforts to the outbreak. On June 11, 2009, in response to the global spread of this new strain of H1N1 influenza, the World Health Organization (WHO) declared the outbreak to be an influenza pandemic, the first since 1968. By late June 2009, U.S. health officials estimated that there had been more than one million infections in the U.S., although only about 28,000 cases had been reported and confirmed.

Earlier in the year, prior to the H1N1 outbreak, the Committee Majority Staff had released a report in January 2009, entitled “Getting Beyond Getting Ready for Pandemic Influenza”, examining the nation’s preparedness and readiness to respond to pandemic influenza. Based on oversight conducted by Committee Majority staff regarding the pandemic influenza preparedness activities of DHS and other members of the Executive Branch, the Committee identified weaknesses that needed strengthening in our National preparedness for pandemic influenza; and determined that specific actions should be taken to strengthen such efforts and help the Nation achieve readiness for pandemic influenza. In the report, the Committee made the following recommendations to improve national preparedness for pandemic influenza: establish effective management and coordination of Federal preparedness and response efforts; address and meet key medical requirements for health care delivery activate fast and dependable domestic capacity to produce needed pharmaceuticals; evaluate and update plans, including the National Strategy for Pandemic Influenza and its Implementation Plan; and improve early warning and detection.

On July 29, 2009, the Committee on Homeland Security held a hearing entitled “Beyond Readiness: An Examination of the Current Status and Future Outlook of the National Response to Pandemic Influenza.” The Committee received testimony from Hon. Jane Holl Lute, Deputy Secretary, Department of Homeland Security; Hon. William Corr, Deputy Secretary, Department of Health and Human Services; Ms. Bernice Steinhart, Director, Strategic Issues, Government Accountability Office; Ms. Colleen M. Kelley, National President, National Treasury Employees Union; Mark B. Horton, MD, MSPH, Director, California Department of Public Health; Mr. Richard G. Muth, Executive Director, Maryland Emergency Management Agency, State Emergency Operations Center; and Dr. Thomas A. Farley, New York City Health Commissioner.

At the hearing, the Committee received testimony about Federal, state and local efforts currently underway to prepare and respond to a potentially widespread occurrence of influenza within the United States. In reviewing the Nation’s pandemic planning and preparedness efforts, the Government Accountability Office (GAO) testified that while Federal agencies have provided considerable guidance and pandemic-related information to state and local government, further actions are needed to address the capacity to respond to and recover from an influenza pandemic. GAO also determined that leadership roles and responsibilities for an influenza pandemic need to be further clarified, tested and exercised.

At the Chairman’s direction, the Committee and its staff continued to conduct oversight on pandemic influenza and required planning and preparedness efforts. Currently, GAO is completing a report, which was requested in November 2008 by Chairman Thompson, for the Committee that assesses the monitoring and completion of action items in the Implementation Plan for National Strategy for Pandemic Influenza. Further, as the Committee’s oversight activities progressed while evaluating the Administration’s response to the H1N1 outbreak, the Committee requested in December 2009 that GAO continue to monitor the response to the current H1N1 pandemic, focusing particularly on the extent to which the

Administration was identifying, recording, and incorporating lessons learned from the 2009 pandemic into ongoing response efforts, as well as future planning and preparedness efforts.

STAFF VISIT TO THE COMMONWEALTH OF AUSTRALIA AND THE KINGDOM OF THAILAND

From August 27 through September 3, 2009, Committee staff conducted a Staff Delegation to the Commonwealth of Australia and the Kingdom of Thailand to examine counterterrorism, aviation security, and maritime security.

AFGHANISTAN

On September 16, 2009, the Members of the Committee on Homeland Security and the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on the Judiciary received a Classified Member Briefing on the situation in the Islamic Republic of Afghanistan. The briefing provided an update on the situation in Afghanistan to include a discussion of the assessment by General Stanley McChrystal and the Congressionally-mandated metrics of progress in Afghanistan required by section 1117 of Public Law 111-23.

TERRORIST THREAT STREAMS

On October 1, 2009, the Committee on Homeland Security held a Classified Member briefing on current intelligence and threat streams relevant to the homeland. The Members were briefed by representatives from the Department of Homeland Security, the Federal Bureau of Investigation, and the National Counterterrorism Center.

DIVERSITY AT THE DEPARTMENT OF HOMELAND SECURITY

During the 110th Congress, the Committee held a Full Committee hearing on diversity at the Department of Homeland Security, including at its component agencies. As a result of the Committee's oversight at the hearing held, DHS unveiled its Diversity Action Plan three weeks later. The Committee examined the Plan and expressed various concerns on the lack of authority at the newly created diversity council and on the failure of the plan to track the progress and performance of diversity programs. Therefore, the Chairman directed Committee staff to continue its oversight work on diversity at DHS during the 111th Congress.

Since the beginning of the 111th Congress, the Committee conducted vigorous oversight on DHS's continued implementation of its Diversity Action Plan and its effectiveness in fostering Equal Employment Opportunity (EEO) for DHS employees and hiring candidates. For example, on March 4, 2009, the Committee submitted a letter to the Secretary of Homeland Security, Janet Napolitano, requesting DHS to adhere to the statutory requirements in Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (P.L. 107-174) (No FEAR Act) and consistently post quarterly on their public websites certain summary statistical data relating to EEO complaints filed against DHS and

its component agencies. Subsequently, at the end of March 2009, DHS's Office of Civil Rights and Civil Liberties collected data from eight of its affected components and posted the required data. The Committee continued to ensure DHS posted EEO complaint data and expanded its oversight on EEO at DHS.

On October 14, 2009, the Committee on Homeland Security held a hearing entitled "Diversity at The Department of Homeland Security: Continuing Challenges and New Opportunities." The Committee received testimony from Hon. Jane Holl Lute, Deputy Secretary, Department of Homeland Security; Hon. Christine Griffin, Vice-Chair, Equal Employment Opportunity Commission; Ms. Yvonne Jones, Director, Strategic Issues Team, Government Accountability Office; Mr. Jayson Ahern, Acting Commissioner, U.S. Customs and Border Protection, Department of Homeland Security; Ms. Gale D. Rossides, Acting Assistant Secretary, Transportation Security Administration, Department of Homeland Security; Hon. W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security; and Mr. Mark Sullivan, Director, U.S. Secret Service, Department of Homeland Security.

The purpose of the hearing was to examine the lack of diversity in the Department and the efforts it has undertaken in diversifying its workforce since the Committee's 2008 hearing on workforce diversity at DHS. Members addressed with representatives from DHS and its component agencies these ineffective efforts and allowed the Government Accountability Office (GAO) to present its most recent report on this subject, entitled "DHS Has Opportunities to Better Identify and Address Barriers to EEO in Its Workforce", which had been previously requested by Chairman Thompson.

At the Chairman's direction, the Committee and its staff continued to conduct oversight on diversity at DHS. On October 30, 2009, the Committee submitted a letter to the DHS Diversity Program Manager at the Office of the Chief Human Capital Officer and offered various recommendations for improving workforce diversity at DHS, including strong commitment from leadership, development of strategic planning processes, diversity training to new and current employees, and the creation of a process of accountability and monitoring the success of diversity initiatives. Further, on June 10, 2010, the Committee submitted a letter to the Secretary of Homeland Security, Janet Napolitano, requesting DHS comply with President Barack Obama's direction to federal departments and agencies to improve federal government hiring practices. The Committee also requested DHS to submit to the Committee a written, strategic plan for implementing the new hiring standards, including how this plan would affect DHS's diversity efforts. Subsequently, on October 27, 2010, DHS transmitted to the Committee its "2010 DHS Hiring Reform Action Plan", which included the issuance of a new Department-wide Anti-Discrimination Policy Statement, establishment a Diversity Executive Steering Committee, creation of the Office of Diversity, Recruitment, and Veterans Outreach, and the development of a diversity performance standard for all DHS managers and supervisors.

SECURITY AND PREPAREDNESS FOR THE 2010 WINTER OLYMPICS

On October 15, 2009, the Committee on Homeland Security held a Member briefing on Federal and State coordination of security and preparedness matters related to the 2010 Winter Olympics. The Members were briefed by representatives from the Department of Homeland Security, the Department of State, the Federal Bureau of Investigation, and the State of Washington.

RESEARCH ON IDEOLOGICALLY BASED VIOLENCE AND RECRUITMENT

On October 21, 2009, the Committee on Homeland Security held a Member briefing on ideologically based violence and recruitment. The Members were briefed by representatives from the National Consortium for the Study of Terrorism and Responses to Terrorism (START), a Center of Excellence of the Department of Homeland Security at the University of Maryland.

FEDERAL PROTECTIVE SERVICE

Under the Homeland Security Act of 2002 (P.L. 107-296), the Federal Protective Service (FPS) was transferred from General Service Administration's (GSA's) Public Building Service (PBS), into the Department of Homeland Security (DHS). Since the transfer, the DHS Office of Inspector General has performed various assessments of FPS, including a 2007 report entitled, "Federal Protective Service Needs To Improve its Oversight of the Contract Guard Program," and found that FPS was not performing effective oversight of the contract guard program. FPS failed to adequately address OIG's 2007 findings, and in April 2009, OIG released another report entitled, "Federal Protective Service Contract Guard Procurement and Oversight Process" again concluding that FPS did not perform adequate contract oversight of its guards.

Despite OIG's recommendations, FPS contract guard oversight problems persisted. At the beginning of the 110th Congress, the Committee requested that the General Accountability Office (GAO) assess FPS's management and operations. In June 2008, GAO released its findings to the Committee in a report entitled, "The Federal Protective Service Faces Several Challenges That Hamper Its Ability to Protect Federal Facilities", and identified inadequate oversight of the contract guard program as a key challenge to FPS' ability to protect federal facilities. Based on GAO's recent findings, Chairman Thompson requested GAO to undertake a new evaluation and specifically review the FPS contract security guard program. GAO's report was set for release to the Committee in October 2009.

In an attempt to improve FPS's performance, DHS submitted a proposal to Congress in the President's FY2010 budget request recommending a transfer of FPS within DHS, from Immigration and Customs Enforcement (ICE) to the National Protection and Programs Directorate (NPPD). According to DHS, such a transfer would be appropriate as it reflects the synergy between NPPD's critical infrastructure protection mission and FPS' mission of providing security for federal facilities. Congress approved the transfer and on October 1, 2009, FPS officially began its transition into NPPD.

On November 18, 2009, the Committee on Homeland Security held a hearing entitled “Federal Protective Service: Will Continuing Challenges Weaken Transition and Impede Progress?” The Committee received testimony from Hon. Rand Beers, Under Secretary, National Protection Programs Directorate, Department of Homeland Security; Mr. Mark L. Goldstein, Director, Physical Infrastructure Issues, Government Accountability Office; Mr. David L. Wright, President, American Federation of Government Employees - Local 918; and Mr. Stephen D. Amitay, Federal Legislative Counsel, National Association of Security Companies.

The purpose of the hearing was to take testimony on the impending transfer of FPS to NPPD from ICE, and whether this move would promote or hamper FPS’ progress in addressing its shortcomings. Members also discussed GAO’s October 2009 report entitled, “Greater Attention to Key Practices Would Improve the Federal Protective Service’s Approach to Facility Protection,” which found that FPS failed to provide adequate security to provide safety and security for federal buildings and assets as well as the millions of people who work in or visit these facilities safe.

At the Chairman’s direction, the Committee continued to conduct oversight on FPS. On April 14, 2010, the Committee held a follow-up hearing titled, “Federal Protective Service: Would Federalization of Guards Improve Security at Critical Facilities?” Subsequently, on September 14, 2010, Chairman Thompson introduced to the House, H.R. 6122, the Federal Protective Service Improvement and Accountability Act of 2010. This legislation would direct FPS to increase its ranks while fostering greater accountability and management of contract guards and security service contracts.

Under the Homeland Security Act of 2002 (P.L. 107-296), the Federal Protective Service (FPS) was transferred from General Service Administration’s (GSA’s) Public Building Service (PBS), into the Department of Homeland Security (DHS). With the transfer, FPS brought with it to DHS some financial management issues stemming from an inability to cover operating costs through their fee-based security system. Since the transfer, the DHS Office of Inspector General had performed various assessments on FPS, including a 2007 report entitled, “Federal Protective Service Needs To Improve its Oversight of the Contract Guard Program,” and found that FPS was not performing effective oversight of the contract guard program. FPS failed to adequately address OIG’s 2007 findings, and in April 2009, OIG released another report entitled, “Federal Protective Service Contract Guard Procurement and Oversight Process” again concluded that FPS was not performing adequate contract oversight of its guards.

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tion and specifically review the FPS contract security guard program. GAO's report was set for release to the Committee in October 2009.

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On November 18, 2009, the Committee held a Full Committee hearing entitled "Federal Protective Service: Will Continuing Challenges Weaken Transition and Impede Progress?". At the hearing, the Committee took testimony on the impending transfer of FPS to NPPD from ICE, and whether this move would promote or hamper FPS' progress in addressing its shortcomings. Members also discussed GAO's October 2009 report entitled, "Greater Attention to Key Practices Would Improve the Federal Protective Service's Approach to Facility Protection", which found that FPS failed to provide adequate security.

On April 14, 2010, the Committee on Homeland Security held a hearing entitled "Federal Protective Service: Would Federalization of Guards Improve Security at Critical Facilities?" The Committee received testimony from Mr. Gary W. Schenkel, Director, Federal Protective Service, National Protection and Programs Directorate, Department of Homeland Security; Mr. Mark L. Goldstein, Director, Physical Infrastructure Issues, Government Accountability Office; Mr. Clark Kent Ervin, Director, Homeland Security Program, The Aspen Institute; Mr. David L. Wright, President, National FPS Union; and Mr. Stephen D. Amitay, Federal Legislative Counsel, National Association of Security Companies.

The purpose of the hearing was to explore whether the security of the 9,000 federal facilities and the safety of nearly 2 million people who work in or visit these buildings every day could be improved by converting positions currently held by private security guards employed by firms under contract with FPS. At the hearing, GAO released a report entitled "Federal Protective Service's Contract Guard Program Requires More Oversight and Reassessment of Use of Contract Guards," which was requested by Chairman Thompson. GAO testified that (1) FPS failed to properly evaluate and discipline contractors who employ security guards; (2) FPS performed inadequate oversight to ensure that security guards were trained, certified, and complying with post orders; and (3) private security guards continued to neglect or inadequately perform their assigned duties.

At the Chairman's direction, the Committee and its staff continued to conduct oversight on FPS. On September 14, 2010, Chairman Thompson introduced to the House H.R. 6122, the Federal Protective Service Improvement and Accountability Act of 2010. This legislation would direct FPS to increase its ranks while fos-

tering greater accountability and management of contract guards and security service contracts.

WHITE HOUSE STATE DINNER SECURITY BREACH

On November 24, 2009, President Barack Obama and First Lady Michelle Obama hosted their first State Dinner in honor of Prime Minister Manmohan Singh of India. According to White House officials, the President and First Lady were expected to receive a total of 338 guests at the State Dinner.

On Wednesday, November 25th, the day following the dinner, news outlets began reporting that two individuals, Mr. Tareq and Mrs. Michaela Salahi, attended portions of the State Dinner despite the fact they were not on the guest lists released by the White House. The media alleged that the couple may have “crashed” the State Dinner. In response to these media reports, Secret Service Director Mark Sullivan on November 25th directed his Office of Professional Responsibility (OPR) to investigate whether or not uninvited guests breached security protocols and attended the State Dinner.

On December 3, 2009, the Committee on Homeland Security held a hearing entitled “The United States Secret Service and Presidential Protection: An Examination of a System Failure.” The Committee received testimony from Mr. Mark Sullivan, Director, U.S. Secret Service, Department of Homeland Security.

The purpose of the hearing was to take testimony from Secret Service Director Sullivan about the preliminary findings of the OPR investigation into the White House State Dinner and examine security vulnerabilities reported including weaknesses in the Secret Service security plan to control access to the White House grounds and within the White House complex. The hearing also explored deviations from standard security protocols which may have contributed to security breakdowns. In addition to Director Sullivan, Mr. Tareq Salahi and Mrs. Michaela Salahi were invited to testify. However, Mr. and Mrs. Salahi failed to appear at the hearing to testify or cooperate with the Committee’s investigation.

The Committee met on December 9, 2009, and adopted Committee Resolutions 3 and 4.

Subsequently, the Full Committee authorized the issuance of a *subpoena ad testificandum* and a *subpoena duces tecum* to require Mr. Tareq Salahi and Mrs. Michaela Salahi to provide testimony and certain supplementary materials reflecting the circumstances surrounding the White House State Dinner of November 24, 2009 to the Committee on January 20, 2010. The subpoena was issued on December 10, 2009, and served on December 11, 2009.

On January 20, 2010, the Committee on Homeland Security met to continue the hearing entitled “The United States Secret Service and Presidential Protection: An Examination of a System Failure.” Mr. Tareq Salahi and Mrs. Michaela Salahi appeared but refused to respond to Committee questions. In refusing to respond to Committee questions, Mr. Tareq Salahi and Mrs. Michaela Salahi invoked constitutional privileges.

Information gathered by the Secret Service during their investigation into the security breach suggested that Mr. and Mrs. Salahi gained access to the White House grounds and complex

without inclusion on the White House access list or the invited guest list used by Secret Service uniformed officers to screen attendees.

CONGRESSIONAL DELEGATION THOMPSON

From December 18 through 22, 2009, the Chair led Members of the Committee on a Congressional Delegation to the Islamic Republic of Afghanistan, the Federal Republic of Germany, and the Republic of Turkey. The Members observed and evaluated the economic, political, and security progress in Afghanistan, and met with troops stationed in the region.

NEWARK AIRPORT SECURITY BREACH

On January 12, 2010, Committee Members and Staff conducted a site visit of the Newark Liberty International Airport, in Newark, New Jersey, to examine the January 3, 2010, aviation security breach.

FLIGHT 253 TERRORIST INCIDENT

On December 25, 2009, Umar Farouk Abdulmatallab boarded Northwest Flight 253 in Amsterdam and attempted to detonate an explosive device containing PETN (an explosive powder) over Detroit Michigan. When Mr. Abdulmatallab attempted to detonate the device, the ignited admixture did not explode but instead caused a fire that burned Mr. Abdulmatallab. Neither the other passengers nor the plane was harmed. Mr. Abdulmatallab was subsequently restrained until the plane landed in Detroit, where he was arrested by federal law enforcement authorities.

This single failed terrorist act brought several security vulnerabilities into sharp focus. In the ensuing weeks, and after many Member briefings and staff meetings with officials from the White House, Department of Homeland Security, Federal Bureau of Investigation, the National Counterterrorism Center, and others; the Committee identified various vulnerabilities that included weaknesses in the process of gaining permission to legally enter this country; gaps in the collection and dissemination of information contained in various lists used to identify dangerous or potentially dangerous individuals; problems in the analysis of information relied upon in compiling these lists; institutional inadequacies in information sharing; insufficient interactions between members of the intelligence community, and an inconsistent approach in the use of screening technology.

In addition to various briefings and meetings held, the Committee sent correspondence to the White House and the Transportation Security Administration (TSA) to express its support for the ongoing investigations and express its concerns regarding security vulnerabilities. On January 8, 2010, the Committee submitted a letter to President Barack Obama on the necessity of providing sufficient resources and energy to tackle long-standing and well-understood stovepipes in information sharing, enhance the watch list process, and strengthen all layers of our border security, including visa-issuance process. Following the Secretary of Homeland Security's, Janet Napolitano, announcement that the Department of

Homeland Security would fund the deployment of 450 Advanced Imaging Technologies (AIT) to various airports across the country, the Committee submitted a letter dated January 21, 2010 to then Acting TSA Administrator, Gale Rossides, expressing privacy concerns associated with the AIT machines and the need to establish safeguards to protect the privacy of the traveling public.

On January 13, 2010, the Committee on Homeland Security held a Classified Member-Only briefing on the Flight 253 incident.

From January 15 through 17, 2010, Committee Staff conducted a Staff Delegation to London, England and Amsterdam, Netherlands, to examine the attempted December 25, 2009, bombing of Northwest Airlines Flight 253.

On January 27, 2010, the Committee on Homeland Security held a hearing entitled "Flight 253: Learning Lessons from an Averted Tragedy." The Committee received testimony from Hon. Jane Holl Lute, Deputy Secretary, Department of Homeland Security; Hon. Patrick F. Kennedy, Under Secretary, Management, Department of State; and Hon. Michael E. Leiter, Director, National Counterterrorism Center.

The purpose of this hearing was to examine the circumstances surrounding the attempted terrorist bombing of Northwest Flight 253 that occurred on December 25, 2009. At the hearing, the witness from the General Accountability Office (GAO) testified that federal agencies responsible for screening activities missed several opportunities to use the terrorist watchlist to identify the subject of the December 25th attempted terrorist attack and possibly take action. The GAO witness indicated the need for TSA to conduct a complete risk assessment, including threat, vulnerability, and consequence assessment - for the passenger screening program and incorporate the results into its program strategy.

At the Chairman's direction, the Committee and its staff continued to conduct oversight on the aftermath of Flight 253 and actions taken by the administration to address newly exposed vulnerabilities. On February 24, 2010, the Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled "Visa Security and Passenger Pre-Screening Efforts in the Wake of Flight 253," and examined relevant protocols and procedures in place both before and in the aftermath of the Flight 253 incident on Christmas Day 2009, as well as explore potential further enhancements to visa security and passenger prescreening. On March 17, 2010, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled, "An Assessment of Checkpoint Security: Are Our Airports Keeping Passengers Safe" and examined TSA's standard operating procedures for passenger checkpoint security at airports. On August 25, 2010, Chairman Thompson and the Chairwoman of the Subcommittee on Transportation Security and Infrastructure Protection, Sheila Jackson Lee joined other Members of the Congress in requesting GAO to undertake a review of issues related to the terrorist watchlisting process. In addition, on August 21, 2010, Chairman Thompson and Chairwoman Jackson Lee joined other Members of the Congress in requesting GAO to assess certain issues related to TSA's checkpoint covert testing review and the testing of airport screeners.

FORT HOOD SHOOTING

On February 24, 2010, the Committee on Homeland Security held a classified Member-only briefing on the November 9, 2009, shooting at Fort Hood, Texas. The Members were briefed by representatives from the Federal Bureau of Investigation.

OBAMA ADMINISTRATION'S 2011 BUDGET PROPOSAL FOR THE
DEPARTMENT OF HOMELAND SECURITY

On February 1, 2010, President Barack Obama submitted the Fiscal Year (FY) 2011 budget request to the Congress. In the budget request, the President proposed \$56.34 billion in total budget authority for the Department of Homeland Security (DHS), a \$987.88 million (1.78%) increase over the FY 2010 enacted budget.

On February 25, 2010, the Committee on Homeland Security held a hearing entitled "The President's FY2011 Budget Request for the Department of Homeland Security." The Committee received testimony from Hon. Janet Napolitano, Secretary, Department of Homeland Security.

The purpose of the hearing was to provide Members the opportunity to question the Secretary of Homeland Security, Janet Napolitano, about the DHS's budget priorities. At the hearing, Members and the Secretary discussed the President's funding priorities in support of the DHS's mission and efforts to deter, detect, prepare for, and respond to terrorism, natural disasters and other catastrophic incidents.

Pursuant to clause 4(f) of Rule X of the Rules of the House of Representatives, and section 301(d) of the Congressional Budget Act of 1974 (P.L. 93-344), on March 5, 2010, the Committee submitted to the House Committee on the Budget its Views and Estimates on matters within its jurisdiction and functions to be set forth in the budget for FY 2011. The Committee expressed in its Views and Estimates that it generally agreed with the President's Budget overall request, yet identified areas of concern has identified the following areas of concern within the budget request: (1) United States Coast Guard; (2) Federal Emergency Management Agency (State and Local Programs); (3) Customs and Border Protection; (4) Transportation Security Administration; (5) National Cyber Security Division; (6) Science and Technology Directorate (University Programs); (7) Domestic Nuclear Detection Office; and (8) National Protection and Programs Directorate.

At the Chairman's direction, the Committee and its staff continued to work with the White House, DHS, and the Congress on finalizing legislation for the appropriations of DHS and authorizing language that addressed Committee concerns that included the following: 1) the proposed consolidation of various freestanding grant programs under the State Homeland Security Grant Program as well as a reduction of funding for important grant programs such as State and Local Programs and the FIRE Grants Program; 2) there was a continued rejection of the U.S.-bound cargo screening requirements, as required under the Implementing Recommendations of the 9/11 Commission Act; 3) deployment of airport checkpoint screening technologies, including advanced imaging technology (AIT) without a strategic plan for deployment of such tech-

nologies to ensure efficacy of this approach and adherence to privacy requirements that safeguard and protect passengers' rights; and 4) a one-year extension of DHS's existing authority to regulate chemical facilities under the Chemical Facility Anti-terrorism Standards law.

VISA SECURITY

On December 25, 2009, Umar Farouk Abdulmatallab boarded Northwest Flight 253 in Amsterdam and attempted to detonate an explosive device containing PETN (an explosive powder) over Detroit Michigan. When Mr. Abdulmatallab attempted to detonate the device, the ignited admixture did not explode but instead caused a fire that burned Mr. Abdulmatallab. Neither the other passengers nor the plane were harmed. Mr. Abdulmatallab was subsequently restrained until the plane landed in Detroit, where he was arrested by federal law enforcement authorities.

Subsequently, State Department officials acknowledged that Abdulmatallab's father came into the U.S. Embassy in Abuja, Nigeria, on November 19, 2009, to express his concerns about his son. Those officials at the Embassy in Abuja sent a "VISAS VIPER" cable to the National Counterterrorism Center on November 20, 2009. Abdulmutallab was entered in the Terrorist Identities Datamart Environment (TIDE) on November 23, 2009, but he was not nominated for the Terrorist Screening Database or the No-Fly or Selectee lists. Furthermore, his visa was not revoked. Therefore, on February 24, 2010, the Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled "Visa Security and Passenger Pre-Screening Efforts in the Wake of Flight 253," and examined relevant protocols and procedures in place both before and in the aftermath of the Flight 253 incident on Christmas Day 2009, as well as explore potential further enhancements to visa security.

On March 25, 2010, the Committee on Homeland Security held a hearing entitled "Visa Overstays: Can They be Eliminated?" The Committee received testimony from Hon. Rand Beers, Under Secretary, National Protection and Programs Directorate, Department of Homeland Security; Hon. John T. Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Hon. Richard L. Skinner, Inspector General, Department of Homeland Security; and Mr. Edward Alden, Senior Fellow, Council on Foreign Relations.

The purpose of the hearing was to examine the Department of Homeland Security's efforts to address the homeland security-related concerns posed by individuals who overstay their visas in the United States. Members questioned the administration and private witnesses about progress with implementing the U.S. VISIT entry-exit system for visitors to the United States and efforts to respond appropriately to individuals who are suspected to have remained in this country beyond their authorized period of stay.

At the Chairman's direction, the Committee and its staff continued to conduct oversight on the aftermath of Flight 253 and actions taken by the administration to address newly exposed vulnerabilities in visa security. On August 25, 2010, Chairman Thompson and the Subcommittee Chairwoman Jackson Lee led

other a request to GAO to undertake a review of issues related to the terrorist watchlisting process.

VIEWS ON CURRENT HOMELAND SECURITY THREATS FROM WEAPONS
OF MASS DESTRUCTION COMMISSIONERS

In 2007, under the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53), the Congress authorized the creation an independent, bipartisan Commission for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (the Commission) to implement a key 9/11 Commission recommendation - to address the grave threat that the proliferation of weapons of mass destruction poses to our country.

The Congressionally-chartered Commission, lead by Former Senator Bob Graham (Chair) and Former Senator Jim Talent (Vice-Chair), was charged with assessing current Federal activities, initiatives, and programs to prevent Weapons of Mass Destruction (WMD) proliferation and terrorism, and to provide a clear and comprehensive strategy and concrete recommendations to address the WMD threat. The Commission focused on the two WMD categories that have the greatest potential to kill the largest numbers - biological and nuclear.

Pursuant to its statutory duties, the Commission submitted a report to the President and Congress regarding its findings and recommendations in December 2008. Subsequently, in January 2010, the Commission released a Prevention of WMD Proliferation and Terrorism Report Card, assessing actions to-date taken by the U.S. to address the recommendations made in World at Risk.

On April 21, 2010, the Committee on Homeland Security held a hearing entitled "Viewpoints on Homeland Security: A Discussion with the WMD Commissioners." The Committee received testimony from Hon. Bob Graham, Former Commission Chairman, the Commission for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism; and Hon. Jim Talent, Former Commission Vice-Chairman of the Commission for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

The purpose of the hearing was to discuss Commission findings and recommendations for Administrative action as well as Congressional legislation and oversight, and take testimony on the Commissioners' views of the status of current efforts to counter the WMD threat and views of forthcoming CHS legislation to address the threat.

At the Chairman's direction, the Committee and its staff continued to work on implementing the recommendations of the WMD Commission. On June 10, 2010, Mr. Pascrell of New Jersey and Mr. King of New York introduced to the House H.R. 5498, WMD Prevention and Preparedness Act of 2010, with Chairman Thompson, and Ms. Yvette Clarke of New York, and Mr. Daniel E. Lungen of California as original co-sponsors. This legislation enhances homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes. On June 23, 2010, the Committee considered the measure and ordered it to be reported to the House.

VIEWS ON CURRENT HOMELAND SECURITY THREATS FROM 9/11
COMMISSIONERS

In 2002, under the Intelligence Authorization Act for Fiscal Year 2003 (P. L. 107-306) the Congress authorized the creation of an independent, bipartisan National Commission on Terrorist Attacks Upon the United States (hereinafter “9/11 Commission”) to examine the facts surrounding the terrorist attacks of September 11, 2001 and make recommendations concerning how the United States could better protect itself against future terrorist attacks. The 9/11 Commission held twelve public hearings between March 2003 and June 2004 and, consistent with its congressional mandate, released a report on July 22, 2004.

In the 9/11 Commission report, the Commissioners found that the attacks were the result of four failures “in imagination, policy, capabilities, and management.” The Commission presented 41 recommendations that, among other things, recommended that Congress should create a single, principal point of oversight and review for homeland security. Based on those recommendations, in 2007, the Congress passed the Implementing Recommendations of the 9/11 Commission Act (P.L. 110-53).

On May 19, 2010, the Committee on Homeland Security held a hearing entitled “Viewpoints on Homeland Security: A Discussion with the 9/11 Commissioners.” The Committee received testimony from Hon. Thomas Kean, Former Commission Chairman, The National Commission on Terrorist Attacks Upon the United States; and Hon. Lee Hamilton, Former Commission Vice-Chairman, The National Commission on Terrorist Attacks Upon the United States.

The purpose of the hearing was to discuss progress on the recommendations of the 9/11 Commission and to get their viewpoints on the state of homeland security and intelligence.

At the Chairman’s direction, the Committee and its staff continued to work extensively on conducting oversight of the implementation of the recommendations made by the 9/11 Commission.

PASSENGER SECURITY CHECKPOINTS

On April 28, 2010, the Committee on Homeland Security held a classified Member briefing on the processes and technologies at airport passenger security checkpoints with representatives from the Department of Homeland Security.

MAY 1, 2010 ATTEMPTED BOMBING IN NEW YORK CITY

On May 6, 2010, the Committee on Homeland Security received a joint classified Member briefing with Members of the House Leadership, the Committee on the Judiciary, the House Permanent Select Committee on Intelligence; the Committee on Appropriations Subcommittees on Commerce, Justice, Science; Homeland Security; Defense; and the Select Intelligence Oversight Panel, on the attempted May 1, 2010, bombing of Times Square in New York City.

On May 13, 2010, the Committee on Homeland Security held a Member briefing on TSA and CBP processes for vetting of passengers on the watchlist. The briefing examined the Times Square bombing attempt and the suspect’s effort to flee the U.S. on a commercial air carrier. Representatives from the Transportation Secu-

rity Administration, Customs and Border Protection, and the Terrorist Screening Center gave the briefing.

CYBERSECURITY

Like other national security challenges in the post 9/11 era, the cyber threat is multifaceted and lacks clearly delineated boundaries. Some cyber attackers operate through foreign nations' military or intelligence-gathering operations, whereas others have connections to terrorist groups or operate as individuals. Department of Homeland Security (DHS) is the home to the National Cyber Security Center, a clearinghouse to coordinate information from all agencies to help secure cyber networks and systems, foster collaboration and improve situational awareness. DHS established the National Cyber Security Division (NCSA) in June 2003 to serve as a national focal point for addressing cyber security issues and to coordinate implementation of the cyber security strategy within the United States. NCSA reports to the Assistant Secretary and is headed by the Office of the Director. It is comprised of four branches: United States Computer Emergency Readiness Team (US-CERT); Law Enforcement and Intelligence; Outreach and Awareness, and Strategic Initiatives.

US-CERT is the operational arm of NCSA and is charged with protecting the nation's Internet infrastructure by coordinating defense against, and response to, cyber attacks. In addition, US-CERT is responsible for analyzing and reducing cyber threats and vulnerabilities, disseminating cyber trend and analysis information and coordinating incident response activities. When cyber incidents occur, agencies should notify US-CERT. Currently, DHS strategy to secure the .gov domain consists of two parts, reduce the number of external connections to the internet, and then monitor the traffic into and out of the .gov domain for malicious activity.

On June 16, 2010, the Committee on Homeland Security held a hearing entitled "Cybersecurity: DHS' Role, Federal Efforts and National Policy." The Committee received testimony from Hon. Greg Schaffer, Assistant Secretary, Cybersecurity and Communications, Department of Homeland Security; Hon. Richard Skinner, Inspector General, Department of Homeland Security; Mr. Gregory Wilshusen, Director, Information Technology, Government Accountability Office; and Hon. Stewart A. Baker, Partner, Steptoe & Johnson, LLP.

The purpose of the hearing was to take testimony on DHS's efforts to secure cyberspace. Members also discussed with the DHS Inspector General's recent assessment of US-CERT titled "U.S. Computer Emergency Readiness Team Makes Progress in Securing Cyberspace, but Challenges Remain," which was publicly released at the hearing. The Inspector General made the following seven recommendations to the National Protection and Programs Directorate (NPPD) and US-CERT: must improve its management oversight by developing a strategic plan, establishing performance measures, and approving policies and procedures to ensure that its analysis and warning program is effective, ensure that it has sufficient staff to perform its mission, improve its information sharing and communications coordination efforts with the public, and improve its situational awareness and identification capability by

monitoring the federal cyber infrastructure for network anomalies in real-time.

At the Chairman's direction, the Committee and its staff continued to work extensively on ensuring NPPD and US-CERT implements the OIG's recommendations.

THE BIPARTISAN POLICY COMMITTEE'S ASSESSMENT OF EVOLVING NATURE OF TERRORISM

On September 15, 2010, the Committee on Homeland Security held a hearing entitled "The Evolving Nature of Terrorism - Nine Years after the 9/11 Attacks." The Committee received testimony from Mr. Peter Bergen, Counterterrorism Strategy Initiative Co-Director, New America Foundation; Dr. Bruce Hoffman, Professor, Edmund A. Walsh School of Foreign Service, Georgetown University; and Stephen Flynn, PhD., President, Center for National Policy. Mr. Bergen, Dr. Hoffman and Dr. Flynn were co-authors of a report issued on September 10, 2010, by the Bipartisan Policy Center's National Security Preparedness Group entitled "Assessing the Terrorist Threat."

The purpose of this hearing was to take testimony from the co-authors of the Bipartisan Policy Center's National Security Preparedness Group report. Members had the opportunity to ask the authors about their findings on the evolving terrorist threat since the September 11, 2001 attacks and what policy recommendations they propose for U.S. government officials to counter the evolving threat.

At the Chairman's direction, the Committee and its staff continued to work extensively on continuing to follow the evolving terrorist threat.

DEEPWATER HORIZON OIL SPILL

On April 20, 2010, an explosion and fire occurred on the Deepwater Horizon oil rig, located approximately 72 miles southeast of Venice, Louisiana in the Gulf of Mexico. Four days after the explosion, through the use of remotely operated underwater vehicles it was determined that oil was leaking from the rig. As the primary responders in U.S. coastal waters, the U.S. Coast Guard's (Coast Guard) response to the BP oil spill began immediately after the explosion as an emergency search-and-rescue mission. On April 21, pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Rear Admiral Mary Landry was named the Federal On-Scene Coordinator and a Regional Response Team was stood up. This team included the Coast Guard, Environmental Protection Agency (EPA), and the Departments of Homeland Security (DHS), Commerce (DOC), and Interior (DOI), as well as state and local representatives. On April 29, Secretary of Homeland Security Janet Napolitano designated the oil spill as a Spill of National Significance (SONS).

At the Chairman's direction, the Committee and its staff began to work extensively on conducting oversight on federal government's response efforts to the oil spill. On June 21, 2010, the Committee on Homeland Security conducted a site visit to the New Orleans, Louisiana area to examine the homeland security and response issues associated with the Deepwater Horizon oil spill. After

the site visit, on June 28, 2010, Chairman Bennie Thompson requested the General Accountability Office to review the security requirements for offshore oil rigs. In addition, on July 12, 2010, the Subcommittee on Management, Investigations, and Oversight conducted a field hearing in New Orleans, LA entitled: "The Deepwater Horizon Oil Spill Chain of Command: An Examination of Information Sharing Practices During a Spill of National Significance." During the hearing, Members had the opportunity to examine the command structure, including roles and responsibilities, for the response to the Deepwater Horizon Oil Spill.

On July 15, the leak was stopped by capping the gushing well after it released about 4.9 million barrels of crude oil. It has been estimated that 53,000 barrels per day escaped from the well just before it was capped. Experts have stated that the daily flow rate diminished over time, starting at about 62,000 barrels per day and decreasing as the undersea reservoir of oil was gradually depleted.

On September 19, 2010, almost exactly five months after the initial explosion, BP announced that the well had been effectively killed, ending the flow of oil into the Gulf of Mexico.

On September 22, 2010, the Committee on Homeland Security held a hearing entitled "DHS Planning and Response: Preliminary Lessons from Deepwater Horizon." The Committee received testimony from Mr. Kevin Costner, Ocean Therapy Solutions; Hon. Craig Paul Taffaro, Jr., President, St. Bernard Parish, Louisiana; Mr. Richard "Rich" M. Chávez, Acting Director, Operations Coordination and Planning, Department of Homeland Security; RADM Peter V. Neffenger, (USCG), Deputy National Incident Commander, Deepwater Horizon Oil Spill Response; Hon. Richard L. Skinner, Inspector General, Department of Homeland Security; and Mr. William O. Jenkins, Jr., Director, Homeland Security and Justice Issues, Government Accountability Office.

The purpose of the hearing was to take testimony from administration officials about lessons learned from the planning and response to the Oil Spill. Members also examined the role of DHS in incident management of the Oil Spill and whether it was prepared to work under the National Response Framework in coordinating all agencies involved in a federal response effort.

Currently, the Committee is awaiting a review from the DHS Office of the Inspector General describing the relationship between BP and the Mineral Management Service (MMS). Also, the Committee awaits a review of the national contingency plan and BP's relationship with the government, and after action memorandum from administration officials involved in response efforts to the Oil Spill.

TSA ENHANCED SCREENING AT AIRPORTS

On September 22, 2010, the Committee on Homeland Security held a Member briefing with representatives from the Transportation Security Administration on the Transportation Security Administration's enhanced physical screening procedures at airport security checkpoints.

INTEGRATED PUBLIC ALERT AND WARNING SYSTEM

On September 23, 2010, the Members of the Committee on Homeland Security participated in a demonstration and briefing with representatives from the Federal Emergency Management Agency on the Integrated Public Alert and Warning System (IPAWS).

AIR CARGO SECURITY

On November 16, 2010, the Members of the Committee on Homeland Security received a classified briefing on air cargo security and the recent incident relating to cargo from the Republic of Yemen. Members were briefed by representatives from the Federal Bureau of Investigation, the National Counterterrorism Center, DHS Office of Intelligence and Analysis, Transportation Security Administration, and Customs and Border Protection.

STAFFDEL MARITIME SECURITY

From December 5 through 13, 2010, Committee Staff conducted a Staff Delegation to Kingdom of Morocco, the Republic of Turkey, and the United Arab Emirates. Committee Staff examined counterterrorism, maritime, and port security issues.

THREAT UPDATE

On December 2, 2010, the Members of the Committee on Homeland Security received a classified Member-Only briefing on the greatest homeland security threats to the Nation.

On December 17, 2010, the Members of the Committee on Homeland Security as well as the House Permanent Select Committee on Intelligence, the House Armed Services Committee, the Committee on Foreign Affairs, the Committee on Transportation and Infrastructure, and select Subcommittees of the Committee on Appropriations received a classified Member-Only briefing on current threats. The Members were briefed by representatives from the Department of Homeland Security including, the Office of Intelligence and Analysis, the Transportation Security Administration, and Customs and Border Enforcement.

 FULL COMMITTEE HEARINGS HELD

- "DHS: The Path Forward."* February 25, 2009. (Serial No. 111-1)
- "Examining 287(g): The Role of State and Local Law Enforcement in Immigration Law."* March 4, 2009. (Serial No. 111-3)
- "Homeland Security Policymaking: HSC at a Crossroads and Presidential Study Directive 1."* April 2, 2009. (Serial No. 111-16)
- "The President's FY2010 Budget Request for the Department of Homeland Security."* May 13, 2009. (Serial No. 111-19)
- H.R. 2868, the "Chemical Facility Anti-Terrorism Act of 2009."* June 16, 2009. (Serial No. 111-25)
- "FEMA Housing: An Examination of Current Problems and Innovative Solutions."* July 8, 2009. (Serial No. 111-27)

- "Beyond Readiness: An Examination of the Current Status and Future Outlook of the National Response to Pandemic Influenza."* July 29, 2009. (Serial No. 111-32)
- "Diversity at The Department of Homeland Security: Continuing Challenges and New Opportunities."* October 14, 2009. (Serial No. 111-39)
- "Federal Protective Service: Will Continuing Challenges Weaken Transition and Impede Progress?"* November 18, 2009. (Serial No. 111-43)
- "The United States Secret Service and Presidential Protection: An Examination of a System Failure."* December 3, 2009, January 20, 2010. (Serial No. 111-46)
- "Flight 253: Learning Lessons from an Averted Tragedy."* January 27, 2010. (Serial No. 111-51)
- "The President's FY 2011 Budget Request for the Department of Homeland Security."* February 25, 2010. (Serial No. 111-53)
- "Visa Overstays: Can They be Eliminated?"* March 25, 2010. (Serial No. 111-60)
- "Federal Protective Service: Would Federalization of Guards Improve Security at Critical Facilities?"* April 14, 2010. (Serial No. 111-61)
- "Viewpoints on Homeland Security: A Discussion with the WMD Commissioners."* April 21, 2010. (Serial No. 111-63)
- "Viewpoints on Homeland Security: A Discussion with the 9/11 Commissioners."* May 19, 2010. (Serial No. 111-63)
- "Cybersecurity: DHS' Role, Federal Efforts and National Policy."* June 16, 2010. (Serial No. 111-71)
- "The Evolving Nature of Terrorism - Nine Years after the 9/11 Attacks."* September 15, 2010. (Serial No. 111-79)
- "DHS Planning and Response: Preliminary Lessons from Deepwater Horizon."* September 22, 2010. (Serial No. 111-80)

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

JANE HARMAN, California, *Chair*

CHRISTOPHER P. CARNEY,
Pennsylvania
YVETTE D. CLARKE, New York
LAURA RICHARDSON, California
ANN KIRKPATRICK, Arizona
AL GREEN, Texas
JAMES A. HIMES, Connecticut
BENNIE G. THOMPSON, Mississippi
(*Ex Officio*)

MICHAEL T. MCCAUL, Texas
CHARELS W. DENT, Pennsylvania
PAUL C. BROUN, Georgia
TOM GRAVES, Georgia
PETER T. KING, New York
(*Ex Officio*)

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held 11 days of hearings and received testimony from 41 witnesses.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

STRATEGIC PLANNING FOR COUNTERTERRORISM ACTIVITIES

On February 26, 2009, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a Classified Member briefing on strategic operational planning for U.S. Government counterterrorism activities.

CYBER THREATS TO FEDERAL NETWORKS

On March 5, 2009, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a joint Classified Member briefing on cybersecurity threats to United States Federal networks.

HOMELAND SECURITY INTELLIGENCE

On March 18, 2009, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "Homeland Security Intelligence: Its Relevance and Limitations." The Subcommittee received testimony from Commander Joan McNamara, Los Angeles Police Department, Los Angeles, State of California; Sheriff Douglas C. Gillespie, Las Vegas Metropolitan Police Department, Las Vegas, State of Nevada; Mr. Gary Edwards, Chief Executive Officer, National Native American Law Enforcement Association; Chief John W. Gaissert, Commerce Police Department, Commerce, State of Georgia; Ms. Caroline

Fredrickson, Director, Washington Legislative Office, American Civil Liberties Union; Mr. Gregory T. Nojeim, Director, Project on Freedom, Security & Technology, Center for Democracy & Technology; and Ms. Kate Martin, Director Center for National Security Studies.

Since the 9/11 terrorist attacks, the Congress has focused attention not only on how intelligence is collected, analyzed, and disseminated in order to protect the nation against terrorism but also on the questions of what “homeland security intelligence” is, who produces it, and who its customers are. During the 111th Congress, the Subcommittee conducted various oversight activities, including holding a hearing, examining the Department of Homeland Security’s (DHS) intelligence enterprise and associated issues.

The purpose of the hearing was to take testimony regarding homeland security intelligence, including its relevance, collectors, and customers. The hearing informed the Subcommittee’s oversight activities regarding the DHS’s Office of Intelligence and Analysis (I&A), and its intelligence and information collection activities.

At the Chairman’s direction, the Committee continued to conduct oversight on homeland security intelligence, including intelligence gathering and information sharing. Subsequently, on June 24, 2009, the Subcommittee held a budget hearing for I&A. Further, on September 24, 2009 the Subcommittee held another I&A related hearing entitled “I&A Reconceived: Defining a Homeland Security Intelligence Role,” which focused on homeland security information sharing between I&A and state and local agencies. The topic was again revisited during the May 12, 2010 hearing “A DHS Intelligence Enterprise: Still Just a Vision or Reality?” At that hearing the competing priorities of horizontal homeland security information sharing at the Federal level versus the vertical information sharing to the state and local levels through fusion centers were examined.

FUTURE OF FUSION CENTERS

On April 1, 2009, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled “The Future of Fusion Centers: Potential Promise and Dangers.” The Subcommittee received testimony from Sheriff Leroy Baca, Los Angeles County Sheriff’s Department; Mr. Russell M. Porter, Director, State of Iowa Intelligence Fusion Center; Mr. Robert Riegle, Director, State and Local Program Office, Office of Intelligence & Analysis, Department of Homeland Security; Mr. John E. Bateman, Assistant Commander, Bureau of Information Analysis, Texas Department of Public Safety; Mr. Bruce Fein, Principal, The Litchfield Group; Mr. Ned Norris, Jr., Chairman, Tohono O’odham Nation; and Mr. David Gersten, Acting Deputy Officer for Programs and Compliance, Department of Homeland Security.

One of the primary oversight priorities for the Subcommittee during the 111th Congress was information sharing across intelligence agencies within the federal government and between federal, state, and local homeland security entities. The national fusion center network plays a central role in the vertical sharing of information between the federal government and state and local agencies. Prior to this hearing, in January of 2009, Chairman

Thompson requested the Government Accountability Office (GAO) to conduct a review of the support provided by the Department of Homeland Security's (DHS's) Office of Intelligence and Analysis (I&A) to the national fusion center network.

The purpose of this hearing was to examine two recent updates on the continued evolution of the national fusion center network: (1) a DHS Office of Inspector General (OIG) report entitled "DHS' Role in State and Local Fusion Centers Is Evolving", which had been requested by Chairman Thompson and released on December 2008, about the development of fusion centers; and (2) new fusion center operational baselines generated by DHS, Department of Justice, and the Global Justice Initiative. The Subcommittee took testimony focused on the promise of fusion centers in terms of more and better information sharing; the challenges the centers are facing; the extent to which provisions of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) pertaining to fusion centers have been implemented; and how they can be further improved. Testimony also highlighted the potential pitfalls that fusion centers could face, and how to address those challenges. The hearing highlighted several of the Subcommittee's oversight priorities, including information sharing, intelligence gathering, and the DHS I&A.

At the Chairman's direction, the Committee continued to monitor the development of the national fusion center network's progress, with an emphasis on the support provided to it by I&A and DHS. In addition to other oversight activities, on August 12-13, 2010, the Subcommittee led a staff delegation to South Carolina to examine the South Carolina Intelligence and Information Center, focusing on Federal Bureau of Investigation and DHS I&A support to the Center as well as its effectiveness in gathering intelligence information and responding to threats.

FISCAL YEAR 2010 BUDGET REQUEST

On June 24, 2009, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "FY2010 Budget for the Office of Intelligence and Analysis of the Department of Homeland Security." The Subcommittee received testimony from Mr. Bart R. Johnson, Acting Under Secretary, Office of Intelligence and Analysis, Department of Homeland Security.

On May 7, 2009 the President submitted to the Congress the Fiscal Year (FY) 2010 Budget Request. In the budget request, the President requested funds for the Department of Homeland Security's (DHS's) Office of Intelligence and Analysis (I&A), which includes funding requests for both I&A and the Office of Operations Coordination and Planning (OPS). By including I&A's budget request with OPS, I&A is able to conceal its classified funding and personnel figures. While these two offices operate independently, they share DHS's mission of protecting the homeland. After the release of the President's FY 2010 budget request, the Subcommittee expressed funding support for the Interagency Threat Assessment Coordination Group and state and local fusion centers, and expressed budgetary concerns about DHS's over-reliance on contractors to perform intelligence related activities. Further, on May 6,

2009, Chairman Thompson and Subcommittee Chair Harman requested a review of the National Application Office for privacy and civil liberties violations. A day before the hearing, on June 23, 2009, the Secretary of Homeland Security announced the termination of the National Applications Office program.

The purpose of this hearing was to assess DHS I&A's budget priorities, as expressed in the President's FY 2010 Budget Request. This hearing was divided into two portions, the first of which occurred in public session to address DHS's top-line budget request for I&A and to take unclassified testimony from Mr. Johnson. At the conclusion of the open session, the hearing entered into Executive Session and took classified testimony from Mr. Johnson pertaining to sensitive I&A priorities, operations, and resource requests in the FY 2010 budget.

At the Chairman's direction, Committee and its staff continued to examine I&A's over-reliance on contractors, and continually monitored the I&A's progress in reducing contractor support. Under Secretary Wagner noted during the Subcommittee's May 12, 2010 hearing "A DHS Intelligence Enterprise: Still Just a Vision or Reality?" that the percentage of contractors in the I&A workforce had been reduced to 55%, a moderate reduction.

NATIONAL GEOSPATIAL INTELLIGENCE AGENCY SATELLITE IMAGERY

On July 21, 2009, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a Member briefing on the authorities, procedures, and processes for requesting National Geospatial-Intelligence Agency (NGA) satellite imagery, as used by DHS components under the existing legal framework.

INFORMATION SHARING ENVIRONMENT IMPLEMENTATION

On July 30, 2009, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled "Beyond ISE Implementation: Exploring the Way Forward for Information Sharing." The Subcommittee received testimony from Ambassador Thomas E. McNamara, Program Manager, Information Sharing Environment, Office of the Director of National Intelligence; Colonel Joseph R. Fuentes, Superintendent, New Jersey State Police; and Mr. Jeffrey H. Smith, Steering Committee, Markle Foundation.

The Information Sharing Environment (ISE) is a program Congress mandates under the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA, P.L. 108-458). The Act requires the President to take action to facilitate "the sharing of terrorism and homeland security information, which may include any method determined necessary and appropriate." The President fulfilled this Congressional requirement by appointing a Program Manager (PM-ISE) responsible for creating and managing the ISE and by establishing the Information Sharing Council (ISC). In addition, IRTPA requires the PM-ISE to submit an annual performance report to the Congress beginning no later than two years after its enactment. Under these requirements, the PM-ISE subsequently released to the Congress its Implementation Plan (dated November 2006), and three Annual Reports released on September 2007, June 2008, and June 2009.

The purpose of the hearing was to explore the current status of ISE's initiative for information sharing and its and the future outlook, examine the ISE's Annual Reports to the Congress, and broader recommendations for improving information sharing horizontally with Federal agencies and vertically with State and local entities.

At the Chairman's direction, Committee and its staff continued to conduct oversight on ISE and its information sharing related activities.

Additionally, based on oversight findings about the challenges to information systems, Chairwoman Harman sponsored the "Reducing Over-Classification Act" which was enacted into law on October 7, 2010 (P.L. 111-258; H.R. 553).

INTELLIGENCE AND ANALYSIS

On September 24, 2009, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled "I&A Reconceived: Defining a Homeland Security Intelligence Role." The Subcommittee received testimony from Mr. Bart R. Johnson, Acting Under Secretary, Office of Intelligence and Analysis, Department of Homeland Security.

Throughout the 111th Congress, the Subcommittee has conducted vigorous oversight on the Department of Homeland Security's (DHS's) Office of Intelligence and Analysis (I&A), helping it grow and refine its mission. For example, in January 2009, Chairman Bennie Thompson requested the General Accountability Office (GAO) to conduct a review of the support activities provided by I&A to state and local governments, with an emphasis on an examination of the national fusion center network. In September 2010, GAO released its findings to the Committee in a report, entitled "Information Sharing: DHS Could Better Define How it Plans to Meet Its State and Local Mission and Improve Performance Accountability." Building on previous 111th Subcommittee hearings on I&A, the purpose of this hearing was to take testimony regarding efforts to improve intelligence and information sharing processes at the DHS. At the hearing, Members expressed concern with a lack of strategic focus from I&A. It was also noted that although DHS released a DHS Intelligence Enterprise Strategic Vision in 2006, it did not include a strategic plan for I&A. Acting Under Secretary Bart Johnson, also announced at the hearing, that I&A was undergoing a strategic realignment to better align its organization to serve its mission.

At the Chairman's direction, Committee and its staff continued to conduct oversight on I&A and monitor its progress under a strategic realignment. Further, the Subcommittee held a follow-up hearing on May 12, 2010 with the newly Senate confirmed Under Secretary Caryn Wagner and received further insight into I&A's organizational realignment.

INTERAGENCY THREAT ASSESSMENT COORDINATION GROUP

On October 28, 2009, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a Member briefing with representatives from the Interagency Threat Assessment Coordination Group (ITACG).

SUSPICIOUS ACTIVITY REPORTING

On November 3, 2009, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a Member-only briefing on Suspicious Activity Reporting (SAR) program.

THREAT OF AL-QAEDA

On November 19, 2009, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled “Reassessing the Evolving al-Qaeda Threat to the Homeland.” The Subcommittee received testimony from Mr. Peter Bergen, Senior Research Fellow, American Strategy Program, and Co-Director, Counterterrorism Strategy Initiative, New America Foundation; Dr. Martha Crenshaw, Senior Fellow, Center for International Security and Cooperation, Stanford University; Dr. Paul R. Pillar, Professor and Director of Graduate Studies, Security Studies Program, Georgetown University; and Lt. Gen. David W. Barno (Ret. US Army), Director, Near East South Asia Center for Strategic Studies, National Defense University Department of Defense.

The Subcommittee has held regular intelligence and threat briefings throughout the 111th Congress in order to provide Members with a full threat picture of homeland security activities and operations. These briefings have also assisted the Subcommittee conduct oversight on the agencies engaging in relevant intelligence gathering, threat reporting, and counterterrorism, including an October 1, 2009 briefing on the Najibullah Zazi terror plot. At the briefing, representatives from the intelligence community briefed Members of a plot involving Zazi and his intention to detonate explosives on the New York City subway during rush hour as one of three coordinated suicide “martyrdom” bombings. Subsequently, the Subcommittee held a hearing to further investigate the continuous threat al-Qaeda and other terrorists pose to the United States.

The purpose of the hearing was to take testimony regarding the current threat al-Qaeda posed to the homeland in light of recent United States counterterrorism activities and war-fighting policy. The hearing informed the Subcommittee’s oversight activities regarding DHS’s intelligence and information collection activities.

At the Chairman’s direction, Committee and its staff continued to monitor the evolving terrorist threat to the United States. The Subcommittee continued to hold monthly classified briefings, and also held topical classified briefings, including a February 24, 2010 briefing on the Fort Hood shooting, and a July 15, 2010 briefing on the al-Qaeda *Inspire Magazine*.

VIOLENT EXTREMISM

On December 15, 2009, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled “Violent Extremism: How Are People Moved from Constitutionally-Protected Thought to Acts of Terrorism?” The Subcommittee received testimony from Dr. James Zogby, President, Arab American Institute; Mr. Michael W. MacLeod-Ball, Acting Director, American Civil Liberties Union; Dr. Stevan Weine, Pro-

fessor of Psychiatry, University of Illinois at Chicago; and Dr. R. Kim Craigin, Senior Policy Analyst, RAND Corporation.

By the end of 2009 it became apparent that the amount of “homegrown” terrorist plots - those either planned and carried out on US soil, or carried out by US citizens - was on the rise. The foiled terror plot by Najibullah Zazi and the Fort Hood massacre carried out by Nidal Hasan underscored the need for the Congress and the federal government to obtain a better understanding of the ideologies, social circumstances, and environments that can lead to homegrown violent extremism, as well as reassess current government counterterrorism efforts to reflect the increased threat to the homeland, while also ensuring that citizens’ privacy and civil liberties are protected. The Committee and the Subcommittee has continued to push for a substantive debate on these issues, including holding progressive hearings to create forums for discussion.

The purpose of the hearing was to take testimony regarding possible risk factors and pre-incident indicators of terrorist activity. The hearing informed the Subcommittee’s oversight activities regarding Department of Homeland Security’s (DHS’s) intelligence and information collection activities, and privacy and civil liberties protection.

At the Chairman’s direction, Committee and its staff continued to contribute to the debate about homegrown violent extremism, and continued to conduct oversight of intelligence gathering, information sharing and counterterrorism efforts in the United States. For example, the Subcommittee held a hearing on March 17, 2010 on government efforts to engage in community outreach in communities at risk for radicalization and violent extremism, a crucial step in combating terrorism. Further, on May 26, 2010, the Subcommittee held a hearing to examine the role of the internet in radicalization, recruitment, and plotting by terrorist organizations. This was followed by a July 21, 2010 briefing from DHS and the National Counterterrorism Center’s Global Engagement Group on further community outreach efforts in the effort to combat homegrown violent extremism.

UNITED STATES CENTRAL COMMAND

From January 7-8, 2010, the Subcommittee Chair led a Member site visit to the United States Central Command (USCENTCOM) in Tampa, Florida. The Members also examined the current operations at the Joint Task Force Guantanamo, Naval Station Guantanamo Bay. Members assessed the involvement of Department of Homeland Security equities at that location.

WORKING WITH COMMUNITIES

On March 17, 2010, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled “Working with Communities to Disrupt Terror Plots.” The Subcommittee received testimony from Ms. Margo Schlanger, Officer for Civil Rights and Civil Liberties, Department of Homeland Security; Supervisory Special Agent Brett Hovington, Chief of the Community Outreach Unit, Federal Bureau of Investigation; Sheriff Leroy Baca, Los Angeles County Sheriff’s Department; Mr. Omar Alomari, Community Engagement Officer, Ohio Department

of Public Safety; Mr. Mohamed Elibiary, President & CEO, The Freedom and Justice Foundation; Professor Deborah A. Ramirez, Executive Director, Partnering for Prevention and Community Safety, Northeastern University School of Law; and Mr. Clark Kent Ervin, Director, The Aspen Institute.

In light of a number of acts of homegrown violent extremism in the United States, many of which were foiled with the cooperation of community groups and leaders, many government agencies began to reassess their community outreach programs. In conjunction, the Subcommittee increased its oversight efforts on community outreach programs at the federal government, specifically at the Department of Homeland Security. Programs that the Subcommittee evaluated included DHS's Engagement Team (E-Team) at the Office of Civil Rights and Civil Liberties, the Federal Bureau of Investigation's field offices, and the National Counterterrorism Center's (NCTC's) Global Engagement Group. At the conclusion of its evaluation, the Subcommittee discovered that these programs performed poorly and it was a result of the administration not having an overall, comprehensive strategy for combating homegrown violent extremism. As a result, government efforts at the federal, state, and local levels had been poorly coordinated.

The purpose of the hearing was to take testimonies from federal and local government officials, community engagement advocates, and academic experts on efforts to work with at-risk communities in countering violent extremism. Based on these testimonies, the Subcommittee was able to extract a consensus on what are the best practices for working with at-risk communities in order to determine the best strategy at the federal level for doing so.

At the Chairman's direction, Committee and its staff continued to examine the federal, state, and local efforts to engage with communities at risk for homegrown violent extremism, including the Muslim community. The subcommittee held a May 26th, 2010 hearing to examine the role of the internet in recruiting, which also touched upon the need to engage with communities to raise the awareness of this growing issue. Further, on July 21st, 2010, the subcommittee held a briefing with officials from NCTC and the DHS to examine the NCTC's Global Engagement Group, including the programs it uses to conduct outreach to communities and raise awareness of homegrown violent extremism.

DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE ENTERPRISE

On May 12, 2010, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled "A DHS Intelligence Enterprise: Still Just a Vision or Reality?" the Subcommittee received testimony from Hon. Caryn A. Wagner, Under Secretary, Office of Intelligence and Analysis, Department of Homeland Security; and Mr. Bart Johnson, Principal Deputy Under Secretary, Office of Intelligence and Analysis, Department of Homeland Security.

One particular oversight priority for the Subcommittee was the Office of Intelligence and Analysis's (I&A's) role in the Department of Homeland Security (DHS) Intelligence Enterprise. The DHS Intelligence Enterprise is designed to horizontally coordinate all intelligence and information sharing efforts Department-wide in

order to safeguard the country from terrorism and other security threats. The DHS Intelligence Enterprise is comprised of I&A, two headquarters offices, and the intelligence functions of Immigration and Customs Enforcement, U.S. Customs and Border Protection, U.S. Citizenship and Immigration Services, U.S. Coast Guard, the Transportation and Security Administration, and the U.S. Secret Service. The Director of I&A, who serves as the Under Secretary for Intelligence and Analysis, also serves as the Chief Intelligence Officer for DHS, as well as the as head of the DHS Intelligence Enterprise. A key oversight focus for the subcommittee was assessing the progress of the DHS Intelligence Enterprise, to ensure that all component agencies and headquarters elements at DHS are sharing information and coordinating operations to safeguard the country.

The purpose of the hearing was to take testimony regarding efforts to improve and solidify the DHS Intelligence Enterprise, as well as strategic planning for I&A.

At the Chairman's direction, Committee and its staff continued to stress the importance of the state and local information sharing mission, in addition to I&A's mission to coordinate intelligence at the Federal level. Further, the Subcommittee continued to conduct oversight of I&A, including holding a hearing on September 29, 2010 to receive testimony on I&A's efforts to coordinate information sharing among DHS Headquarters elements.

INTERNET TERROR RECRUITMENT

On May 26, 2010, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled "Internet Terror Recruitment and Tradecraft: How Can We Address an Evolving Tool While Protecting Free Speech?" The Subcommittee received testimony from Dr. Bruce Hoffman, Professor, Edmund A. Walsh School of Foreign Service, Georgetown University; Mr. Brian Jenkins, Senior Adviser, The RAND Corporation; Mr. Anthony Romero, Executive Director, American Civil Liberties Union; Mr. John Morris, General Counsel, Center for Democracy and Technology; Mr. John Philip Mudd, Senior Research Fellow, Counterterrorism Strategy Initiative, New America Foundation.

As the number of incidents involving homegrown violent extremism spiked in 2009 and early 2010, new dimensions to the evolving terrorist threat became apparent. A major evolution in terrorist activity was their usage of the internet for radicalization, recruitment, and operational purposes. The Subcommittee had examined this problem in the past, namely during the December 15, 2009 hearing entitled "Violent Extremism: How are People Moved from Constitutionally Protected Thought to Acts of Terrorism." While the December 2009 hearing examined the usage of the internet by terrorists, it did not examine the issue in depth; therefore, the Subcommittee decided to hold another hearing to further examine the internet recruitment issue.

The purpose of the hearing was to take testimony regarding the role of the internet in radicalization, recruitment, and terrorist operations, as well as the extent to which law enforcement efforts to counter this use of the internet are balanced with civil liberties guaranteed by the First and Fourth Amendments to the United

States Constitution. The hearing reflected and extended several of the Subcommittee's oversight priorities, including information sharing, intelligence gathering, and ensuring that these priorities are consistent with privacy and civil liberties protection.

At the Chairman's direction, Committee and its staff continued to conduct oversight on the issue of internet radicalization.

CURRENT THREAT STREAMS

On May 27, 2010, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a classified Member-only briefing on current threat streams. Members were briefed by the Director of the National Counter Terrorism Center.

AL-QAEDA IN THE ARABIAN PENINSULA'S INSPIRE MAGAZINE

On July 15, 2010, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a classified Member-only briefing on the release of Al-Qaeda in the Arabian Peninsula's (AQAP) *Inspire* magazine as well as background information and current threats posed by al-Shabaab an al-Qaeda affiliate.

COMMUNITY AWARENESS BRIEFING

On July 21, 2010, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a Member briefing on the National Counterterrorism Center's efforts to counter terrorist recruitment in the United States through the use of a Community Awareness Briefing developed by the Global Engagement Group.

OFFICE OF INTELLIGENCE AND ANALYSIS IN BORDER COMMUNITIES

On September 29, 2010, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled "Is the Office of Intelligence and Analysis Adequately Connected to the Border Homeland Communities?" The Subcommittee received testimony from Hon. Caryn A. Wagner, Under Secretary, Office of Intelligence and Analysis, Department of Homeland Security.

Throughout the 111th Congress, the subcommittee conducted vigorous oversight on the Department of Homeland Security's (DHS's) Office of Intelligence and Analysis (I&A), including holding various hearings evaluating its operations and performance and examining its evolving relationship with state and local government entities. For example, the Subcommittee held a hearing on May 12, 2010, examining the DHS Intelligence Enterprise and I&A's strategic realignment, which primarily focused on the Chief Intelligence Officer's role in coordinating the Homeland Security Intelligence Enterprise. Since that hearing, the Subcommittee continued to conduct its oversight activities on I&A, and subsequently, called for an update to be presented at this hearing.

The purpose of the hearing was to take testimony examining I&A and Under Secretary Wagner's interaction with the DHS headquarters elements, and focused on the need for improvements in certain areas.

At the Chairman's direction, Committee and its staff continued to conduct oversight on I&A, DHS's intelligence and information

collection activities, information sharing, threat communications and advisories, and the National Operations Center.

THREATS TO THE DEPARTMENT OF HOMELAND SECURITY

On December 2, 2010, the Members of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a classified Member-only counter-intelligence briefing from the Department of Homeland Security.

SUBCOMMITTEE HEARINGS HELD

- "Homeland Security Intelligence: Its Relevance and Limitations."* March 18, 2009. (Serial No. 111-9)
- "The Future of Fusion Centers: Potential Promise and Dangers."* April 1, 2009. (Serial No. 111-14)
- "FY2010 Budget for the Office of Intelligence and Analysis of the Department of Homeland Security."* June 24, 2009. (Serial No. 111-26)
- "Beyond ISE Implementation: Exploring the Way Forward for Information Sharing."* July 30, 2009. (Serial No. 111-33)
- "I&A Reconceived: Defining a Homeland Security Intelligence Role."* September 24, 2009. (Serial No. 111-36)
- "Reassessing the Evolving al-Qa'ida Threat to the Homeland."* November 19, 2009. (Serial No. 111-45)
- "Violent Extremism: How Are People Moved from Constitutionally-Protected Thought to Acts of Terrorism?"* December 15, 2009. (Serial No. 111-48)
- "Working with Communities to Disrupt Terror Plots."* March 17, 2010. (Serial No. 111-57)
- "A DHS Intelligence Enterprise: Still Just a Vision or Reality?"* May 12, 2010. (Serial No. 111-66)
- "Internet Terror Recruitment and Tradecraft: How Can We Address an Evolving Tool While Protecting Free Speech?"* May 26, 2010. (Serial No. 111-67)
- "Is the Office of Intelligence and Analysis Adequately Connected to the Broader Homeland Communities?"* September 29, 2010. (Serial No. 111-83)

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION

SHEILA JACKSON LEE, Texas, *Chairwoman*

PETER A. DEFAZIO, Oregon
ELEANOR HOLMES NORTON, District
of Columbia
ANN KIRKPATRICK, Arizona
EMANUEL CLEAVER, Missouri
JAMES A. HIMES, Connecticut
DINA TITUS, Nevada
VACANCY
VACANCY
BENNIE G. THOMPSON, Mississippi
(*Ex Officio*)

CHARLES W. DENT, Pennsylvania
DANIEL E. LUNGREN, California
PETE OLSON, Texas
CANDICE S. MILLER, Michigan
STEVE AUSTRIA, Ohio
PETER T. KING, New York
(*Ex Officio*)

The Subcommittee on Transportation Security and Infrastructure Protection held 11 days of hearings, receiving testimony from 55 witnesses, and considered one measure.

LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION ACT

H.R. 2200 (H.R. 2503)

To authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes.

Legislative History

H.R. 2200 was introduced in the House on April 30, 2009, by Ms. Jackson Lee of Texas, Mr. Dent, and Mr. Thompson of Mississippi, and referred to the Committee on Homeland Security. Within the Committee, H.R. 2200 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

On May 6, 2009, the Subcommittee on Transportation Security and Infrastructure Protection considered H.R. 2200 and ordered the measure forwarded, amended, to the Full Committee with the recommendation that it be adopted by voice vote.

On May 14, 2009, the Committee on Homeland Security considered H.R. 2200 and ordered the measure reported to the House, amended, by voice vote.

On May 15, 2009, the Chair of the Committee on Science and Technology sent a letter to the Chair of the Committee on Homeland Security indicating jurisdictional interests in H.R. 2200. The letter further indicated that, in order to expedite consideration of the measure by the full House, the Committee on Science and Technology would not seek a sequential referral of the bill. On that

same day, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Science and Technology acknowledging the jurisdictional interest of the Committee on Science and Technology and the agreement for the Committee to not seek a sequential referral of H.R. 2200.

On May 19, 2009, the Chair of the Committee on Small Business sent a letter to the Chair of the Committee on Homeland Security asserting jurisdictional claims over section 103 of the bill and requesting that section 103 be struck in the Manager's amendment. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Small Business acknowledging the jurisdictional interest of the Committee on Small Business and agreeing to offer a Manager's amendment with section 103 struck from the bill.

The Committee on Homeland Security reported H.R. 2200 to the House on May 19, 2009, as H. Rpt. 111-123.

The Committee on Rules met on May 21, 2009, and reported a Rule providing for the consideration of H.R. 2200. Rule filed in the House as H. Res. 474.

The House considered H.R. 2200 under the provisions of H. Res. 474 on June 4, 2009, and passed the bill, amended, by a recorded vote of 397 yeas and 25 nays (Roll Vote No. 307). During consideration, a motion to recommit with instructions regarding detainees housed at the Naval Air Station Base, Guantanamo Bay, Cuba, (H.R. 2503) was made in the House by Mr. King of New York. The motion to recommit was adopted by voice vote.

On June 8, 2009, H.R. 2200 was received in the Senate, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

THE MARCH 2009 MUMBAI ATTACKS

On March 11, 2009, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "The Mumbai Attacks: A Wake-Up Call for America's Private Sector." The Subcommittee received testimony from Mr. James Snyder, Deputy Assistant Secretary, Infrastructure Protection, Department of Homeland Security; Mr. Raymond W. Kelly, Commissioner, New York Police Department; Mr. James W. McJunkin, Deputy Assistant Director, Counterterrorism Division, Federal Bureau of Investigation; Ms. C. Christine Fair, Senior Political Scientist, RAND Corporation; Mr. Brad Bonnell, Director, Global Security, Inter-Continental Hotels Group; and Mr. William G. Raisch, Executive Director, International Center for Enterprise Preparedness, New York University.

On November 26, 2008, terrorists attacked, with automatic weapons and explosives, a number of high-profile targets in Mumbai, India, killing more than 160 people, including six Americans. Among the sites attacked in Mumbai were two luxury hotels, the main railway terminal, a Jewish cultural center, a café frequented by foreigners, a cinema house, and two hospitals.

The purpose of this March 2009 oversight hearing was to examine the events surrounding the Mumbai attacks to assess the efficacy of international information sharing and evaluate vulnerabilities in critical infrastructure protection. In accordance with the Committee's oversight plan to examine the Department of Homeland Security's (DHS) national coordination responsibilities and its sector-specific critical infrastructure protection responsibilities, this hearing provided insight into domestic measures that can be implemented to secure critical assets in the United States.

DHS testified about its efforts to utilize the 18 critical infrastructure sectors, comprised of government and industry stakeholders, to identify potential standards necessary for the creation of a Voluntary Private Sector Preparedness Accreditation and Certification Program under Title IX of the Implementing Recommendations of the 9/11 Commission Act (P.L.110-53). The hearing also revealed ongoing issues with DHS outreach to private sector stakeholders, such as DHS's failure to offer consistent, uniform communications to stakeholders that contain timely, actionable data. Members emphasized the need for DHS to heighten its engagement with private sector stakeholders and improve communication and information sharing regarding threats to critical infrastructure.

CYBER THREATS TO THE ELECTRIC GRID

On March 17, 2009, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Transportation Security and Infrastructure Protection held a joint Member Classified briefing on cyber threats to the electric grid.

AIR CARGO SCREENING

On March 18, 2009, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "100% Air Cargo Screening: Can We Secure America's Skies?" The Subcommittee received testimony from Mr. Ed Kelly, General Manager, Air Cargo, Transportation Security Administration, Department of Homeland Security; Mr. Stephen Lord, Director, Homeland Security & Justice Issues, Government Accountability Office; Mr. André L. Johnson, Chief Executive Officer, Freightscan; Mr. Jack Boisen, Chair, The International Air Cargo Association; Mr. Brandon Fried, Executive Director, Airforwarders Association; and Mr. James May, President and Chief Executive Officer, Air Transport Association.

The purpose of this oversight hearing was to assess TSA's compliance with the March 3, 2009 deadline set forth in Section 1602 of the Implementing Recommendations of the 9/11 Commission Act (P.L. 110-53), requiring screening of at least 50 percent of cargo transported on passenger aircraft. The hearing also specifically examined TSA's progress in applying cargo screening requirements to inbound flights to the United States originating at foreign locations. This hearing was part of the Committee's continuing oversight activities addressing the risk of terrorist attacks to aviation through the air cargo supply chain and the Department's programs aimed at securing this critical component of the aviation sector.

Section 1602 of the Implementing Recommendations of the 9/11 Commission Act (P.L. 110-53) required the Department of Home-

land Security establish a system for screening 100 percent of cargo transported on commercial passenger aircraft for explosives by August 3, 2010. The statute also included a 50 percent screening benchmark milestone for cargo screening on passenger planes to be implemented by March 3, 2009. The vulnerabilities of the cargo hold area of a commercial service passenger aircraft were exposed in the 1988 Pan Am Flight 103 explosion over Lockerbie, Scotland. While this was a suitcase bomb located in the checked baggage section of the aircraft, it highlighted the overall vulnerabilities of the belly area of the passenger aircraft.

TSA established the Certified Cargo Screening Program (CCSP) as the primary mechanism for satisfying the statutory requirement contained in P.L. 110-53. Under this Program, certified private sector entities, such as indirect air carriers and freight forwarders, may conduct cargo screening and provide secure transport of cargo to the aircraft following screening. Air carriers are also authorized to conduct cargo screening. At small airports, TSA personnel conduct cargo screening for over-the-counter type shipments. While TSA initially interpreted Section 1602 to apply solely to cargo on commercial aircraft flying domestic routes within the United States, the agency later conceded in late 2008 that the statutory 100 percent screening mandate also applied to inbound aircraft originating at foreign locations. To address this, Committee reiterated Congressional intent that TSA establish a system to verify that all cargo transported on passenger aircraft inbound to the United States is screened for explosives in Section 201 of H.R. 2200, the Transportation Security Administration Authorization Act, which was reported favorably by the Committee and passed overwhelmingly by the House of Representatives in June 2009.

At the hearing, the Government Accountability Office (GAO) testified to its preliminary findings based upon its ongoing review of TSA's progress in meeting the statutory mandate for screening cargo on passenger aircraft. This review was originally requested by the Committee. TSA testified, stating that it would not complete establishment of a system to screen 100 percent of cargo on passenger aircraft inbound to the United States by the statutory deadline. To meet the mandate, TSA indicated that it will pursue bilateral and multilateral harmonization efforts to establish security screening standards at foreign airports that have direct flights to the United States.

On November 16, 2009, the Committee submitted comments to TSA regarding the Interim Final Rule for TSA's CCSP cargo screening program. In the comments, the Committee recommended that TSA take the following actions to improve the program: (1) devote more resources for oversight and verification of private sector screening; (2) conduct an analysis of costs to the private sector for CCSP implementation; (3) identify and address barriers to the development of cargo screening technologies; and (4) increase outreach to industry to expand the number of certified private sector screening facilities.

FISCAL YEAR 2010 BUDGET REQUEST

On June 10, 2009, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "The FY 2010

Budget for the National Protection and Programs Directorate and the Transportation Security Administration.” The Subcommittee received testimony from Mr. Philip R. Reiting, Deputy Undersecretary, National Protection and Programs Directorate, Department of Homeland Security; and Ms. Gale D. Rossides, Acting Administrator, Transportation Security Administration, Department of Homeland Security.

The Subcommittee evaluated the President’s FY2010 budget request for the National Protection and Programs Directorate (NPPD) and the Transportation Security Administration (TSA). NPPD works to reduce risks to the Nation through its component offices, which include the Office of Infrastructure Protection; the Office of Cyber Security and Communications; the United States Visitor and Immigrant Status Indicator Technology program; the Office of Risk Management and Analysis; and the Federal Protective Service (transferred from Immigration and Customs Enforcement (ICE) to NPPD in 2010). TSA is responsible for securing all modes of transportation, including pipelines. With approximately 52,000 personnel and \$7.7 billion in budget authority, TSA has substantial regulatory authority and a nationwide presence at a majority of the Nation’s commercial service airports.

The purpose of this oversight hearing was to evaluate the Administration’s priorities and programs for NPPD and TSA as contained in the FY 2010 budget request. At the hearing, the Committee reviewed of the Department’s national coordination responsibilities, sector-specific critical infrastructure protection responsibilities, and transportation security strategy for aviation and other modes.

While the Subcommittee agreed with the President’s funding request for NPPD and the requested increase in NPPD’s budget for cybersecurity, the Subcommittee raised concerns regarding whether TSA would receive adequate funding for air cargo security oversight and surface transportation programs.

The Committee submitted comments regarding TSA’s cargo security Interim Final Rule, which focused on budget and resource allocation issues impacting TSA’s ability to verify private sector cargo screening performed by participants certified in the Certified Cargo Screening Program. Specifically, the Committee raised concerns about whether TSA has an adequate number of inspectors to conduct scheduled and unscheduled site inspections of certified air cargo screening facilities. In addition, the comments raised concerns about TSA’s oversight of private sector training programs for employees conducting cargo screening.

To address concerns related to the budget framework for TSA’s surface transportation programs, the Subcommittee sent a July 9, 2010 letter to the TSA Administrator about reported understaffing of the Surface Transportation Security Inspection Program. The Subcommittee further explored this issue in a July 2010 oversight hearing entitled “Lost in the Shuffle: Examining TSA’s Management of Surface Transportation Security Inspectors.”

GENERAL AVIATION

On July 15, 2009, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “General

Aviation Security: Assessing Risks and the Road Ahead.” The Subcommittee received testimony from Mr. Carlton I. Mann, Assistant Inspector General for Inspections, Office of the Inspector General, Department of Homeland Security; Mr. John Sammon, Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration, Department of Homeland Security; Dr. Charles Gallaway, Acting Director, Domestic Nuclear Detection Office, Department of Homeland Security; Ms. Martha King, Pilot; Mr. Robert Olislagers, Executive Director, Centennial Airport; Mr. Jeremy Rogalski, Investigative Reporter, KHOU-TV; Mr. Mark Van Tine, President and CEO, Jeppessen, Inc.

The Transportation Security Administration (TSA) established several targeted security measures to improve general aviation security, including developing screening protocols for large charter aircraft and security awareness training for flight school operators, and establishing the General Aviation Hotline for incident reporting. In October 2008, TSA released a Notice of Proposed Rulemaking (NPRM) entitled *Large Aircraft Security Program, Other Aircraft Security Program, and Airport Operator Security Program*. This rulemaking proposed several new security measures for general aviation aircraft owners, flight crews and airport operators: (1) requiring background and criminal history checks for flight crews; (2) vetting of passengers against the No-Fly list; and (3) establishing of a prohibited items list for general aviation aircraft. Stakeholders expressed concerns regarding the viability of the proposed rule in the general aviation setting. Upon reviewing the NPRM and the issues raised by stakeholders, on March 2, 2009, the Committee submitted comments recommending that TSA engage more extensively with stakeholders before proceeding to a final rulemaking.

The purpose of this oversight hearing was to further examine TSA’s programs for general aviation security and the proposed rulemaking for general aviation security. The hearing also assessed TSA’s overall progress in implementing Section 1617 of the Implementing Recommendations of the 9/11 Commission Act (P.L. 110-53), which directed the development of a threat and vulnerability assessment program for general aviation. The Inspector General for the Department of Homeland Security testified about its report entitled, *Transportation Security Administration’s Role in General Aviation Security* (OIG-09-69), a review performed at the request of Subcommittee Chairwoman Sheila Jackson Lee following media reports of security vulnerabilities at Houston area general aviation airports. According to TSA, it expects to complete the overdue general aviation threat and vulnerability assessment program required in Section 1617 of P.L. 110-53 by the end of 2010.

Following the hearing, due to ongoing concerns with the OIG’s conclusion that most general aviation aircraft are too light to inflict significant damage, the Committee requested that GAO conduct a review of the risk associated with general aviation aircraft. The request also sought a review of DHS and TSA actions and programs aimed at mitigating general aviation terror risk. In an August 25, 2010 letter, the Committee requested that the newly confirmed TSA Administrator review its comments on the general aviation security NPRM.

REGISTERED TRAVELER PROGRAM

On September 30, 2009, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “The Future of the Registered Traveler Program.” The Subcommittee received testimony from Mr. John Sammon, Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration, Department of Homeland Security; Mr. Carter Morris, Senior Vice President on Transportation Policy, American Association of Airport Executives; Ms. Alison Townley, Principal, Henry Incorporated; Mr. Fred Fischer, Principal & Managing Partner, FLO Corporation; and Mr. Michael W. McCormick, Executive Director, National Business Travel Association.

The Aviation and Transportation Security Act (P.L. 107-71) authorized TSA to establish requirements to implement trusted passenger programs and to use available technologies to expedite the security screening of passengers who participate in such programs. Accordingly, TSA and private sector stakeholders established the Registered Traveler program. The program was intended to be part of a layered system intended to strengthen aviation security through risk-based security screening. Participants, or “known” travelers, would undergo security background vetting and provide biometric identification information in exchange for accelerated checkpoint screening. Conceptually, this program would allow Transportation Security Officers to focus limited screening resources on “unknown” passengers. Section 233 of H.R. 2200, the Transportation Security Administration Authorization Act, directed TSA to examine the efficacy of the Registered Traveler program for security purposes and report back to Congress with its findings.

To date, the security benefits envisioned for the program have not been realized. Contributing factors include ineffective industry outreach, a lack of clarity from TSA about its expectations, and management problems at the participating private sector firms. In June 2009, the largest Registered Traveler service provider, Verified Identity Pass, Inc., operating as Clear, ceased its operations due to an inability to secure financing. Because Clear operated in most of the airports participating in the Registered Traveler program, this ultimately forced the other service providers to temporarily cease operations as well due to interoperability issues.

On September 30, 2009, the Subcommittee on Transportation Security and Infrastructure Protection held an oversight hearing on the Registered Traveler program and TSA’s efforts to implement a trusted passenger program as described in P.L. 107-71. At the hearing, Subcommittee Members emphasized the Congressional intent of trusted passenger programs as described in P.L. 107-71. TSA testified that it was “open” to exploring additional technological configurations that may afford a security benefit to the program

THREATS TO THE TRANSPORTATION SECTOR

On November 4, 2009, the Subcommittee on Transportation Security and Infrastructure Protection held a classified Member-Only briefing on threats to the transportation sector. Representatives

from the Transportation Security Administration were present to brief Members.

FOREIGN REPAIR STATIONS

On November 18, 2009, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “Is the Flying Public Protected? An Assessment of Security at Foreign Repair Stations.” The Subcommittee received testimony from Hon. Calvin L. Scovel, III, Inspector General, Department of Transportation; Mr. Doug Dalbey, Deputy Director, Flight Standards for Field Operations, Federal Aviation Administration, Department of Transportation; Ms. Cindy Farkus, Assistant Administrator for Office of Global Strategies, Transportation Security Administration, Department of Homeland Security; Mr. Robert Roach, Jr., General Vice President, International Association of Machinists & Aerospace Workers; Mr. Robert Gless, Assistant Director, Air Transport Division, Transport Workers Union of America; Mr. Chris Moore, Chairman, Teamsters Aircraft Mechanics Coalition, International Brotherhood of Teamsters; Mr. Basil Barimo, Vice President of Operations and Safety, Air Transport Association; and Mr. Christian A. Klein, Executive Vice President, Aeronautical Repair Station Association.

U.S. air carriers are increasingly outsourcing their aircraft maintenance operations. According to the Federal Aviation Administration (FAA), there are approximately 4,187 domestic repair stations and about 709 FAA-certified foreign repair stations. FAA certification requires repair stations to meet a series of safety requirements that will ensure U.S. airworthiness of an aircraft. Section 611 of the Vision 100-Century of Aviation Reauthorization Act of 2003 (P.L. 108-176) directed TSA conduct a security review and audit of FAA-certified aviation repair stations and notify FAA of deficiencies identified during these audits. FAA is required to suspend the certification of foreign repair stations that do not cure identified deficiencies within 90 days, and revoke the certification of stations found to have any deficiency poses an immediate security risk. Further, the Act required TSA to issue rulemaking regarding foreign and domestic aviation repair station security.

Due to TSA’s failure to issue a repair station security rulemaking, the Implementing Recommendations of the 9/11 Commission Act (P.L. 110-53) prohibited FAA from certifying any new repair stations until TSA had issued rulemaking. H.R. 2200, the Transportation Security Administration Authorization, also directed TSA to issue its overdue rulemaking for aviation repair stations.

The purpose of this oversight hearing was to examine TSA’s proposed rulemaking for aviation repair station security and to explore the mechanism for TSA to notify FAA of deficiencies identified during TSA’s foreign repair station audits. The hearing prompted TSA’s release of the Notice of Proposed Rulemaking authorized in P.L. 108-176 just days before the scheduled hearing.

On March 5, 2010, the Committee submitted comments on the NPRM raising several critical concerns: lack of stakeholder input in the drafting of the NPRM; lack of a staffing study to determine inspector resources required to implement effective security over-

sight of repair stations; the absence a requirement for criminal history background checks on employees with unescorted access at repair stations; and the failure to address how TSA would leverage existing air carrier security programs to improve repair station security. The comments also raised concerns about TSA's ability to control Sensitive Security Information distributed to foreign repair station operators. In addition to these comments, in an August 25, 2010 letter from the Committee to John S. Pistole, the newly—confirmed TSA Administrator, the Committee requested that Administrator Pistole review the comments it submitted on the repair station security NPRM.

TRANSPORTATION SECURITY ADMINISTRATION BREACH

On December 16, 2009, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “Has the TSA Breach Jeopardized National Security? An Examination of What Happened and Why.” The Subcommittee received testimony from Ms. Gale D. Rossides, Acting Administrator, Transportation Security Administration, Department of Homeland Security.

In December 2009, the Transportation Security Administration (TSA) discovered an inadvertent disclosure of Sensitive Security Information (SSI) dealing with passenger screening operations at airports. TSA publicly announced that the Screening Management Standard Operating Procedures manual was improperly posted to the agency to the Federal Business Opportunities (FBO) Web site without properly protecting redacted material. The document had been posted on the FBO.gov web site since May 3, 2009. TSA officials stated they were not aware of the breach until December 6, 2009. The document was originally posted on the FBO.gov web site in order for airports and companies interested in obtaining a federal contract under the Screening Partnership Program to gather TSA management operation requirements for screening programs at airports. Although TSA removed the document from the FBO.gov after identifying the breach, several outside entities had already posted it on their websites without any redactions.

On December 8, 2009, the Committee sent a letter to TSA requesting a third-party investigation of the incident. Department of Homeland Security Secretary Napolitano announced on December 9, 2009 that the Department's Inspector General had begun an investigation.

The Subcommittee on held a hearing to examine the risk associated with the improper posting of this SSI related to passenger screening protocols. On February 16, 2010, DHS OIG released a report with its findings regarding the investigation. OIG recommended that DHS review and revise its policies, procedures and training materials for employees handling sensitive and secure information. To date, the Department continues to evaluate its policies and procedures for handling sensitive information and has taken some steps in addressing the OIG's recommendations.

CHECKPOINT SECURITY

On March 17, 2010, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “An Assessment of Checkpoint Security: Are Our Airports Keeping Pas-

sengers Safe?” The Subcommittee received testimony from Mr. Robin Kane, Assistant Administrator, Security Technology, Transportation Security Administration; Mr. Bradley Buswell, Deputy Under Secretary, Science and Technology Directorate, Department of Homeland Security; Dr. Susan Hallowell, Director, Transportation Security Laboratory, Department of Homeland Security; Mr. Stephen Lord, Director, Homeland Security and justice team, Government Accountability Office; Mr. Kenneth J. Dunlap, Director of Security, International Air Transport Association; Mr. Charles Barclay, President, American Association of Airport Executives; Col. Eric R. Potts (Ret.), Interim Aviation Director, Houston Airport System; Mr. Marc Rotenberg, Executive Director, Electronic Privacy Information Center; Mr. Brook Miller, Vice President, Government Affairs, Smiths Detection; Mr. Mitchel J. Laskey, President and CEO, Brijot Imaging Systems, Inc.

In response to the attempted bombing of Northwest Airlines Flight 253 on December 25, 2009, in which a passenger smuggled explosives onto the aircraft in his underwear, the President directed that the Transportation Security Administration (TSA) pursue enhanced screening technologies at airport passenger screening checkpoints. TSA had already been piloting Advanced Imaging Technology (AIT) body scanning machines at passenger checkpoints at several airports; however, in the wake of the Flight 253 incident, the Administration commenced an expedited deployment. Accordingly, the President’s fiscal year 2010 budget request included a statement indicating the Administration’s intent to deploy 1,000 AIT machines by the end of fiscal year 2011. Prior to the incident, during consideration of H.R. 2200, the Transportation Security Administration Authorization Act, the House adopted an amendment prohibiting TSA from using AIT for primary passenger screening.

On January 21, 2010, the Committee wrote TSA seeking clarification regarding AIT’s ability to store and transmit data. TSA responded that the mechanism to store or transmit images is disabled following AIT laboratory testing.

The purpose of the Subcommittee hearing was to discuss testing, development, procurement, and risk-based deployment of checkpoint security technologies in light of the layered security approach to aviation security that TSA has long promoted. The hearing also evaluated security procedures of international air carriers and at foreign airports. The Subcommittee was particularly concerned with testimony from the Government Accountability Office (GAO) stating that TSA had not conducted a cost-benefit analysis to support the AIT deployment. The Committee subsequently obtained TSA’s deployment plan for AIT after making several requests for the information.

In a November 19, 2010 letter to TSA, the Committee scrutinized TSA’s decision to deploy AIT and enhanced pat down protocols without first having published privacy and civil liberties impact assessments.

CHEMICAL FACILITY ANTI-TERRORISM STANDARDS

On May 27, 2010, the Subcommittee on Transportation Security and Infrastructure Protection held a Member briefing on the Department of Homeland Security’s Chemical Facility Anti-Terrorism

Standards (CFATS) program. Representatives from the Department of Homeland Security were present to respond to Member questions.

100% AIR CARGO SCREENING MANDATE

On June 30, 2010, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “100% Air Cargo Screening: Remaining Steps to Secure Passenger Aircraft.” The Subcommittee received testimony from Mr. John Sammon, Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration, Department of Homeland Security; Mr. Stephen Lord, Director, Homeland Security & Justice Issues, Government Accountability Office; Mr. John Meenan, Executive Vice President and Chief Operating Officer, Air Transport Association; Mr. Harald Zielinski, Head of Security and Environmental Management, Lufthansa Airlines Cargo; Mr. Mike Middleton, Executive Vice President, Secure Global Logistics; and Mr. Fernando Soler, Owner, S.O.S. Global Express.

Section 1602 of the Implementing Recommendations of the 9/11 Commission Act (P.L. 110-53) required the Department of Homeland Security to establish a system for screening 100 percent of cargo transported on commercial passenger aircraft for explosives by August 3, 2010.

TSA established the Certified Cargo Screening Program (CCSP) as the primary mechanism for satisfying the statutory requirement contained in Section 1602. Through the CCSP, private sector stakeholders, including indirect air carriers and freight forwarders, are certified to conduct cargo screening, and, or, secure transport of cargo to the aircraft following screening. Air carriers are also authorized to conduct cargo screening, and at small airports, TSA personnel conduct cargo screening for over-the-counter type shipments. After initially interpreting Section 1602 as applying only to cargo on commercial aircraft flying domestic routes, TSA conceded in late 2008 that the statutory 100 percent screening provision also applied to inbound aircraft originating at foreign locations.

The purpose of this hearing was to examine TSA’s compliance with the upcoming August 3, 2010 statutory deadline for screening 100 percent of cargo transported on commercial passenger aircraft. TSA testified that as of the statutory deadline, no unscreened domestic cargo would be permitted to be transported on commercial aircraft. TSA also stated that it would miss the statutory deadline for establishing a system for screening 100 percent of cargo on passenger aircraft inbound to the United States.

In response to the Committee’s request, the Government Accountability Office (GAO) review TSA’s progress in meeting the statutory mandate for screening cargo on passenger aircraft, and testified to its findings in the report, *Aviation Security: Progress Made but Actions Needed to Address Challenges in Meeting the Air Cargo Screening Mandate*, released at the hearing. GAO raised the resource allocation and verification issues it raised in a hearing on the same subject in 2009. On August 25, 2010 the Committee wrote TSA Administrator regarding the overdue implementation of the 100 percent cargo screening provision for inbound passenger aircraft.

Following a Department of Homeland Security Office of Inspector General (OIG) report *Evaluation of Screening of Air Cargo Transported on Passenger Aircraft* (OIG-10-119), finding vulnerabilities in cargo screening procedures of carriers and cargo screening facilities, the Committee wrote to TSA encouraging implementation of classified recommendations contained in the report.

To assess TSA's progress on cargo screening, the Committee requested that GAO conduct a review of Department of Homeland Security policies and procedures to secure cargo on inbound passenger aircraft and identify the major challenges to screening cargo on U.S.-bound passenger aircraft for explosives.

After intelligence and information sharing between the Federal government and private sector air carriers enabled the interception of the cargo packages from Yemen containing explosives, the Committee urged Secretary Napolitano to establish of a DHS Aviation Security Advisory Committee under the Federal Advisory Committee Act. As outlined in a November 15, 2010 letter to the Secretary, the Advisory Committee would serve as a platform for private sector aviation industry stakeholders to engage officials from DHS, TSA, and Customs and Border Protection. The Committee would facilitate threat information sharing throughout the sector, and would afford industry participants the opportunity to offer DHS input on the impact of proposed security policies on stakeholders.

SURFACE TRANSPORTATION SECURITY INSPECTORS

On July 28, 2010, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "Lost in the Shuffle: Examining TSA's Management of Surface Transportation Security Inspectors." The Subcommittee received testimony from Mr. Lee R. Kair, Assistant Administrator, Security Operations, Transportation Security Administration, Department of Homeland Security; Mr. Carlton I. Mann, Assistant Inspector General, Office of Inspector General, Department of Homeland Security; Mr. Thomas C. Lambert, Chief of Police, Senior Vice President for Public Safety, Metropolitan Transit Authority of Harris County, Texas; and Mr. Clyde J. Hart, Senior Vice President, Government Affairs and Policy, American Bus Association.

Surface Transportation Security Inspectors (STSIIs) are uniquely positioned to play a pivotal role in building and maintaining working relationships with surface transportation stakeholders, and acting as liaisons between stakeholders and the Transportation Security Operations Center (TSOC). These relationships are vital to effective implementation of surface transportation security policies and initiatives. In recent years, TSA implemented a series of organizational changes to the command structure for the STSI Program. While STSIIs had historically reported to surface-focused supervisors, under the new structure, they now report to aviation-focused supervisors in the field. This shift resulted in a strained chain of command; inspector morale issues; STSIIs being assigned to non-surface activities; hiring of supervisory and other inspectors lacking in surface qualifications; and impaired relationships with rail carriers and transit agencies.

Following up on a 2008 report on mass transit security, DHS OIG issued a report in February 2009 on the *Effectiveness of TSA's Surface Transportation Security Inspectors* (OIG-09-24). The report found that STSIP was understaffed for the long term, and that an aviation-focused command structure had significantly undermined the quality and morale of the workforce. The IG made several recommendations for improving the Program, and the Committee incorporated these recommendations into H.R. 2200, the Transportation Security Administration Authorization Act.

Prior to the hearing, the Committee wrote TSA seeking an update on actions taken in response to the OIG findings. Information received from the agency revealed that despite legislative action and the OIG recommendations, it had proceeded with yet another reorganization of STSIP. This initiative, "TSI Evolution," was inconsistent with the language of H.R. 2200 and the OIG recommendations, and may have exacerbated the problems those efforts sought to address.

The purpose of this hearing was to evaluate TSA's management of the STSIP in light of GAO and OIG findings highlighting administrative problems throughout the Program. In addition, stakeholders representing each of the surface modes provided their perspective on STSIP's effectiveness in the field. Witnesses testified to the fundamental need to distinguish surface systems from other modes, and the importance of risk assessments in developing sound security policy for surface modes. Members also inquired about TSA's progress on outstanding security regulations required by the Implementing Recommendations of the 9/11 Act Commission Act of 2007, including those governing security assessments and frontline surface employee training.

On August 25, 2010, the Committee wrote to TSA urging the Administrator to allocate more resources and implement a management structure for surface transportation security programs that reflects the importance and unique challenges in securing the surface modes.

SECURING TRANSPORTATION SYSTEMS

On September 23, 2010, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "Securing America's Transportation Systems: The Target of Terrorists and TSA's New Direction." The Subcommittee received testimony from Mr. John S. Pistole, Administrator, Transportation Security Administration, Department of Homeland Security.

The purpose of this hearing is to give Members of the Subcommittee an opportunity to meet the new TSA Administrator and discuss his plans and objectives for positioning TSA to meet the challenge of securing the Nation's transportation systems against terrorist attacks. The hearing also provided Committee Members with an opportunity to communicate their priorities and concerns about TSA programs and policies, many of which were included in H.R. 2200, the Transportation Security Administration Authorization Act. This hearing was held in accordance with the Committee's oversight plan, which calls for the review of the Department's transportation security strategy for aviation and other modes.

Prior to the hearing, the Committee wrote TSA highlighting key priorities for the new Administrator. These include the need for a more effective TSA Ombudsman's Office in the absence of collective bargaining rights, and improved training for TSOs on new passenger screening technology and protocols. The letter also endorsed the Administrator's decision to establish an Office of Professional Responsibility within the Federal Air Marshal Service.

SUBCOMMITTEE HEARINGS HELD

- "The Mumbai Attacks: A Wake-Up Call for America's Private Sector."* March 11, 2009. (Serial No. 111-6)
- "100% Air Cargo Screening: Can We Secure America's Skies?"* March 18, 2009. (Serial No. 111-10)
- "The FY 2010 Budget for the National Protection and Programs Directorate and the Transportation Security Administration."* June 10, 2009. (Serial No. 111-23)
- "General Aviation Security: Assessing Risks and the Road Ahead."* July 15, 2009. (Serial No. 111-28)
- "The Future of the Registered Traveler Program."* September 30, 2009. (Serial No. 111-37)
- "Is the Flying Public Protected? An Assessment of Security at Foreign Repair Stations."* November 18, 2009. (Serial No. 111-44)
- "Has the TSA Breach Jeopardized National Security? An Examination of What Happened and Why."* December 16, 2009. (Serial No. 111-49)
- "An Assessment of Checkpoint Security: Are Our Airports Keeping Passengers Safe?"* March 17, 2010. (Serial No. 111-57)
- "100% Air Cargo Screening: Remaining Steps to Secure Passenger Aircraft."* June 30, 2010. (Serial No. 111-73)
- "Lost in the Shuffle: Examining TSA's Management of Surface Transportation Security Inspectors."* July 28, 2010. (Serial No. 111-73)
- "Securing America's Transportation Systems: The Target of Terrorists and TSA's New Direction."* September 23, 2010. (Serial No. 111-81)

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

HENRY CUELLAR, Texas, *Chairman*

LORETTA SANCHEZ, California
JANE HARMAN, California
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
ANN KIRKPATRICK, Arizona
BILL PASCARELL, JR., New Jersey
AL GREEN, Texas
VACANCY
BENNIE G. THOMPSON, Mississippi
(*Ex Officio*)

CANDICE S. MILLER, Michigan
MICHAEL T. MCCAUL, Texas
GUS M. BILIRAKIS, Florida
MIKE ROGERS, Alabama
LAMAR SMITH, Texas
PETER T. KING, New York
(*Ex Officio*)

The Subcommittee on Border, Maritime, and Global Counterterrorism held 14 days of hearings and received testimony from 63 witnesses.

LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

TRAVEL PROMOTION ACT OF 2009 / UNITED STATES CAPITOL POLICE
ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

PUBLIC LAW 111-145 (H.R. 1299/ S. 1023 : H.R. 2935)

To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.
(To establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.)

Legislative History

110th Congress

H.R. 3232 was introduced in the House on July 31, 2007, by Mr. Delahunt and eleven original co-sponsors and referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary and the Committee on Homeland Security. Within the Committee on Homeland Security, H.R. 3232 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On September 23, 2008, the Committee on Energy and Commerce considered H.R. 3232 and ordered the measure to be reported to the House, amended, by voice vote.

On September 25, 2008, the House considered H.R. 3232 under Suspension of the Rules and passed the measure, as amended, by voice vote.

H.R. 3232 was received the Senate on September 26, 2008, read twice, and placed on the Senate Legislative Calendar.

S. 1661, the Senate companion measure, was introduced in the Senate on June 19, 2007, by Mr. Dorgan and two original cosponsors and referred to the Senate Committee on Commerce, Science, and Transportation.

The Senate Committee on Commerce, Science, and Transportation considered S. 1661 on June 27, 2008, and ordered the measure to be reported to the Senate with amendments, favorably.

The Senate Committee on Commerce, Science, and Transportation reported S. 1661 to the Senate, amended, on November 27, 2007, as S. Rpt. 110-233.

110th Congress

H.R. 2935, the Travel Promotion Act of 2009, was introduced in the House on June 18, 2009, by Mr. Delahunt, Mr. Smith of Texas, Ms. Titus, and 17 original co-sponsors and referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary and the Committee on Homeland Security. Within the Committee, H.R. 2935 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On November 6, 2009, the House considered H. Res. 896 under Suspension of the Rules, and agreed to the resolution by voice vote. The text of H.R. 2935 was included as an amendment to the Senate amendment to H.R. 1299, the United States Capitol Police Administration Technical Corrections Act of 2009, pursuant to H. Res. 896. The House subsequently agreed to H.R. 1299, as amended.

The Senate considered H.R. 1299 on February 24 and 25, 2010, and agreed to the House amendment to the Senate amendment to H.R. 1299 by a recorded vote of 78 yeas and 18 nays, clearing the measure for the President.

H.R. 1299 was presented to the President on March 2, 2010, and signed into law on March 4, 2010 as Public Law 111-145.

U.S. CUSTOMS AND BORDER PROTECTION EMPLOYEES

P.L. 111-252 (H.R. 1517)

To allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

Legislative History

H.R. 1517 was introduced in the House on March 16, 2009, by Mr. Engel and Mr. King of New York, and referred to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform. Within the Committee, H.R. 1517 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

The Subcommittee on Border, Maritime, and Global Counterterrorism considered H.R. 1517 on July 22, 2009, and forwarded the measure to the Full Committee with a recommendation that it do pass, without amendment, by voice vote.

The Committee on Homeland Security considered H.R. 1517 on November 17, 2009, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

The Chair of the Committee on Oversight and Government Reform sent a letter to the Chair of the Committee on Homeland Security agreeing that in order to expedite consideration of the measure by the full House, the Committee would waive further consideration of H.R. 1517. The letter further requested the support for an appointment of Conferees should a House-Senate Conference be called. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Oversight and Government Reform acknowledging the jurisdictional interests of the Committee on Oversight and Government Reform and the agreement to waive further consideration of H.R. 1517.

Committee on Homeland Security reported to the House on December 14, 2009, as H. Rpt. 111-373, Pt. I. The Committee on Oversight and Government was subsequently discharged from further consideration.

The House considered H.R. 1517 under Suspension of the Rules on December 15, 2009, and passed the measure, as amended, by a $\frac{2}{3}$ vote of 414 yeas and 1 nay (Roll no. 972).

H.R. 1517 was received in the Senate on December 16, 2009, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

Senate Committee on Homeland Security and Governmental Affairs considered H.R. 1517 on July 28, 2010, and ordered the measure to be reported to the Senate with an Amendment in the Nature of a Substitute. The Senate Committee on Homeland Security and Governmental Affairs reported H.R. 1517 to the Senate on August 5, 2010 as S. Rpt. 111-248.

The Senate considered and passed H.R. 1517 on August 5, 2010, by unanimous consent, with an Amendment in the Nature of a Substitute.

The House considered the Senate amendment to H.R. 1517 on September 23, 2010, and concurred in the amendment by voice vote, clearing the measure for the President.

H.R. 1517 was presented to the President on September 28, 2010, and signed into law on October 5, 2010, as Public Law 111-252.

NORTHERN BORDER COUNTERNARCOTICS STRATEGY ACT OF 2010

PUBLIC LAW 111-__ (H.R. 4748)⁸

To amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes.

Legislative History

H.R. 4748 was introduced in the House on March 3, 2010, by Mr. Owens, Mr. Thompson of Mississippi, Mr. Pascrell, and two original co-sponsors, and referred to the Committee on the Judiciary,

⁸H.R. 4748 was presented to the President on December 28, 2010, and is expected to be signed into law. As of the date of the filing of this report, the measure has not been signed and a Public Law number has not been assigned.

and in addition to the Committee on Homeland Security. Within the Committee, H.R. 4748 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

The House considered H.R. 4748 under Suspension of the Rules on July 27, 2010, and passed the measure by a $\frac{2}{3}$ recorded vote of 413 yeas and 0 nays, (Roll No. 475).

H.R. 4748 was received in the Senate on July 28, 2010, read twice, and referred to the Senate Committee on the Judiciary.

On December 20, 2010 the Senate Committee on the Judiciary was discharged from further consideration of H.R. 4748, the bill was then passed by the Senate, after agreeing to an Amendment in the Nature of a Substitute.

The House considered the Senate amendment to H.R. 4748 under Suspension of the Rules and concurred in the Senate amendment by voice vote, clearing the measure for the President.

H.R. 4748 was presented to the President on December 28, 2010.

ANTI-BORDER CORRUPTION ACT OF 2010

PUBLIC LAW 111-__ (S. 3243)⁹

To require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

Legislative History

S. 3243 was introduced in the Senate on April 21, 2010, by Mr. Pryor and referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Senate Committee on Homeland Security and Governmental Affairs considered S. 3243 on July 28, 2010, and ordered the measure to be reported to the Senate, with an amendment, favorably.

The Senate Committee on Homeland Security and Governmental Affairs reported S. 3243 to the Senate on September 27, 2010, with no written report.

The Senate passed S. 3243 on September 28, 2010, with an amendment, and an amendment to the title by unanimous consent.

S. 3243 was received in the House on September 28, 2010, and referred to the House Committee on Homeland Security, within the Committee, S. 3243 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On September 29, 2010, the Senate Committee on Homeland Security and Governmental Affairs filed the report on S. 3243 as S. Rpt. 111-338.

The House considered S. 3243 under Suspension of the Rules on December 21, 2010, and passed the measure by voice vote, clearing the measure for the President.

S. 3243 was presented to the President on December 28, 2010.

⁹S. 3243 was presented to the President on December 28, 2010, and is expected to be signed into law. As of the date of the filing of this report, the measure has not been signed and a Public Law number has not been assigned.

ALIEN SMUGGLING AND TERRORISM PREVENTION ACT OF 2009

H.R. 1029

To amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes.

*Legislative History**110th Congress*

H.R. 2399, the Alien Smuggling and Terrorism Prevention Act of 2007, was introduced in the House on May 21, 2007, by Mr. Hill and three original cosponsors and referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security.

The House considered H.R. 2399 under Suspension of the Rules on May 22, 2007, and passed the bill, as amended by a recorded vote, $\frac{2}{3}$ required, of 412 yeas, 0 nays, and 6 voting “present”.

H.R. 2399 was received in the Senate on May 23, 2007, read twice, and referred to the Senate Committee on the Judiciary.

On April 24, 2008, during consideration of H.R. 2830, the Coast Guard Authorization Act of 2007, the text of H.R. 2399 was added as Division B pursuant to H.Res. 1126.

111th Congress

H.R. 1029 was introduced in the House on February 12, 2009, by Mr. Hill and referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security. Within the Committee on Homeland Security H.R. 1029 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On March 27, 2009, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on the Judiciary agreeing to waive further consideration of H.R. 1029 in order to expedite consideration of the measure by the full House. On that same date, the Chair of the Committee on the Judiciary sent a letter to the Chair of the Committee on Homeland Security acknowledging the Committee on Homeland Security’s willingness to support expediting consideration of H.R. 1029 on the House Floor.

The House considered H.R. 1029 under Suspension of the Rules on March 31, 2009, and passed the bill, amended, by voice vote.

H.R. 1029 was received in the Senate on April 1, 2009, and referred to the Senate Committee on the Judiciary.

Provisions of H.R. 1029 were included in the Coast Guard Authorization Act of 2010 (P.L. 111-281).

MOBILE BIOMETRIC IDENTIFICATION

H.R. 1148

To require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security.

*Legislative History**110th Congress*

H.R. 2490 was introduced in the House on May 24, 2007, by Mr. Bilirakis and three original co-sponsors and was referred solely to

the Committee on Homeland Security. Within the Committee H.R. 2490 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On June 26, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism was discharged from further consideration of H.R. 2490.

The Full Committee considered H.R. 2490 on June 26, 2008, and ordered the measure reported to the House, amended, with a favorable recommendation. The Committee reported H.R. 2490 to the House on July 10, 2008 as H. Rpt. 110-751.

The House considered H.R. 2490 under Suspension of the Rules on July 28, 2008, and passed the bill by a recorded vote of 394 yeas, 3 nays, and 1 voting present.

H.R. 2490 was received in the Senate on July 30, 2008, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

111th Congress

H.R. 1148 was introduced in the House on February 24, 2009, by Mr. Bilirakis and three original co-sponsors, and referred solely to the Committee on Homeland Security. Within the Committee H.R. 1148 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On March 24, 2009, the House considered H.R. 1148 under Suspension of the Rules and passed the bill by voice vote.

H.R. 1148 was received in the Senate on March 26, 2009, and referred to the Senate Committee on Commerce, Science, and Transportation.

Provisions of H.R. 1148 were included in the Coast Guard Authorization Act of 2010 (P.L. 111-281).

BORDER SECURITY SEARCH ACCOUNTABILITY ACT OF 2009

H.R. 1726

To require the Secretary of Homeland Security to issue a rule with respect to border security searches of electronic devices, and for other purposes.

Legislative History

110th Congress

H.R. 6869, the Border Security Search Accountability Act of 2008, was introduced in the 110th Congress by Ms. Loretta Sanchez of California and Mr. Thompson of Mississippi, and referred to the Committee on Homeland Security. Within the Committee, H.R. 6869 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

111th Congress

H.R. 1726 was introduced in the House on March 26, 2009, by Ms. Loretta Sanchez of California, Ms. Clarke, Mr. Thompson of Mississippi, and 16 original co-sponsors, and referred to the Committee on Homeland Security. Within the Committee, H.R. 1726 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

The Subcommittee on Border, Maritime, and Global Counterterrorism considered H.R. 1726 on July 22, 2009, and was forwarded

to the Full Committee with a recommendation that it do pass, amended, by voice vote.

MÉRIDA INITIATIVE

H.R. 3239

To require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Mérida Initiative on the border security of the United States, and for other purposes.

Legislative History

H.R. 3239 was introduced in the House on March 16, 2009, by Mrs. Kirkpatrick of Arizona and Ms. Loretta Sanchez of California, and referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs. Within the Committee, H.R. 3239 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

The Subcommittee on Border, Maritime, and Global Counterterrorism considered H.R. 3239 on July 22, 2009, and forwarded the measure to the Full Committee with a recommendation that it do pass, amended, by voice vote.

The Committee on Homeland Security considered H.R. 3239 on November 17, 2009, and ordered the measure reported to the House, amended, by voice vote.

The Chair of the Committee on Foreign Affairs sent a letter to the Chair of the Committee on Homeland Security on March 5, 2010, agreeing to waive consideration of H.R. 3239 in order to expedite consideration of the measure by the full House. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Foreign Affairs acknowledging the jurisdictional interest of the Committee on Foreign Affairs and the agreement for the Committee on Foreign Affairs to not seek a sequential referral of H.R. 3239.

The Committee on Homeland Security reported H.R. 3239 to the House on March 9, 2010 as H. Rpt. 111-429, Pt. I. Subsequently, the Committee on Foreign Affairs was discharged from further consideration of H.R. 3239.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

BORDER SECURITY THREATS

Mexico is a major drug producing and transit country and is home to a number of violent drug cartels that have also been tied to both human and arms trafficking. Increasing violence in Mexico in recent years is largely the result of an ongoing turf war for control of smuggling routes and U.S.-Mexico border crossing areas. As violence and murder rates have escalated in recent years in Mexico, and as the Mexican government has sought to combat the cartels and their illicit activities, the issue of border violence and potential spillover into the United States has been a rising concern.

On February 26, 2009, the Subcommittee on Border, Maritime, and Global Counterterrorism held a Classified Member briefing on

border security threats. Representatives from the Department of Homeland Security's Office of Intelligence and Analysis, U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Coast Guard were present.

The purpose of the briefing was to receive testimony about U.S.-Mexico security cooperation, with a particular focus on strategies and resources to combat transnational drug trafficking organizations and address related violence in the border region. Members examined efforts to support Mexico through the Mérida Initiative, initiatives to interdict weapons and bulk cash being smuggled from the U.S. into Mexico, and the Department of Homeland Security's plans to address potential spillover violence in the U.S.

This was the first in a series of meetings the Subcommittee held to examine the issues of cartel activity, border violence, and U.S.-Mexico security cooperation. From April 3 to April 4, 2010, Committee members participated in a site visit to El Paso, Texas and Ciudad Juárez, Mexico to examine issues related to the ongoing violence in Mexico and its impact on U.S. border security.

On June 25, 2009, the Subcommittee on Border, Maritime, and Global Counterterrorism held a Classified Member briefing on border security threats. The Subcommittee was briefed by representatives from the Department of Homeland Security, Immigration and Customs Enforcement, and the U.S. Coast Guard.

BORDER VIOLENCE

On March 12, 2009, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Border Violence: An Examination of DHS Strategies and Resources." The Subcommittee received testimony from Vice Admiral Roger T. Rufe, Jr., (USCG Ret), Director, Office of Operations Coordination, Department of Homeland Security; Mr. Alonzo Peña, Department of Homeland Security Attaché, U.S. Embassy, Mexico City, Department of Homeland Security; Mr. John Leech, Acting Director, Office of Counternarcotics Enforcement, Department of Homeland Security; Mr. Salvador Nieto, Deputy Assistant Commissioner, Intelligence and Operations Coordination, Customs and Border Protection, Department of Homeland Security; and Mr. Kumar Kibble, Deputy Director, Office of Investigations, Immigration and Customs Enforcement, Department of Homeland Security.

On April 30, 2009, the Subcommittee on Border, Maritime, and Global Counterterrorism held a Member briefing on the Department of Homeland Security's efforts to combat violence in the U.S.-Mexico border region.

HUMAN TRAFFICKING

Human trafficking involves recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Trafficking in people for prostitution and forced labor is one of the most prolific areas of international criminal activity, with an estimated 600,000 to 800,000 people trafficked across borders annually.

There are a number of bilateral and multilateral initiatives directed at combating human trafficking, perhaps the most significant of which is the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children. The United States ratified the agreement in 2005, thereby allowing the U.S. to join nearly 100 other countries as parties to the Protocol. U.S. efforts on the issue have been enhanced by the enactment of the Victims of Trafficking and Violence Protection Act (TVPA) of 2000 (P.L. 106-386) and its subsequent reauthorization in 2008.

On March 19, 2009, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled “Human Trafficking: Recent Trends.” The Subcommittee received testimony from Mr. Kumar Kibble, Deputy Director, Office of Investigations, Immigration and Customs Enforcement, Department of Homeland Security; Lt. Derek Marsh, Co-Director, Orange County Human Trafficking Task Force, Orange County California; and Ms. Anastasia Brown, Director, Refugee Programs, Migration and Refugee Services, U.S. Conference of Catholic Bishops.

The purpose of the hearing was to receive testimony from Federal, local and nonprofit entities involved in combating human trafficking and providing assistance to trafficking victims. Members examined existing initiatives aimed at combating human trafficking; assessed whether additional DHS resources and authorities are necessary to address the problem; and discussed key provisions of the TVPA.

Committee staff traveled to Singapore, Malaysia and Hong Kong from June 1 to June 8, 2010 and met with U.S. and foreign government officials to discuss a number of issues, including human trafficking.

WESTERN HEMISPHERE TRAVEL INITIATIVE

Prior to enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Americans and citizens of certain Western Hemisphere countries could enter the U.S. simply by either making an oral declaration of citizenship (for Americans and Canadians) or by showing drivers’ licenses, birth certificates, or other comparable documents. This policy was known as the “Western Hemisphere exception” to the usual requirement to show a passport upon entering the United States. Section 7209 of IRTPA mandated that, no later than January 1, 2008, DHS and State develop and implement, a plan to require all U.S. citizens and foreign nationals to present a passport or other DHS-approved document that denotes the person’s citizenship and identity when entering the United States. The plan to implement IRTPA’s document requirements is known as the Western Hemisphere Travel Initiative (WHTI). The statute was enacted to implement a key 9/11 Commission recommendation to better secure our borders.

Under WHTI, all U.S. citizens entering or re-entering the U.S. by land, sea, or air from Canada, Mexico, and the Caribbean are now required to present a passport or other WHTI-compliant document. WHTI requirements also apply to certain foreign nationals who previously were not required to present a passport to travel to the U.S., including Canadians. WHTI requirements for air travel took

effect on January 23, 2007, and at land and sea ports on June 1, 2009.

On May 7, 2009, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing on “Implementing the Western Hemisphere Travel Initiative at Land and Sea Ports: Are We Ready?” The Subcommittee received testimony from Dr. Richard Barth, Acting Principal Deputy Assistant Secretary, Office of Policy Development, Department of Homeland Security; Mr. Thomas Winkowski, Assistant Commissioner, Office of Field Operations, Customs and Border Protection; Mr. John Brennan, Senior Policy Advisor, Bureau of Consular Affairs, Department of State; Ms. Maria Luisa O’Connell, President, Border Trade Alliance; and Mr. Angelo Amador, Director of Immigration Policy, U.S. Chamber of Commerce.

The purpose of the hearing was to receive testimony from the Department of Homeland Security, Department of State, and private sector about preparations for and implementation of the WHTI at land and sea ports. Members examined the program’s document requirements, discussed issues related to implementation and enforcement, and heard from the witnesses about potential effects on legitimate travel and commerce.

On June 22, 2010, staff traveled to Detroit, Michigan and observed WHTI technology, infrastructure, and compliance at the Ambassador Bridge port of entry.

PIRACY ON THE SEAS

On May 21, 2009, the Subcommittee on Border, Maritime, and Global Counterterrorism held a Member briefing on the security threat of piracy on the seas.

FISCAL YEAR 2010 BUDGET REQUEST

The Administration submitted its proposed Fiscal Year 2010 Federal Budget request to Congress on May 7, 2009. On June 11, 2009, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled “The FY 2010 Budget for Immigration and Customs Enforcement, Customs and Border Protection, and the U.S. Coast Guard.” The Subcommittee received testimony from Mr. John T. Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Mr. Jayson P. Ahern, Acting Commissioner, U.S. Customs and Border Protection, Department of Homeland Security; and Admiral Thad W. Allen, Commandant, U.S. Coast Guard, Department of Homeland Security.

The purpose of the hearing was to receive testimony from representatives of U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and the U.S. Coast Guard about budget priorities for their respective Department of Homeland Security components, as expressed in the budget request.

BORDER VIOLENCE

Within the federal government, three agencies are primarily responsible for investigating drug and weapons violations at the border. The Department of Justice’s (DOJ) Drug Enforcement Admin-

istration (DEA) enforces the controlled substances laws and regulations of the United States and helps prosecute those organizations and principal members involved in growing, manufacturing, or distributing controlled substances appearing in or destined for illicit traffic in the United States. DOJ's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) enforces the federal laws and regulations relating to alcohol, tobacco, firearms, explosives and arson by working directly and in cooperation with other Federal, State and local law enforcement agencies. Finally, the Department of Homeland Security's (DHS) Immigration and Customs Enforcement (ICE) uses its legal authority to investigate issues such as immigration crime, human rights violations, and human smuggling; narcotics, weapons and other types of smuggling; and financial crimes, cybercrime, and export enforcement.

Because the cartels are often involved in dynamic criminal enterprises encompassing a number of illicit activities, ICE, DEA, and ATF may all have jurisdiction or be investigating the same organization or person. Where overlaps occur, agencies rely on memorandums of understanding (MOUs) to coordinate activities, delineate responsibilities, and dictate lines of authority. However, outdated MOUs signed prior to the creation of DHS, exacerbated by turf battles, have hampered law enforcement efforts at the border. In response, in June 2009, ICE signed new MOUs with DEA and ATF to better coordinate their narcotics and weapons investigations and provide additional resources to fight violence along the border.

On July 16, 2009, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Combating Border Violence: The Role of Interagency Coordination in Investigations." The Subcommittee received testimony from Mr. Kumar Kibble, Deputy Director, Office of Investigations, Immigration and Customs Enforcement, Department of Homeland Security; Mr. Anthony Placido, Assistant Administrator for Intelligence, Drug Enforcement Administration, Department of Justice; and Mr. Bill McMahon, Deputy Assistant Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

The purpose of the hearing was to receive testimony about coordination efforts between DHS and DOJ to combat border violence and investigate drug and weapons violations. Members discussed the recently signed MOUs between DEA, ATF, and ICE, which were intended to better coordinate investigations and bring additional resources to the border. Members also questioned the witnesses about their plans for implementing the MOUs and their commitment to cooperating under them.

Following the hearing, on July 23, 2009, the Committee requested the Government Accountability Office (GAO) review the terms and conditions of the MOUs to determine whether they address the deficiencies GAO identified in previous work. This project is currently pending.

SBINET

In order to better secure America's borders, the U.S. government has sought to develop a technology solution to complement efforts to deploy additional fencing and personnel to the borders. The search for such a solution began in 1995 with the initial develop-

ment of the Integrated Surveillance Intelligence System (ISIS). Technological failures and ineffective management hampered the program's progress. After investing 10 years and \$239 million in the project, the Department of Homeland Security (Department) ended the ISIS program.

In 2003, the Department began developing the American Shield Initiative (ASI) with the goal of maintaining and modernizing ISIS while expanding the technological capabilities of the program. Like ISIS, ASI was intended to be a technology-based program with ground sensors, cameras, and manned control centers. However, the Department abandoned the program in 2005 without issuing any documents or seeking contractors to implement the ASI program.

On November 2, 2005, the Department announced the Secure Border Initiative (SBI). SBI was planned as a multi-dimensional program to include additional border security personnel, such as Border Patrol agents; more tactical infrastructure, including pedestrian fencing and vehicle barriers; and increased detention capacity. SBI also included a technology component called *SBI_{net}*, which was launched in September 2006. Like ISIS and ASI, *SBI_{net}* was intended to create a "virtual fence" along the nation's borders using cameras, sensors, radar, and other equipment. *SBI_{net}* represents the federal government's third major attempt at developing a technology solution for securing America's borders.

On September 17, 2009, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "The Secure Border Initiative: *SBI_{net}* Three Years Later." The Subcommittee received testimony from Chief David Aguilar, Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Mark Borkowski, Executive Director, Secure Border Initiative, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Timothy E. Peters, Vice President and General Manager, Global Security Systems, The Boeing Company; Mr. Richard Stana, Director, Homeland Security and Justice Issues, Government Accountability Office.

The purpose of the hearing was to receive testimony on the Department's efforts to secure the nation's borders through its Secure Border Initiative (SBI), and particularly through *SBI_{net}*. Members examined the status of the program three years after DHS awarded the *SBI_{net}* contract to the Boeing Company. In conjunction with the hearing, GAO released the fourth in its series of reports on SBI requested by the Committee, entitled "Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed."

This hearing was the first in a series the Subcommittee held on the topic in the 111th Congress. Also, the hearings were part of the Committee's vigorous oversight of the *SBI_{net}* program, which also included numerous briefings with DHS and government contractors as well as several ongoing GAO requests.

BORDER SECURITY OPERATIONS

On September 23, 2009, the Members of the Subcommittee on Border, Maritime, and Global Counterterrorism received a briefing

on border security operations by representatives from the Department of Defense.

US-VISIT AIR EXIT PROGRAM

On October 8, 2009, the Subcommittee on Border, Maritime, and Global Counterterrorism received a briefing on the status of US-VISIT air exit program and recently completed US-VISIT air exit pilot projects. The Members were briefed by representatives from the Department of Homeland Security.

On January 21, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism held a Member briefing on the status of the exit portion of the US-VISIT program, focusing on pilot projects to collect biometric data of foreign travelers as they depart the United States at airports. Members were briefed by representatives from the Department of Homeland Security.

CARGO SECURITY AT LAND PORTS

Since the Nation's cargo delivery system was designed primarily with accessibility and efficiency in mind, it is vulnerable to attempts to smuggle humans, narcotics, weapons, and terrorist instruments into the country. Furthermore, increased efforts to secure our borders between the land ports of entry (POEs) may cause criminal organizations to increase smuggling attempts through the POEs. As those attempting to cross or ship goods across the border illegally become more sophisticated, DHS must respond by developing and implementing measures to identify and respond to these threats. Within the federal government, Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) are the two agencies primarily responsible for overseeing cargo security and investigating security breaches at land POEs.

On October 22, 2009, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Cargo Security at Land Ports of Entry: Are We Meeting the Challenge?" The Subcommittee received testimony from Mr. Todd Owen, Executive Director, Cargo and Conveyance Security, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Ms. Janice Ayala, Deputy Assistant Director, Office of Investigations, Immigration and Customs Enforcement, Department of Homeland Security; Ms. Colleen M. Kelley, National President, National Treasury Employees Union; and Mr. Stephen Russell, Chairman and CEO, Celadon Group, Inc., *testifying on behalf of the American Trucking Associations*.

The purpose of the hearing was to receive testimony on the Department of Homeland Security's efforts to identify, interdict, and investigate cargo security threats at land border POEs. The Subcommittee examined challenges to cargo security and facilitation and explored what can be done to better address security risks while expediting legitimate trade. Members also questioned the witnesses about cargo security programs, staffing, technology, infrastructure, and investigations at our Nation's land borders.

IMMIGRATION DETENTION

The law provides broad authority to detain aliens while awaiting a determination of whether they should be removed from the United States and mandates that certain categories of aliens are subject to mandatory detention. The immigration detention system has experienced tremendous growth since 1996, after passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) expanded the classes of noncitizens subject to mandatory detention and the number of deportable offenses. The terrorist attacks of September 11, 2001 increased focus on the authority under the Immigration and Nationality Act (INA) to detain non-citizens in the U.S.

The dramatic expansion of ICE's detention system has created numerous challenges. In recent years, media coverage and published reports have brought to light allegations of mismanagement, and mistreatment at detention facilities. These reports painted a disturbing picture of substandard detention conditions, flawed oversight, medical inattention, mismanagement, and ad hoc capacity expansion. In response, the Obama Administration demonstrated an interest in improving detention management by developing new detention management positions, outlining plans for ambitious detention reforms, and releasing a review of the current immigration detention system with recommendations.

On December 10, 2009, the Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled "Moving Toward More Effective Immigration Detention Management." The Subcommittee received testimony from Dr. Dora Schriro, Commissioner, New York City Department of Correction; Mr. Christopher L. Crane, Vice President, Detention and Removal Operations, American Federation of Government Employees National ICE Council - 118; Mr. Donald M. Kerwin, Jr., Vice President for Programs, Migration Policy Institute; Ms. Brittney Nystrom, Senior Legal Advisor, National Immigration Forum; and Mr. Mark Krikorian, Executive Director, Center for Immigration Studies.

The purpose of the hearing was to receive testimony on the Department of Homeland Security's immigration detention system and proposed immigration detention reforms. Members questioned witnesses and stakeholders about challenges with the current detention system; received feedback about ongoing reforms; and heard recommendations for improved management.

In preparation for the hearing, Committee staff traveled to Miami, Florida on December 9, 2009 and toured the DHS-owned Krome Detention Facility.

NATIONAL TARGETING CENTER

On March 2, 2010, Representative Henry Cuellar, Chairman of the Subcommittee on Border, Maritime, and Global Counterterrorism, conducted a site visit of U.S. Customs and Border Protection's National Targeting Center, located in the Washington, DC region. The purpose of the visit was to observe CBP's passenger prescreening activities, particularly in light of the Flight 253 incident on Christmas Day 2009, as well as examine CBP's efforts to screen and target U.S.-bound cargo.

On March 2, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism conducted a site visit of the U.S. Customs and Border Protection's National Targeting Center in Reston, Virginia. Members toured the facility and held a briefing with officials from U.S. Customs and Border Protection, Department of Homeland Security.

IMMIGRATION AND CUSTOMS ENFORCEMENT VISA SECURITY PROGRAM

On March 4, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism held a Member briefing on the U.S. Immigration and Customs Enforcement's Visa Security Program.

On March 11, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Visa Security and Passenger Pre-Screening Efforts in the Wake of Flight 253." The Subcommittee received testimony from Mr. Raymond R. Parmer, Jr., Director, Office of International Affairs, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Mr. Thomas S. Winkowski, Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security; and Mr. David T. Donahue, Deputy Assistant Secretary for Visa Services, Bureau of Consular Affairs, U.S. Department of State.

FLIGHT 253 INCIDENT

The case of Umar Farouk Abdulmutallab, who allegedly attempted to ignite an explosive device on Northwest Airlines Flight 253 on Christmas Day 2009, refocused attention on the responsibilities of the Department of Homeland Security (DHS) and the Department of State (State) for the visa process. Abdulmutallab was traveling on a multi-year, multiple-entry tourist visa issued to him in June 2008.

State Department officials have acknowledged that Abdulmutallab's father had visited the U.S. Embassy in Abuja, Nigeria, on November 19, 2009, to express his concerns about his son. Following the visit, Embassy officials sent a "VISAS VIPER" cable to the National Counterterrorism Center on November 20, 2009. Abdulmutallab was then entered in the Terrorist Identities Datamart Environment (TIDE), but he was not nominated for the Terrorist Screening Database or the No-Fly or Selectee lists. Furthermore, his visa was not revoked. On December 25, 2009, Abdulmutallab, allegedly attempted to ignite an explosive device while traveling from Amsterdam's Schiphol Airport on board Detroit-bound Northwest Airlines Flight 253.

On March 11, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Visa Security and Passenger Pre-Screening Efforts in the Wake of Flight 253." The Subcommittee received testimony from Mr. Raymond R. Parmer, Jr., Director, Office of International Affairs, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Mr. Thomas S. Winkowski, Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security; and Mr. David T. Donahue, Deputy Assistant Secretary for Visa Services, Bureau of Consular Affairs, U.S. Department of State.

The purpose of the hearing was to receive testimony on the roles of Immigration and Customs Enforcement, Customs and Border Protection, and the Department of State in visa security and passenger pre-screening, with a particular focus on the Flight 253 incident. Members examined relevant protocols and procedures in place both at the time of and in the aftermath of the incident, as well as explored potential further enhancements to visa security and passenger prescreening.

In order to examine events related to the attempted attack firsthand, Committee Staff conducted a site visit to London, England and Amsterdam, Netherlands from January 15 through 17, 2010.

SBINET

SBInet is the Department of Homeland Security's program for acquiring, developing, integrating, and deploying an appropriate mix of surveillance technologies and command, control, communications, and intelligence technologies for border security. On September 21, 2006, the Department awarded an Indefinite Delivery/Indefinite Quantity (IDIQ) contract to a team led by Boeing Integrated Defense Systems. Under this arrangement, Boeing serves as the prime integrator for the contract and operates pursuant to independent task orders.

According to the Boeing contract signed in September 2006, an initial set of *SBInet* operational capabilities was supposed to be deployed along the entire southwest border in early fiscal year 2009, and a full set of operational capabilities for the southern and northern borders was to be completed by later in fiscal year 2009. However, there have been a series of technical and management problems and delays, and it is unclear whether DHS will continue to pursue the program beyond the ongoing deployments in Arizona.

On March 18, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled "*SBInet*: Does it Pass the Border Security Test?" The Subcommittees received testimony from Mr. Michael J. Fisher, Acting Chief, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Mark Borkowski, Executive Director, Secure Border Initiative Program Executive Office, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Randolph C. Hite, Director, IT Architecture & Systems Issues, Government Accountability Office; and Mr. Roger A. Krone, President, Network and Space Systems, Boeing Defense, Space and Security, the Boeing Company.

On June 17, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight continued its joint hearing entitled "*SBInet*: Does it Pass the Border Security Test?" The Subcommittees received testimony from Mr. Randolph C. Hite, Director, IT Architecture & Systems Issues, Government Accountability Office; Mr. Mark Borkowski, Executive Director, Secure Border Initiative Program Executive Office, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Michael J. Fisher, Chief, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; and Mr. Roger A. Krone, President,

Network and Space Systems, Boeing Defense, Space and Security, the Boeing

The purpose of the hearing was to receive testimony on the status of Department's efforts to implement *SBI_{net}*, with particular emphasis on testing of *SBI_{net}* systems. The hearing coincided with the release of a Government Accountability Office (GAO) report on the program requested by the Committee, entitled "Secure Border Initiative: DHS Needs to Address Testing and Performance Limitations that Place Key Technologies at Risk."

The continuation of the hearing focused on the challenges the program had experienced to date, as well as implications for the future of the program. In conjunction with the hearing, GAO released another report on the program requested by the Committee, entitled "Secure Border Initiative: DHS Needs to Reconsider its Proposed Investment in Key Technology Program."

Partially as a result of the Committee's longstanding vigorous oversight of the *SBI_{net}* program, Homeland Security Secretary Janet Napolitano ordered a review of the program in January 2010. The results of that review have not yet been announced, but it appears likely that DHS will decide to pursue alternative border security solutions rather than continue with *SBI_{net}*.

BORDER SECURITY TECHNOLOGY

On April 12, 2010, Representative Henry Cuellar, Chairman of the Subcommittee on Border, Maritime, and Global Counterterrorism, led a site visit to Laredo, Texas to observe a border security operation by the Departments of Homeland Security and Defense.

MÉRIDA INITIATIVE

On October 22, 2007, the United States and Mexico announced the Mérida Initiative, a package of U.S. counterdrug and anticrime assistance for Mexico and Central America that would begin in FY2008 and last through FY2010. This announcement signaled a major diplomatic step forward for U.S.-Mexican counterdrug and security cooperation. Congress has appropriated some \$1.3 billion for Mérida programs in Mexico in annual appropriations, and discussions have turned to what the next steps for the program should be, particularly in light of persistent cartel activity in Mexico and concerns about potential spillover in the U.S.-Mexico border region. The purpose of the hearing was to receive testimony about U.S.-Mexico security cooperation, with a particular focus on the Mérida Initiative. Members questioned witnesses about progress with implementing the Mérida Initiative, efforts to address trafficking and associated violence in the U.S.-Mexico border region, and the future of security cooperation between the two nations.

On May 27, 2010, the Committee on Homeland Security's Subcommittee on Border, Maritime, and Global Counterterrorism and the Committee on Foreign Affairs' Subcommittee on Western Hemisphere held a joint hearing entitled "U.S.-Mexico Security Cooperation: Next Steps for the Mérida Initiative." The Subcommittees received testimony from Ms. Roberta S. Jacobson, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State; Ms. Mariko Silver, Deputy Assistant Secretary for Policy/Acting Assistant Secretary for International Affairs, Department of

Homeland Security; Mr. Alonzo R. Peña, Deputy Assistant Secretary for Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Mr. Allen Gina, Acting Assistant Commissioner, Office of Intelligence and Operations Coordination, Customs and Border Protection, Department of Homeland Security; Ms. Shannon K. O'Neil, Douglas Dillon Fellow for Latin America Studies, Council on Foreign Relations; Mr. Bill McDonald, Rancher, Douglas, Arizona; and Hon. John D. Negroponte, Vice Chairman, McLarty Associate.

BORDER SECURITY THREATS

On June 24, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism held a classified Member briefing on border security threats. Representatives from the Department of Homeland Security's Intelligence and Analysis, Customs and Border Protection, Immigration and Customs Enforcement, the U.S. Coast Guard, and from the Federal Bureau of Investigation were present.

UNMANNED AERIAL SYSTEMS

U.S. Customs and Border Protection's (CBP) Office of Air and Marine (OAM) is the world's largest aviation and maritime law enforcement organization. OAM's mission is to protect the American people and the nation's critical infrastructure through the coordinated use of integrated air and marine forces. OAM is charged with detecting, interdicting, and preventing acts of terrorism and the unlawful movement of people, illegal drugs and other contraband toward or across the borders of the United States. Among its aircraft, OAM operates a fleet of Predator B Unmanned Aerial Systems (UASs). CBP's UAS program is focused on helping identify and intercept illegal cross-border and maritime activity. The program also supports disaster relief efforts of other Department of Homeland Security components.

On July 15, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "The Role of Unmanned Aerial Systems in Border Security." The Subcommittee received testimony from Michael C. Kostelnik, Major General, (Ret. USAF), Assistant Commissioner, Office of Air and Marine, U.S. Customs and Border Protection, Department of Homeland Security; Rear Admiral Vincent B. Atkins, Assistant Commandant for Capability (CG-7), United States Coast Guard, Department of Homeland Security; Ms. Nancy Kalinowski, Vice President, System Operations Services, Air Traffic Organization, Federal Aviation Administration; and Mr. John M. Allen, Director, Flight Standards Service, Federal Aviation Administration.

The purpose of the hearing was to receive testimony about DHS' use of UASs in carrying out its border and maritime security missions. The Subcommittee examined the strengths and limitations of current UAS deployments along our borders, coordination and cooperation issues among relevant agencies, safety considerations, and plans for future UAS deployment.

On July 16, 2010, following the hearing, Subcommittee Chairman Cuellar wrote OAM Assistant Commissioner Kostelnik to request interdiction metrics directly attributable to UAS surveillance.

The Committee will continue to monitor this issue and the program's effectiveness.

ALIEN SMUGGLING

Alien smuggling is defined as the importation of a person, with his or her consent, across an international border, in violation of one or more countries' immigration laws. Alien smuggling is a transnational crime generating revenues estimated to total billions of dollars annually and is recognized as a significant and growing threat to the security of the U.S. While some aliens are smuggled into this country seeking economic opportunities, others enter as part of criminal enterprises and pose a risk to public safety. Along the southwest border in particular, alien smuggling activities pose a risk to law enforcement, border communities, and smuggled aliens.

On July 22, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Enhancing DHS' Efforts to Disrupt Alien Smuggling Across Our Borders." The Subcommittee received testimony from Mr. James A. Dinkins, Executive Associate Director, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Mr. Michael J. Fisher, Chief of the Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; The Honorable Terry Goddard, Attorney General, State of Arizona; Mr. Richard M. Stana, Director, Homeland Security and Justice Issues, Government Accountability Office; and Ms. Janice Kephart, Director of National Security Policy, Center for Immigration Studies.

The purpose of the hearing was to receive testimony on the Department of Homeland Security's efforts to identify and disrupt alien smuggling. Members examined ongoing efforts to combat such smuggling and discussed suggestions for strengthening efforts to address the problem. The hearing coincided with the release of the GAO report, requested by the Committee and Rep. Harry Mitchell, entitled "Alien Smuggling: DHS Needs to Better Leverage Investigative Resources and Measure Program Performance Along the Southwest Border."

Based on the GAO report's recommendations, ICE has taken steps to enhance its investigative assets to combat alien smuggling. In particular, ICE is reviewing its financial investigative techniques and evaluating the expansion of its Law Enforcement Agency Response (LEAR) Program in order to better allocate agent resources.

BORDER AND MARITIME SECURITY

On September 29, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism held a Classified Member briefing on border and maritime security updates.

SUBCOMMITTEE HEARINGS HELD

"Border Violence: An Examination of DHS Strategies and Resources." March 12, 2009. (Serial No. 111-7)

- "Human Trafficking: Recent Trends"* March 19, 2009. (Serial No. 111-11)
- "Implementing the Western Hemisphere Travel Initiative at Land and Sea Ports: Are We Ready?"* May 7, 2009. (Serial No. 111-18)
- "The FY 2010 Budget for Immigration and Customs Enforcement, Customs and Border Protection, and the U.S. Coast Guard."* June 11, 2009. (Serial No. 111-24)
- "Combating Border Violence: The Role of Interagency Coordination in Investigations."* July 16, 2009. (Serial No. 111-29)
- "The Secure Border Initiative: SBInet Three Years Later."* September 17, 2009. (Serial No. 111-35)
- "Cargo Security at Land Ports of Entry: Are We Meeting the Challenge?"* October 22, 2009. (Serial No. 111-40)
- "Moving Toward More Effective Immigration Detention Management."* December 10, 2009. (Serial No. 111-47)
- "Visa Security and Passenger Pre-Screening Efforts in the Wake of Flight 253."* March 11, 2010. (Serial No. 111-55)
- "SBInet: Does it Pass the Border Security Test?"* (Joint hearing with the Subcommittee on Management, Investigations, and Oversight) March 18 and June 17, 2010. (Serial No. 111-59)
- "U.S.-Mexico Security Cooperation: Next Steps for the Mérida Initiative."* (Joint hearing with the Subcommittee on Border, Maritime, and Global Counterterrorism and the Committee on Foreign Affairs Subcommittee on Western Hemisphere. May 27, 2010. (Serial No. 111-68)
- "The Role of Unmanned Aerial Systems in Border Security."* July 15, 2010. (Serial No. 111-75)
- "Enhancing DHS' Efforts to Disrupt Alien Smuggling Across Our Borders."* July 22, 2010. (Serial No. 111-76)

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

CHRISTOPHER P. CARNEY, Pennsylvania, *Chairman*

PETER A. DEFAZIO, Oregon
BILL PASCRELL, JR, New Jersey
AL GREEN, Texas
MARY JO KILROY, Ohio
BENNIE G. THOMPSON, Mississippi
(*Ex Officio*)

GUS M. BILIRAKIS, Florida
ANH “JOSEPH” CAO, Louisiana
DANIEL E. LUNGREN, California
PETER T. KING, New York
(*Ex Officio*)

The Subcommittee on Management, Investigations, and Oversight held 12 days of hearings and received testimony from 45 witnesses.

On February 4, 2009, the Subcommittee met to organize.

LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

DEPARTMENT OF HOMELAND SECURITY COMPONENT PRIVACY OFFICER
ACT OF 2009

H.R. 1617

To amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes.

Legislative History

110th Congress

H.R. 5170, the Department of Homeland Security Component Privacy Officer Act of 2008, was introduced in the House by Mr. Carney and Mr. Thompson of Mississippi on January 28, 2008, and referred to the Committee on Homeland Security. Within the Committee, H.R. 5170 was referred to the Subcommittee on Management, Investigations, and Oversight.

On June 26, 2008, the Subcommittee on Management, Investigations, and Oversight was discharged from consideration of H.R. 5170.

On June 26, 2008, the Committee on Homeland Security considered H.R. 5170 and ordered the bill reported to the House, amended, by voice vote. The Committee reported H.R. 5170 to the House on July 10, 2008, as H. Rpt. 110-755.

The House considered H.R. 5170 under Suspension of the Rules on July 28 and 30, 2008, and passed the bill on July 30, 2008, by voice vote.

H.R. 5170 was received in the Senate on July 31, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

111th Congress

H.R. 1617 was introduced in the House on March 19, 2009, by Mr. Carney and Mr. Thompson of Mississippi and referred solely to the Committee on Homeland Security.

On March 24, 2009, the House considered H.R. 1617 under Suspension of the Rules and passed the bill by a $\frac{2}{3}$ recorded vote of 412 yeas and 16 nays (Roll No. 147).

H.R. 1617 was received in the Senate on March 26, 2009, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

BERRY AMENDMENT EXTENSION ACT

H.R. 3116

To prohibit the Department of Homeland Security from procuring certain items directly related to the national security unless the items are grown, reprocessed, reused, or produced in the United States, and for other purposes.

Legislative History

110th Congress

In the 110th Congress, H.R. 917 was introduced in the House on February 8, 2007, by Mr. Hayes and 15 original co-sponsors, and referred to the Committee on Homeland Security. Within the Committee, H.R. 917 was referred to the Subcommittee on Management, Investigations, and Oversight.

111th Congress

H.R. 3116 was introduced in the House on July 13, 2009, by Mr. Kissell, and referred to the Committee on Homeland Security. Within the Committee, H.R. 3116 was referred to the Subcommittee on Management, Investigations, and Oversight.

The House considered H.R. 3116 under Suspension of the Rules on September 15, 2010, and passed the measure by voice vote.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

DHS WORKFORCE: PUTTING PEOPLE FIRST

Since its creation, the Department of Homeland Security (DHS) has struggled with employee morale and satisfaction. In both its 2004 and 2006 Federal Human Capital Surveys (FHCS), the Office of Personnel Management (OPM) found that DHS ranked among the lowest cabinet departments and independent agencies in employee morale. In April 2008 DHS released results of its first Annual Employee Survey for 2007 with 91% of the workforce respondents indicating that they believe the work they do is important but also indicating significant concerns regarding DHS's pay, performance and promotion practices.

In January 2009, OPM released the results of its 2008 Federal Human Capital Survey, which showed DHS is slightly trending up-

ward in some areas. According to the survey, DHS ranked among the “most improved” in Leadership and Knowledge Management, Results-Oriented Performance Culture, Talent Management, and Job Satisfaction. More specifically, DHS improved over its 2006 ratings in both job satisfaction (33rd of 36 Federal agencies) and results-oriented performance culture (35th of 37 Federal agencies). However, DHS still remained 35th out of 37th on leadership and knowledge management, and declined from 33rd to 34th on talent management. DHS’s rankings were so low in each of these categories that several components, including CBP, NPPD and ICE, achieved higher marks than DHS as a whole.

On March 5, 2009, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled “Putting People First: A Way Forward for the Homeland Security Workforce.” The Subcommittee received testimony from Ms. Colleen M. Kelley, National President, National Treasury Employees Union; Mr. John Gage, National President, American Federation of Government Employees, AFL-CIO; Ms. Carol A. Bonosaro, President, Senior Executives Association; and Mr. Max Stier, President and CEO, Partnership for Public Service.

The purpose of the hearing was to take testimony to examine if DHS management was addressing longstanding personnel challenges. Members explored challenges such as low morale, lack of a common culture, inadequate tools and resources, and the lack of diversity at DHS and questioned witnesses on a better path forward.

At the Chairman’s direction, the Subcommittee and its staff continued to conduct oversight on human capital policies at DHS.

U.S. CUSTOMS AND BORDER PROTECTION UNMANNED AIRCRAFT SYSTEMS

The Department of Homeland Security, through the U.S. Customs and Border Protection Air and Marine, has used unmanned aerial vehicles to conduct surveillance along the border between the United States and Mexico. The use of UAVs allows CBP to conduct missions in areas that are difficult to access or considered too high risk for personnel. These unique systems provide CBP with a remotely piloted asset that allows for a persistent, broad area of surveillance along the Nation’s borders.

On March 19, 2009, the Subcommittee held a Member Briefing on CBP’s UAV program. Michael C. Kostelnik, Major General, USAF (Ret), Assistant Commissioner, Office of CBP A&M, served as the primary briefer. Briefers explained to members how CBP utilizes its UAVs in furthering its mission to detect, interdict and prevent acts of terrorism and the unlawful movement of people, illegal drugs and other contraband toward or across the borders of the United States. UAVs are also used to assist DHS components in fulfilling homeland security missions, such as monitoring and surveillance during major hurricanes and tornadoes. Members conducted oversight of the costs of operating an adequate UAVs, pilot and instructor shortages and coordination with the Federal Aviation Administration.

ST. ELIZABETH'S PROJECT

Since its inception, the Department of Homeland Security (DHS) and its components have been dispersed throughout the National Capital Region (NCR). In the Washington, DC area, DHS has seven core components in 85 buildings, accounting for approximately 7 million gross square feet of government owned or leased office space. According to DHS officials, this diffusion of personnel adversely impacts critical coordination, communication and cooperation among the components in the preparation for and response to natural disasters and terrorist threats. DHS argues that consolidation of its headquarters operations will achieve greater efficiencies, improve mission integration, and enhance the security of its facilities. The location chosen as best suited for this consolidation is the West Campus of St. Elizabeth's Hospital in Southeast Washington, DC.

On March 26, 2009, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled "Consolidating DHS: An Update on the St. Elizabeth's Project." The Subcommittee received testimony from Mr. Donald Bathurst, Chief Administrative Officer, Department of Homeland Security; and Mr. William (Bill) Guerin, Assistant Commissioner for Construction Programs, Public Buildings Service, General Services Administration.

The purpose of this hearing was to receive an update from DHS and the General Services Administration (GSA) on the steps taken to ensure a seamless transition for all components of DHS to the St. Elizabeth's site. The consolidation of DHS headquarters is a massive undertaking with numerous procurements, making it the largest federal government construction effort since the building of the Pentagon.

At the Chairman's direction, the Subcommittee and its staff continued to conduct oversight on the St. Elizabeth's project by conducting frequent meetings with DHS and GSA to ascertain construction scheduling and cost as well as interagency coordination. In addition to conducting oversight meetings, Committee Members and Staff also conducted site visits to review progress on four separate occasions.

On February 20, 2010, the Subcommittee conducted a site visit of the St. Elizabeth's campus. The purpose of the site visit was to tour the facility and observe the steps that have been taken to further DHS Headquarters Consolidation Initiative.

On March 20, 2010, Representative Christopher Carney, Chairman of the Subcommittee, led a Member tour of the St. Elizabeth's grounds to conduct oversight of construction and other ongoing activities in furtherance of DHS Headquarters Consolidation effort at St. Elizabeth's.

Subcommittee on Management, Investigations, and Oversight Ranking Member Gus Bilirakis also led a tour of the St. Elizabeth's grounds on March 23, 2010.

On June 22, 2010, Chairman Carney conducted a site visit of the St. Elizabeth's campus. The purpose of the site visit was to tour the facility and assess the progress that has been made to further DHS Headquarters Consolidation Initiative.

On November 10, 2010, Subcommittee Staff conducted a site visit of the St. Elizabeth's campus. The purpose of the site visit was to oversee ongoing construction and ensure that the project is proceeding with the scheduled timeline and budget authorities.

FISCAL YEAR 2010 BUDGET REQUEST

On May 7, 2009, the President submitted the Fiscal Year (FY) 2010 Budget Request to the Congress. In the Budget request, the President requested \$55.11 billion in total budget authority for the Department of Homeland Security (DHS), a \$2.63 billion (5%) increase over the FY 2009 enacted budget. The budget request in net discretionary spending for Departmental Management and Operations was \$907.6 million and 1,557 Full Time Employees (FTE). This request represents a difference of \$60.1 million and 251FTE over the FY 2009 enacted request of \$844.5 million and 1,306 FTE.

On May 12, 2009, the Subcommittee held a budget briefing with Hon. Elaine C. Duke, Acting Under Secretary for Management to review DHS's management budget priorities for FY 2010.

On June 4, 2009, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled "The FY 2010 Budget for Departmental Management and Operations at DHS." The Subcommittee received testimony from Hon. Elaine C. Duke, Acting Under Secretary for Management, Department of Homeland Security. The hearing provided Subcommittee Members with the opportunity to explore the President's proposed FY 2010 Budget provisions. During the hearing, Members examined challenges DHS faced regarding human capital management, financial system consolidation, acquisition policies, information security, and DHS-wide integration and sought to ensure that the requested amounts were sufficient to meet those challenges and provide a way forward for the new Departmental leadership.

At the Chairman's direction, the Subcommittee and its staff worked with the other Congressional Committees to ensure appropriate funding for the Department.

DEPARTMENT OF HOMELAND SECURITY DISABILITY AND SPECIAL NEEDS POLICY TEAM

On May 20, 2009, Committee staff received a briefing on the work of the Disability Policy and Special Needs Policy Team from the Director for Civil Rights and Civil Liberties Programs, Office for Civil Rights and Civil Liberties (CRCL). During the briefing, staff was provided with an outline of the Disability and Special Needs Policy Team's work and accomplishments.

The CRCL Disability Policy and Special Needs Team integrates and coordinates disability, civil rights, and special needs policy across DHS; provides technical assistance to DHS components in the implementation of disability policy; and provides guidance to DHS leadership and components on civil rights and civil liberties issues involving individuals with disabilities and special needs.

On July 21, 2009, the Subcommittee held a Member briefing on the work of DHS Office of Civil Rights and Civil Liberties' Disability and Special Needs Policy Team. Members received the briefing from Mr. Timothy J. Keefer, Acting Officer for Civil Rights and Civil Liberties, DHS and Ms. Claudia Gordon, Senior Policy Advi-

sor, Disability and Special Needs Policy Team, Office of Civil Rights and Civil Liberties, DHS. The Disability Policy and Special Needs Policy Team works throughout DHS in addition to coordinating with twenty-five other federal agencies, as the lead agency, through its work with the Interagency Coordinating Council.

At the Chairman's direction, the Subcommittee and its staff continued to conduct extensive oversight on disability and special needs policies at DHS.

On July 21, 2009, the Subcommittee on Management, Investigations, and Oversight held a Member briefing on the work of the DHS Civil Rights and Civil Liberties' Disability and Special Needs Policy Team.

FEDERAL AIR MARSHAL SERVICE PERSONNEL ISSUES

Federal Air Marshals (FAMS) are deployed on flights around the world and within the United States to protect U.S. air passengers and crew from harm. In the past, Subcommittee oversight has revealed that FAMS' struggle with varied personnel issues which have impacted morale and caused the agency public embarrassment. However, in recent years, improvements have been made but challenges remain.

One area of challenge for FAMS has been access to open communication channels between "rank-and-file" air marshals and upper management. Although improvements have been made in this area, anecdotal evidence received by the Committee and filings in several court cases indicate that air marshals remain fearful of retaliatory assignments, promotion denials, and pay inequities that result from air marshals vocalizing their concerns regarding aviation security measures, training, and personnel policies. As a result, Committee staff conducted several briefings and Member-level meetings to examine steps that have been put in place to foster better communication between air marshals and management and further inquire into whistleblower protections and claims of retaliation.

Committee staff interviews with FAMS officials also revealed that written policies regarding appropriate disciplinary actions did not exist. As a result, FAMS received inconsistent and reportedly, unfair, treatment when rule violations occur.

The purpose of the hearing was to examine personnel and workforce issues that exist at the FAMS. Members received testimony regarding changes that have been implemented in an effort to overcome past challenges, had the opportunity to question the witnesses regarding shortcomings that still exist, and offered solutions for additional improvement.

At the Chairman's direction, the Subcommittee and its staff continued to conduct extensive oversight on FAMS. On March 4, 2010, the Subcommittee held Classified Member briefing on the FAMS personnel issues.

On July 23, 2009, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled "Protecting the Protectors: Examining the Personnel Challenges Facing the Federal Air Marshal Service." The Subcommittee received testimony from Mr. Robert Bray, Assistant Administrator/Director, Office of Law Enforcement/Federal Air Marshal Service, Transportation Security Administration, Department of Homeland Security; Mr. Stephen

Lord, Director, Homeland Security and Justice Issues, Government Accountability Office; and Mr. Jon Adler, National President, Federal Law Enforcement Officers Association.

CUSTOMS AND BORDER PROTECTION AIR AND MARINE PREDATOR OPERATIONS FACILITY

The Department of Homeland Security, through the U.S. Customs and Border Protection Air and Marine, has used unmanned aerial vehicles to conduct surveillance along the border between the United States and Mexico. UAVs allow CBP to conduct missions in areas that are difficult to access or considered too high risk for manned personnel. These unique systems provide CBP with a remotely piloted asset that allows for a persistent, broad area of surveillance of the Nation's borders.

On August 12 through 14, 2009, the Subcommittee on Management, Investigations, and Oversight Committee on Homeland Security conducted a site visit to Tucson and Ft. Huachuca, Arizona. The Subcommittee toured the Customs and Border Protection Air and Marine Predator Operations Facility in Ft. Huachuca, and the Immigration and Customs Enforcement undercover facility in Tucson.

ONE DHS - FINANCIAL MANAGEMENT CONSOLIDATION

Since its inception, the Department of Homeland Security (DHS) has recognized the need to integrate its myriad financial management systems, which used to account for approximately \$40 billion in appropriated funds. When DHS was created in March 2003 it merged 22 diverse agencies under one umbrella. As a result of this multi-agency consolidation, it inherited 19 different financial management systems from legacy components.

Since that time, DHS has combined some of these systems and is now operating from thirteen disparate systems that are unable to exchange information. Despite the slight downward shift in the number of systems being used, Committee oversight has revealed that DHS has still struggled to create a consolidated financial management system that is consistent with federal government standards set forth in OMB Circulars A-123, A-130 and A-127, requirements established by the General Service Administration's Federal Systems Information Office, and the Federal Financial Management Improvement Act (P.L. 104-208).

On October 29, 2009, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled "Creating 'One DHS' Part I: Standardizing Department of Homeland Security Financial Management." The Subcommittee received testimony from Mr. James L. Taylor, Deputy Inspector General, Department of Homeland Security; Ms. Kay L. Daly, Director, Financial Management and Assurance Issues, Government Accountability Office; and Ms. Peggy Sherry, Acting Chief Financial Office, Department of Homeland Security.

The purpose of this hearing was to examine DHS's disparate financial management systems; the steps DHS is taking to unify its financial operations into one integrated, standardized, auditable system; and measures that can be utilized to ensure that DHS's methodologies will meet existing standards and protocols. During

the hearing GAO released its preliminary findings and recommendations from its report: Financial Management Systems, DHS Lacks a Clear Strategy to Successfully Consolidate its Existing Disparate Systems..

At the Chairman's direction, the Subcommittee and its staff continued to conduct extensive oversight on financial management consolidation at DHS. On March 26, 2010, Chairman Thompson and Subcommittee Chairman Carney wrote to DHS Deputy Secretary Jane Holl Lute requesting that the award of the contract for Transformation and Systems Consolidation (TASC), a computer systems intended to consolidate and integrate the department's enterprise financial, acquisition and asset management systems, be delayed until the Committee received additional assurances that the program was ready to proceed.

On June 28, 2010, the White House's Office of Management and Budget (OMB) issued a Memorandum directing an immediate review of all Financial Systems Information Technology Projects under consideration within the federal government. TASC fell under the purview of this Memorandum. On July 16, 2010, both Chairman Thompson and Subcommittee Chairman Carney sent a letter to DHS Under Secretary for Management reiterating the Committee's concern regarding the project and inquiring into DHS's compliance with the OMB Memorandum. The Committee followed up with the OMB process by sending OMB a letter on September 16, 2010 requesting that the OMB Financial Review Board take the Committee's concerns under advisement during their review of the TASC procurement.

On May 25, 2010, the Chair and Ranking Minority Member of the Subcommittee on Management, Investigations, and Oversight sent a letter to the Chair and Ranking Minority Member of the Subcommittee on Homeland Security of the Committee on Appropriations expressing their concerns about TASC and requesting that funding be withheld until such time that it has been determined that the program will meet certain requirements.

ONE DHS - DATA CENTER AND INFORMATION TECHNOLOGY CONSOLIDATION

On November 12, 2009, the Subcommittee conducted a site visit to Stennis, Mississippi. The Subcommittee toured the National Center for Critical Information Processing and Storage, which houses Department of Homeland Security's (DHS's) primary Data Center in furtherance of Subcommittee's continuing oversight of DHS' effort to consolidate its Data Centers from 19 separate locations to two, the largest of which is located in Stennis, MS. The Committee followed up on information obtained during the tour by conducting briefings with DHS.

QUADRENNIAL HOMELAND SECURITY REVIEW

The primary mission of the Department of Homeland Security (DHS) is to "prevent terrorist attacks within the United States, reduce the vulnerability of the United States to terrorism, and minimize the damage, and assist in the recovery from terrorist attacks that do occur in the United States." To assist the DHS in achieving this goal, in the Implementing Recommendations of the 9/11 Com-

mission Act of 2007 (P.L. 110-53) Congress mandated that the Department complete a Quadrennial Homeland Security Review (QHSR), patterned after the Department of Defense's Quadrennial Defense Review (QDR). The QHSR is a comprehensive assessment outlining its long-term strategy and priorities for homeland security and guidance on the Department's programs, assets, capabilities, budget, policies, and authorities. According to the statute, the first QHSR was required to be submitted to Congress by December 31, 2009, as mandated by section 2401 of the "Implementing Recommendations of the 9/11 Commission Act of 2007" (P.L. 110-53).

On November 19, 2009, the Subcommittee on Management, Investigations, and Oversight held a Member briefing on the Department of Homeland Security Quadrennial Homeland Security Review. The briefing provided Members an opportunity to examine the Department's actions regarding the preparation of its first QHSR and to ensure its timely issuance.

The briefing was the continuation of ongoing oversight of the QHSR process, which included a letter written to the Deputy Assistant Secretary for Policy on February 17, 2009 regarding the Committee's expectations concerning the QHSR and inquiring into the status of its preparation. That letter was followed by briefings with DHS and correspondence to Deputy Secretary Lute on August 11, 2009, which set forth the Committee's displeasure with DHS's lack of meaningful progress on the QHSR. On September 23, 2009, Subcommittee Chairman Christopher Carney and DHS Deputy Assistant Secretary for Policy met to discuss delays associated with the QHSR, the projected timeline and the anticipated content. Upon the QHSR's release, the Committee conducted follow-up conferences with DHS to discuss the review.

The Committee received the public version of the final report, entitled "Quadrennial Homeland Security Review Report: A Strategic Framework for a Secure Homeland" on February 1, 2010, just over a month past the deadline for submission of the report to Congress. The document was released to the public on the following day.

On April 29, 2010, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled "Laying the Framework for the Task Ahead: An Examination of the Department of Homeland Security's Quadrennial Homeland Security Review." The Subcommittee received testimony from Hon. Jane Holl Lute, Deputy Secretary, Department of Homeland Security; Dr. James Carafano, Deputy Director, The Kathryn and Shelby Cullom Davis Institute for International Studies and Director, Douglas and Sarah Allison Center for Foreign Policy Studies, The Heritage Foundation.

The purpose of this hearing was to examine DHS's completion of its first QHSR. Members were provided with the opportunity to examine DHS's process for completing the QHSR; its plans for implementing the new policies contained within the document; and determine whether the final product met the requirements set forth in statute.

MEDICAL SURGE CAPACITY

Prior to the Presidential transition, the Homeland Security Advisory Council identified the top ten challenges for the next Secretary

of Homeland Security. One challenge identified was the need to close the gap in medical surge capacity, which is defined as the health care system's ability to quickly expand normal service capacity in response to a sharp increase in demand for medical care. This field hearing, located in Danville, PA, examined how DHS coordinates with the Department of Health and Human Services, local hospital facilities, and public health officials in establishing and coordinating a national medical response strategy during an act of terrorism or public health threat, including biological, chemical or radiological events.

On January 25, 2010, the Subcommittee on Management, Investigations, and Oversight held a field hearing in Danville, Pennsylvania entitled "Is the Medical Community Ready if Disaster or Terrorism Strikes: Closing the Gap in Medical Surge Capacity." The Subcommittee received testimony from Dr. Tilman Jolly, Associate Chief Medical Officer for Medical Readiness, Department of Homeland Security; Dr. Gregg A. Pane, Director, National Health Care Preparedness Programs, Office of Preparedness and Emergency Operations, Office of the Assistant Secretary for Preparedness and Response, Department of Health and Human Services; Ms. Shannon Fitzgerald, Director, Pennsylvania Office of Public Health Preparedness, Pennsylvania Department of Health; Ms. Cynthia A. Bascetta, Director, Health Care, Government Accountability Office; Dr. John J. Skiendzielewski, Director, Emergency Medicine Services, Geisinger Medical Center, Danville, Pennsylvania; Dr. Michael O'Keefe, President & Chief Executive Officer, Evangelical Community Hospital, Lewisburg, Pennsylvania; Mr. Robert A. Kane, Vice President of Operations, Susquehanna Health, Williamsport, Pennsylvania; and Mr. Gary A. Carnes, President and Chief Executive Officer, All Children's Health System, St. Petersburg, Florida.

The purpose of the hearing was to examine the Department's efforts to enable National medical surge capacity during a catastrophic incident. During the hearing, particular emphasis and oversight was placed on *Homeland Security Presidential Directive 21*, which requires the Secretary of Health and Human Services in conjunction with the Secretary to develop "an operational concept for the medical response to catastrophic health events that is substantively distinct from and broader than that which guides day-to-day operations."

At the Chairman's direction, the Subcommittee and its staff continued to conduct extensive oversight on the medical surge capacity at DHS.

DEPARTMENT ON HOMELAND SECURITY CONFERENCE SPENDING

The Department of Homeland Security (DHS) conducts conferences for a variety of purposes, including employee and stakeholder training, information sharing, and mission support. During fiscal years 2005-2007, DHS reportedly spent approximately \$110 million on conference-related activities - spending approximately \$60 million in direct costs and an additional \$50 million identified as salary expenses for employees attending conferences.

On September 20, 2007, Chairman Bennie Thompson requested that DHS Inspector General (IG) examine DHS's spending on con-

ference-related activities. In particular, the IG was asked to provide the Committee with information regarding the total amount spent by DHS on producing or facilitating the production of conferences, retreats and other off-site activities, arranged by component agency or purchasing authority.

On February 4, 2010, the Subcommittee on Management, Investigations and Oversight held a hearing entitled “Furthering the Mission or Having Fun: Lax Travel Policies Costs DHS Millions.” The Subcommittee received testimony from Ms. Elaine Duke, Undersecretary for Management, Department of Homeland Security; and Mr. Carlton Mann, Assistant Inspector General for Inspections, Office of Inspector General, Department of Homeland Security.

The purpose of the hearing was to examine IG’s audit of the amount of taxpayer dollars DHS spent on conferences, retreats, and other offsite activities; in addition to the lack of internal controls governing policies, oversight, and reporting of conference planning and spending practices. During the hearing, the Office of Inspector General released its previously embargoed report, entitled “DHS Conference Spending Practices and Oversight.” The report found that during fiscal years 2005 - 2007, DHS spent approximately \$110 million on conference-related activities.

At the Chairman’s direction, the Subcommittee and its staff continued to conduct extensive oversight on conference spending at DHS. On October 15, 2010 Chairman Thompson sent a letter to Under Secretary for Management at DHS Rafael Borrás to ensure that DHS followed through with the IG recommendations, including establishing common practices to review and approve travel and conference requests.

SBINET

On November 2, 2005, the Department announced the Secure Border Initiative (SBI). SBI was planned as a multi-dimensional program to include additional border security personnel, such as Border Patrol agents; more tactical infrastructure, including pedestrian fencing and vehicle barriers, and increased detention capacity. SBI also includes a technology component called *SBInet*, which was launched in September 2006. Like ISIS and ASI, *SBInet* is intended to create a “virtual fence” along the nation’s borders using cameras, sensors, radar, and other equipment. *SBInet* is the federal government’s third major attempt at developing a technology solution for securing America’s borders.

On March 18, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled “*SBInet*: Does it Pass the Border Security Test?” The Subcommittees received testimony from Mr. Michael J. Fisher, Acting Chief, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Mark Borkowski, Executive Director, Secure Border Initiative Program Executive Office, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Randolph C. Hite, Director, IT Architecture & Systems Issues, Government Accountability Office; and Mr. Roger A. Krone, President,

Network and Space Systems, Boeing Defense, Space and Security, the Boeing Company.

The purpose of the hearing was to receive testimony on DHS's efforts to secure the nation's borders through its Secure Border Initiative (SBI), and particularly through the technology component of SBI, known as *SBI_{net}*. The hearing gave Subcommittee members the opportunity to question DHS, Government Accountability Office (GAO), and private sector witnesses about the status of the program, with particular emphasis on testing of *SBI_{net}* systems. The hearing coincided with the release of GAO's report on the program, entitled "Secure Border Initiative: DHS Needs to Address Testing and Performance Limitations that Place Key Technologies at Risk."

On June 17, 2010, the Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight continued its joint hearing entitled "*SBI_{net}*: Does it Pass the Border Security Test?" The Subcommittees received testimony from Mr. Randolph C. Hite, Director, IT Architecture & Systems Issues, Government Accountability Office; Mr. Mark Borkowski, Executive Director, Secure Border Initiative Program Executive Office, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Michael J. Fisher, Chief, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; and Mr. Roger A. Krone, President, Network and Space Systems, Boeing Defense, Space and Security, the Boeing Company.

The purpose of the hearing was to receive testimony on DHS's efforts to secure the nation's borders through *SBI_{net}*. The hearing gave Members an opportunity to question DHS, GAO, and private sector witnesses about the status of the program, with particular emphasis placed on DHS' management of *SBI_{net}*. During this hearing, GAO released its latest *SBI_{net}* report entitled, "Secure Border Initiative: DHS Needs to Reconsider its Proposed Investment in Key Technology Program."

At the Chairman's direction, the Subcommittee and its staff continued to conduct extensive oversight on the *SBI_{net}* program.

PIPELINE SECURITY

The national pipeline system is an extensive mode of transportation with unique infrastructure security characteristics and requirements. Virtually all the critical pipeline infrastructure is owned or operated by private entities. Over 2.5 million miles of petroleum and natural gas transmission pipeline operated by more than 3,000 companies crisscross the United States. Pipelines deliver approximately two-thirds of the petroleum products and almost all of the natural gas in the United States. These pipelines are integral to the U.S. energy supply and have vital links to other critical infrastructure, such as power plants, airports, and military bases.

The Transportation Security Administration (TSA) is the lead federal agency for security in all modes of transportation, including pipelines. Pipeline security activities at TSA are led by the Pipeline Security Division (PSD) within the agency's Office of Transportation Sector Network Management. The agency oversees industry's identification and protection of pipelines by developing secu-

rity standards; implementing measures to mitigate security risk; building stakeholder relations; and monitoring compliance with security standards, requirements, and regulation. In an effort to reduce risk, TSA conducts corporate security reviews, critical facility inspections, and security training and exercises for both government and private sector pipeline personnel.

On April 19, 2010, the Subcommittee on Management, Investigations, and Oversight held a field hearing in Plant City, Florida entitled “Unclogging Pipeline Security: Are the Lines of Responsibility Clear?” The Subcommittee received testimony from Mr. Jack Fox, General Manager, Pipeline Security, Transportation Sector Network Management, Transportation Security Administration, Department of Homeland Security; Mr. Jeffrey Wiese, Associate Administrator for Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation; Mr. Paul W. Parfomak, Specialist in Energy and Infrastructure Policy, Congressional Research Service, The Library of Congress; Mr. Gary L. Forman, Chair, Pipeline Sector Coordinating Council; Mr. Larry Gispert, Director, Hillsborough County Emergency Management, Tampa, Florida; Mr. Ron Rogers, Assistant Chief - Administration, Hillsborough County Fire Rescue, Tampa, Florida; and Col. Ed Duncan, Commander, Department of Operational Support, Hillsborough County Sheriff’s Office, Tampa, Florida.

The purpose of the field hearing was to examine the security of the Nation’s pipeline networks, which transmit oil and gas across the United States and have vital links to critical infrastructure, such as power plants, airports, and military bases. These systems present unique homeland security challenges as they are vulnerable to both accidents and terrorist attacks. Members had the opportunity to explore existing management agreements between DHS and the Department of Transportation (DOT) as well as to ascertain how DHS and DOT coordinate with local officials and industry.

At the Chairman’s direction, the Subcommittee and its staff continued to conduct extensive oversight on pipeline security.

DEEPWATER HORIZON OIL SPILL

On April 20, 2010, an explosion and fire occurred on the Deepwater Horizon oil rig, located approximately 72 miles southeast of Venice, Louisiana in the Gulf of Mexico. Four days after the explosion, through the use of remotely operated underwater vehicles it was determined that oil was leaking from the rig. As the primary responders in U.S. coastal waters, the U.S. Coast Guard’s (Coast Guard) response to the BP oil spill began immediately after the explosion as an emergency search-and-rescue mission. On April 21, pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Rear Admiral Mary Landry was named the Federal On-Scene Coordinator and a Regional Response Team was stood up. This team included the Coast Guard, Environmental Protection Agency (EPA), and the Departments of Homeland Security (DHS), Commerce (DOC), and Interior (DOI), as well as state and local representatives. On April 29, Secretary of Homeland Security Janet Napolitano designated the oil spill as a Spill of National Significance (SONS).

On July 12, 2010, the Subcommittee held a field hearing in New Orleans, Louisiana entitled “The *Deepwater Horizon* Oil Spill Chain of Command: An Examination of Information Sharing Practices During a Spill of National Significance.” The Subcommittee received testimony Col. Michael D. Edmonson, Deputy Secretary, Superintendent of State Police, Public Safety Services, Louisiana DHS of Public Safety & Corrections, Baton Rouge, Louisiana; Hon. Frank V. Hibbard, Mayor, Clearwater, Florida; RADM Peter V. Neffenger, Deputy National Incident Commander, United States Coast Guard, DHS; Ms. Juliette N. Kayyem, Assistant Secretary for Intergovernmental Affairs, DHS; and Mr. Ray Dempsey, Vice President of Strategy, BP America. The Subcommittee also received comments from Mr. Roland Guidry, Oil Spill Coordinator, Louisiana Oil Spill Coordinator’s Office, and DHS of Public Safety & Corrections.

The purpose of the field hearing was to examine the command structure, including roles and responsibilities, for the response to the Deepwater Horizon Oil Spill, which was deemed a Spill of National Significance (SONS). Members had an opportunity to discern the chain of command, determine whether the chain was being properly followed by the more than 38,000 personnel responding to the spill, and ascertain how information flowed from the Unified Area Command in New Orleans through the Incident Command Centers in Houma, LA, Mobile, AL and St. Petersburg, FL to state and local entities.

Currently, the Committee is awaiting a review from the DHS Office of the Inspector General describing the relationship between BP and the Mineral Management Service (MMS). Also, the Committee awaits a review of the national contingency plan and BP’s relationship with the government, and after action memorandum from administration officials involved in response efforts to the Oil Spill.

SUBCOMMITTEE HEARINGS HELD

“*Putting People First: A Way Forward for the Homeland Security Workforce.*” March 5, 2009. (Serial No. 110-4)

“*Consolidating DHS: An Update on the St. Elizabeth’s Project.*” March 26, 2009. (Serial No. 110-12)

“*The FY 2010 Budget for Departmental Management and Operations at DHS.*” June 4, 2009. (Serial No. 111-20)

“*Protecting the Protectors: Examining the Personnel Challenges Facing the Federal Air Marshal Service.*” July 23, 2009. (Serial No. 111-31)

“*Creating ‘One DHS’ Part I: Standardizing Department of Homeland Security Financial Management.*” October 29, 2009. (Serial No. 111-43)

“*Is the Medical Community Ready if Disaster or Terrorism Strikes: Closing the Gap in Medical Surge Capacity.*” January 25, 2010. (Danville, PA). (Serial No. 111-50)

“*Furthering the Mission or Having Fun: Lax Travel Policies Cost DHS Millions.*” February 4, 2010. (Serial No. 111-52)

- “*SBI*net: Does it Pass the Border Security Test?” (Joint hearing with the Subcommittee on Border, Maritime, and Global Counterterrorism) March 18 and June 17, 2010. (Serial No. 111-59)
- “*Unclogging Pipeline Security: Are the Lines of Responsibility Clear?*” (Plant City, FL) April 19, 2010. (Serial No. 111-63)
- “*Laying the Framework for the Task Ahead: An Examination of the Department of Homeland Security’s Quadrennial Homeland Security Review.*” April 29, 2010. (Serial No. 111-65)
- “*The Deepwater Horizon Oil Spill Chain of Command: An Examination of Information Sharing Practices During a Spill of National Significance.*” (New Orleans, LA) July 12, 2010. (Serial No. 111-74)

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND SCIENCE AND TECHNOLOGY

YVETTE D. CLARKE, New York, *Chairwoman*

LORETTA SANCHEZ, California
MARY JO KILROY, Ohio
WILLIAM L. OWENS, New York
VACANCY
BENNIE G. THOMPSON, Mississippi
(*Ex Officio*)

DANIEL E. LUNGREN, California
PAUL C. BROUN, Georgia
STEVE AUSTRIA, Ohio
PETER T. KING, New York
(*Ex Officio*)

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held 10 days of hearings and received testimony from 48 witnesses.

The Subcommittee met on February 4, 2009, for organizational purposes.

LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

NUCLEAR FORENSICS AND ATTRIBUTION ACT

PUBLIC LAW 111-140 (H.R. 730)

To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

Legislative History

110th Congress

H.R. 2631, the Nuclear Forensics and Attribution Act, was introduced in the House on June 7, 2007, by Mr. Schiff, Mr. Langevin, and three original co-sponsors. H.R. 2631 was referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs. Within the Committee, H.R. 2631 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

On October 10, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing on H.R. 2631, the Nuclear Forensics and Attribution Act.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology considered H.R. 2631 on October 31, 2007, and forwarded the measure to the Full Committee for consideration, as amended, by voice vote.

The Committee on Homeland Security considered H.R. 2631 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, as amended, by unanimous consent.

Committee on Homeland Security reported H.R. 2631 to the House on June 11, 2008, as H. Rpt. 110-708, Pt. 1.

H.R. 2631 was considered in the House under Suspension of the Rules on June 18, 2008, and passed by voice vote.

H.R. 2631 was received in the Senate on June 19, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

On September 23, 2008, the Senate Committee on Homeland Security and Governmental Affairs considered H.R. 2631 and ordered the measure reported to the Senate, as amended. The Senate Committee on Homeland Security and Governmental Affairs reported H.R. 2631 to the Senate on September 25, 2008, with no written report.

The Senate passed H.R. 2631 on September 26 (Legislative Day of September 17), 2008, after agreeing to the Committee Amendment in the Nature of a Substitute.

111th Congress

H.R. 730 was introduced in the House on January 27, 2009, by Mr. Schiff, Mr. McCaul, and one other original co-sponsor and referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs. Within the Committee, H.R. 730 was referred to Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

On March 20, 2009, the Chair of the Committee on Foreign Affairs sent a letter to the Chair of the Committee on Homeland Security agreeing to waive further consideration of H.R. 730 in order to expedite consideration by the full House. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Foreign Affairs acknowledging the jurisdictional interests of the Committee on Foreign Affairs and the agreement not to seek further consideration of H.R. 730.

On March 20, 2009, the Chair of the Committee on Science and Technology sent a letter to the Chair of the Committee on Homeland Security indicating a jurisdictional interest in H.R. 730, but agreeing to not seek a sequential referral in order to expedite consideration by the full House. The letter further indicated the right to seek appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Science and Technology acknowledging the jurisdictional interests of the Committee on Science and Technology and the agreement to not seek a sequential referral of H.R. 730. The letter further indicated the right to seek appointment of Conferees should a House-Senate Conference be called.

On March 24, 2009, the House considered H.R. 730 under Suspension of the Rules and passed the bill by a $\frac{2}{3}$ recorded vote of 402 yeas and 16 nays (Roll No. 148).

H.R. 730 was received in the Senate on March 26, 2009, and referred to the Senate Committee on Homeland Security and Governmental Affairs. The Senate Committee on Homeland Security and Governmental Affairs reported H.R. 730 to the Senate, amended, with no written report.

On December 23, 2009, the Senate passed H.R. 730, as amended, by unanimous consent.

The House considered the Senate amendment to H.R. 730 under Suspension of the Rules on January 20, 2010, and on January 21, 2010 agreed to the Senate amendment by a recorded vote of 397 yeas and 10 nays, clearing the measure for the President.

H.R. 730 was presented to the President on February 4, 2010, and signed into law on February 16, 2010, as Public Law 111-140.

AUTHORIZE THE SECURING THE CITIES INITIATIVE

H.R. 2611

To amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes.

Legislative History

H.R. 2611 was introduced in the House on May 21, 2009, by Mr. King of New York, and two original co-sponsors, and referred to the Committee on Homeland Security. Within the Committee, H.R. 2611 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

The Committee on Homeland Security considered H.R. 2611 on November 17, 2009, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee reported H.R. 2611 to the House on January 12, 2010, as H. Rpt. 111-398.

The House considered H.R. 2611 under Suspension of the Rules on January 20, 2010, and passed the bill, as amended, by voice vote.

H.R. 2611 was received in the Senate on January 21, 2010, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

HOMELAND SECURITY SCIENCE AND TECHNOLOGY AUTHORIZATION ACT OF 2010

H.R. 4842

To authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes.

Legislative History

H.R. 4842 was introduced in the House on March 15, 2010, by Ms. Clarke, Mr. Thompson of Mississippi, and Mr. Daniel E. Lungren of California, and referred to the Committee on Homeland Security. Within the Committee, H.R. 4842 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology considered H.R. 4842 on March 15, 2010, and ordered the measure to be forwarded to the Full Committee with a recommendation that it pass, amended, by voice vote.

The Committee on Homeland Security considered H.R. 4842 on April 15, 2010, and ordered the measure to be reported to the

House, as amended, by a recorded vote of 26 yeas and 0 nays (Roll Call Vote No. 23).

On May 18, 2010, the Committee on Homeland Security reported H.R. 4842 to the House as H. Rpt. 111-486, Part I.

On that same date, H.R. 4842 was sequentially referred to the Committee on Science and Technology for a period ending not later than June 18, 2010. On June 18, 2010, the referral to the Committee on Science and Technology was extended for a period ending not later than June 25, 2010. On June 25, 2010, the Committee on Science and Technology was discharged from further consideration of H.R. 4842.

The Chair of the Committee on Science and Technology sent a letter to the Chair of the Committee on Homeland Security on June 25, 2010, agreeing to waive consideration of H.R. 4842 in order to expedite consideration of the measure by the full House. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Science and Technology acknowledging the jurisdictional interests of the Committee on Science and Technology.

The House considered H.R. 4842 under Suspension of the Rules on July 20, 2010, and passed the measure, as amended, by voice vote.

Received in the Senate on July 21, 2010, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

WMD PREVENTION AND PREPAREDNESS ACT OF 2010

H.R. 5498

To enhance homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes.

Legislative History

H.R. 5498 was introduced in the House on March 15, 2010, by Mr. Pascrell, Mr. King of New York, Mr. Thompson of Mississippi, Ms. Clarke, and Mr. Daniel E. Lungren of California and referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, the Committee on Agriculture, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence. Within the Committee, H.R. 5498 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

On June 15, 2010, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing on H.R. 5498, the “WMD Prevention and Preparedness Act of 2010.” The Subcommittee received testimony from Sara (Sally) T. Beatrice, PhD, Assistant Commissioner, Public Health Laboratory, Department of Health and Mental Hygiene, City of New York; Randall S. Murch, PhD, Associate Director, Research Program Development, National Capital Region, Virginia Polytechnic Institute and State University; Robert P. Kadlec, MD, Vice President, Global Public Sector, PRTM Management Consulting; and Julie E. Fischer, PhD,

Senior Associate, Global Health Security Program, Henry L. Stimson Center.

On June 23, 2010, the Full Committee considered H.R. 5498 and ordered the measure to be reported to the House with a favorable recommendation, amended, by a recorded vote of 26 yeas and 0 nays (Roll Call Vote No. 24).

On November 17, 2010, the Chair of the House Permanent Select Committee on Intelligence sent a letter to the Chair of the Committee on Homeland Security indicating that, in order to expedite consideration of the measure by the full House, the Permanent Select Committee on Intelligence would agree to not seek a sequential referral of H.R. 5498. On that same date, the Chair of the Committee on Homeland Security responded and agreed to the waiving of the sequential referral and agreeing to request to seek appointments of Conferees should a House-Senate Conference be convened. On November 18, 2010, the Chair of the Committee on Foreign Affairs sent a letter to the Chair of the Committee on Homeland Security agreeing that, in order to expedite consideration of the measure by the full House, the Committee would waive consideration of H.R. 5498. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Foreign Affairs acknowledging the jurisdictional interests of the Committee on Foreign Affairs.

The Committee on Homeland Security reported H.R. 5498 to the House on November 18, 2010, as H. Rpt. 111-659, Pt. I.

Subsequently, the Committee on Agriculture, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the House Permanent Select Committee on Intelligence were discharged from further consideration of H.R. 5498.

The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on November 18, 2010, for a period ending not later than December 3, 2010. On December 3, 2010, the referral of the bill to the Committee on Energy and Commerce was extended for a period ending not later than December 17, 2010. On December 17, 2010, the referral of the bill to the Committee on Energy and Commerce was extended for a period ending not later than December 21, 2010. The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on December 21, 2010, for a period ending not later than December 22, 2010. On December 22, 2010, the Committee on Energy and Commerce was discharged from further consideration of H.R. 5498 and placed on the Union Calendar (Calendar No. 411).

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

CYBER THREATS TO FEDERAL NETWORKS

Computer networks play an ever-expanding role in all aspects of our society, including our government. In the U.S. and around the world, government and private sector networks are attacked every day by viruses, worms, and other types of cyber attacks. While any of these attacks can be damaging, attacks on government networks

are of particular concern, because they could negatively impact government functioning, or result in a loss of sensitive or even classified data that could threaten national security.

The purpose of the March 5, 2009 briefing was to inform members, in a classified setting, on recent cyber penetrations of the Federal networks. DHS briefed members on detection and response efforts and future prevention activities.

On March 5, 2009, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a joint Classified Member briefing on cybersecurity threats to United States Federal networks.

FEDERAL CYBERSECURITY MISSION

Creating a secure cyberspace is surely in the national interest, but to date all efforts to do so have been voluntary. The White House and other Federal agencies have stepped in to provide leadership, whether Federal authority to require secure computing is necessary, and if so, what it should look like, remains an open question.

On March 10, 2009, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled "Reviewing the Federal Cybersecurity Mission." The Subcommittee received testimony from Mr. Dave Powner, Director, Information Technology Management Issues, Government Accountability Office; Mr. Scott Charney, Vice President, Trustworthy Computing, Microsoft; Mr. Amit Yoran, Chair and CEO, NetWitness Corporation; Ms. Mary Ann Davidson, Chief Security Officer, Oracle Corporation; and Dr. Jim Lewis, Project Director, Center for Strategic and International Studies.

The purpose of the hearing was to offer Members a chance to learn about and provide oversight regarding the need for a national strategic framework for cybersecurity, and what that framework should include. The hearing took place halfway through the National Security Council's 60-day interagency review of the Federal cybersecurity mission, ordered by President Obama and National Security Advisor Jim Jones. Witnesses discussed what the key elements of such a framework should be, including expectations of what it means to deal with cyber attacks; national defensive and offensive capabilities; law enforcement authorities and responsibilities; and policy and governance authorities and responsibilities.

Following the hearing, the Committee asked GAO to investigate and report on the findings of the policy review, one of which was the national strategic framework. GAO reported to the Committee on August 2, 2010, but at that time, and as of the end of the 111th Congress, the national strategic framework had not been completed. GAO found that while the goals and objectives in the policy review were appropriate, implementation was hampered due to a lack of specifically assigned roles and responsibilities for Federal agencies involved in different aspects of the national cybersecurity mission.

The Committee has several GAO engagements on cybersecurity-related topics, including: *Cyberspace Policy: Executive Branch Is Making Progress Implementing 2009 Policy Review Recommenda-*

tions, but Sustained Leadership Is Needed (GAO-11-24); *Critical Infrastructure Protection: Key Private and Public Cyber Expectations Need to Be Consistently Addressed* (GAO-10-628); *Cyberspace: United States Faces Challenges in Addressing Global Cybersecurity and Governance* (GAO-10-606); *Cybersecurity: Key Challenges Need to Be Addressed to Improve Research and Development* (GAO-10-466); *Critical Infrastructure Protection: Update to National Infrastructure Protection Plan Includes Increased Emphasis on Risk Management and Resilience* (GAO-10-296); *Critical Infrastructure Protection: OMB Leadership Needed to Strengthen Agency Planning Efforts to Protect Federal Cyber Asset* (GAO-10-148); *Information Technology: Management Improvements Needed on the Department of Homeland Security's Next Generation Information Sharing System* (GAO-09-40); and *Critical Infrastructure Protection: Current Cyber Sector-Specific Planning Approach Needs Reassessment* (GAO-09-969). The Committee also has two ongoing engagements: *Review of Cybersecurity Standards* and *Review of Smart Grid Cybersecurity Guidelines and Related Issues*.

Additionally, in November 2010, several Committee Members introduced H.R. 6423, the Homeland Security Cyber and Physical Infrastructure Protection Act of 2010, which would authorize the DHS Office of Cybersecurity & Communications; create a new Cybersecurity Compliance Division to oversee the establishment of performance-based standards; require DHS to work with network operators to develop tailored security plans that meet risk-based, performance-based standards; and require DHS to share threat intelligence and protect proprietary information.

CYBER THREATS TO THE ELECTRIC GRID

The operation of the electric grid is increasingly reliant upon computers and computerized components. While this increases the efficiency and ease of operation, it also creates a vulnerability that could lead to improper functioning, damage, and even destruction of key elements of the electric grid.

Members were received testimony on recent, ongoing cyber penetrations of electric grid computer networks, as well as similar penetrations in other critical infrastructure networks. Possible adversary identity and motives were also discussed.

In the months following the hearing, several news outlets reported cyber penetrations of the U.S. electric grid by hackers in China and Russia. On April 30, 2009, Chairman Bennie G. Thompson introduced H.R. 2195, to amend the Federal Power Act to provide additional authorities to adequately protect the critical electric infrastructure against cyber attack, and for other purposes.

In addition, the subcommittee held a hearing on electric grid protection in July of 2009, and attended an international summit on electric infrastructure security in September of 2010.

On March 17, 2009, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Transportation Security and Infrastructure Protection held a joint Member Classified briefing on cyber threats to the electric grid.

CYBER VULNERABILITIES IN THE PAYMENT CARD INDUSTRY

For years critical infrastructure stakeholders have experienced massive data breaches on their internal computer networks, resulting in the compromise of sensitive customer data such as credit card numbers or other personally identifiable information. Many merchants who experienced massive data breaches were certified to be “compliant” with the credit card industry standards at the time of their breaches.

On March 31, 2009, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Do the Payment Card Industry Data Standards Reduce Cybercrime?” The Subcommittee received testimony from Ms. Rita Glavin, Acting Assistant Attorney General, Criminal Division, Department of Justice; Mr. Robert Russo, Director, Payment Card Industry Data Security Standards Council; Mr. Joseph Majka, Head of Fraud Control and Investigations, Global Enterprise Risk, Visa Inc.; Mr. Michael Jones, Chief Information Officer, Michaels Stores Inc.; and Mr. Dave Hogan, Senior Vice President and Chief Information Officer, National Retail Federation.

The purpose of the hearing was to examine data security standards to identify common risks and best practices for data security that could be applied among critical infrastructure stakeholders and in government networks. This hearing provided Members with an opportunity to assess what credit card industry data security practices could be applied in other cybersecurity settings, in light of the commonalities among most operating systems, such as encryption, software, hardware spoofs, and other vulnerabilities.

NATIONAL ANIMAL IDENTIFICATION SYSTEM

The Department of Homeland Security is responsible for coordinating interagency efforts to address national animal disease outbreaks. In the event of a national catastrophe, DHS must be able to communicate with an effective and informed Department of Agriculture that can rapidly identify diseased and exposed animals. In the event of an outbreak, it is essential that a functioning system is in place to allow for immediate identification and assessment of the source of the problems. One proposed approach is to create a national system of traceability, and animal ID is a key component of this.

On May 5, 2009, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a joint hearing with the Subcommittee on Livestock, Dairy, and Poultry of the Committee on Agriculture entitled “Review of the National Animal Identification System.” The Subcommittees received testimony from Dr. John R. Clifford, Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Department of Agriculture; Dr. Tom McGinn, Chief Veterinarian, Director of Food, Agriculture and Veterinary Defense, Department of Homeland Security; Dr. David C. Smith, Assistant Director, Division of Animal Industry, New York State Department of Agriculture and Markets; Dr. Jerry Gillespie, Former Director of the Western Institute for Food Safety and Security, University of California-Davis; and Mr. Kevin Kirk, Michigan Department of Agriculture.

The purpose of the hearing was to receive testimony from DHS, USDA, and livestock experts on the nation's ability to trace livestock and poultry. Some Members expressed a desire for the United States Government to implement a national animal identification system (NAIS). They also discussed the impact to our national biosecurity without such a system.

FISCAL YEAR 2010 BUDGET REQUEST

Each year, the President's proposed budget outlines the priorities of the administration for all activities carried out by the Federal government. The subcommittee was charged with the specific task of reviewing the proposed budgets for the Science and Technology Directorate, the Office of Health Affairs, and the Domestic Nuclear Detection Office.

On June 9, 2009, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "The FY 2010 Budget for the Directorate for Science & Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office." The Subcommittee received testimony from Mr. Brad Buswell, Acting Under Secretary, Science and Technology Directorate, Department of Homeland Security; Dr. Chuck Gallaway, Acting Director, Domestic Nuclear Detection Office, Department of Homeland Security; and Dr. Jon Krohmer, Acting Assistant Secretary and Chief Medical Officer, Office of Health Affairs, Department of Homeland Security.

The purpose of the hearing was to provide Members an opportunity to review and discuss the budgets, strategic agendas, and policies of the Science and Technology Directorate, the Office of Health Affairs, and the Domestic Nuclear Detection Office. This hearing was an opportunity for Members to weigh in publicly on a broad range of issues affecting each of these divisions within DHS. At the hearing, Members raised concerns with the need for increased engagement with and utilization of small businesses. In addition, Members discussed plans for addressing issues with troubled programs, such as DNDO's Advanced Spectroscopic Portal; and OHA's National Biosurveillance Integration Center and BioWatch.

The subcommittee maintains close contact with S&T, DNDO, and OHA, and closely monitors and provides oversight for their programs and activities directly.

ELECTRIC GRID SECURITY

The United States electric grid remains highly vulnerable to a cyber or physical attack that could potentially disable wide portions of the grid for extended periods of time. DOD, DHS, and DOE recently participated in a tabletop exercise involving a physical and cyber terrorist attack on the electric grid. The vulnerability of the Nation's electric grid is a critical national and economic security issue that the Committee members believe Congress can and must address with urgency.

On July 21, 2009, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "Securing the Modern Electric Grid from Physical and Cyber Attacks." The Subcommittee received testimony from Dr. William

Graham, Chair, Commission to Assess the Threat to the United States from Electromagnetic Pulse; Mr. Mark Fabro, President and Chief Security Scientist, Lofty Perch; Mr. Michael Assante, Chief Security Officer, North American Electric Reliability Corporation; Mr. Steve Naumann, Vice President of Wholesale Markets, Representing Edison Electric Institute and Electric Power Supply Association; Mr. Joe McClelland, Director of Reliability, Federal Energy Regulatory Commission; Ms. Patricia Hoffman, Acting Assistant Secretary, Office of Electricity Delivery and Energy Reliability; Mr. Sean McGurk, Director, Control Systems Security Program, Department of Homeland Security; and Ms. Cita Furlani, Director, Information Technology Laboratory, National Institute of Standards and Technology.

The main purpose of the hearing was to raise awareness of the vulnerabilities of the electric grid to disruption or damage and identify the gaps that need to be addressed. Members received testimony from the Commission to the United States from Electromagnetic Pulse Attack Critical National Infrastructures Commission, DHS, DOE, FERC, the Department of Commerce, and private industry experts. Testimony revealed industry standards were inadequate to protect critical infrastructure, and that industry has been slow to implement precautionary security measures. Chairman Thompson sponsored legislation, H.R. 2195, the Critical Infrastructure Protection Act, to improve existing security standards and require DHS to perform vulnerability and threat assessments for critical electric infrastructure and investigate security incidents involving the electric grid.

SECURING RADIOLOGICAL SOURCES

A radiological dispersion device (RDD - often called a “dirty bomb”), is a weapon of terror and asymmetrical warfare, and works by dispersing radioactive material into the air and contaminating a large area. Cesium Chloride (CsCl) is an ideal radiological device for such a weapon. Protecting legitimate sources of CsCl is the best way to thwart the RDD threat.

On September 14, 2009, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a field hearing in Brooklyn, New York entitled “Status Report on Federal and Local Efforts to Secure Radiological Sources.” The Subcommittee received testimony from Mr. Craig Conklin, Director, Sector Specific Agency Executive Management Office, Office of Infrastructure Protection, Department of Homeland Security; Mr. Kenneth Sheely, Associate Assistant Deputy Administrator for Global Threat Reduction, National Nuclear Security Administration, Department of Energy; Mr. Robert Lewis, Director, Division of Materials Safety and State Agreements, Nuclear Regulatory Commission; Capt. Michael Riggio, Counterterrorism Division, New York Police Department; Mr. Gene Miskin, Director, Office of Radiological Health, New York City Department of Health and Mental Hygiene; Dr. Bonnie Arquilla, Director of Disaster Preparedness, SUNY Downstate Medical Center; and Mr. Gene Aloise, Director, Natural Resources and Environment, Government Accountability Office.

The purpose of the hearing was to conduct oversight on a partnership between DHS, DOE, and NRC, to protect these sources na-

tionwide, particularly in New York City. Members received testimony from DHS, DOD, NRC, State officials, and GAO. GAO testified at the hearing on its progress on a review for the Committee, *Combating Nuclear Terrorism: Preliminary Observations on preparedness to Recover from Possible Attacks Using Radiological or Nuclear Materials*, (GAO-09-996T), later completed in January of 2010. The Committee determined that the program to secure these sources in the medical environment had significantly improved security of radiological sources through three key actions: (1) physically hardening hospital blood irradiation machines by adding external locking devices; (2) engaging with the irradiator manufacturers to determine if future devices could be made that were inherently more secure; and (3) updating and modernizing the NRC source tracking regime. The Committee found that these efforts should continue and receive ongoing Congressional support.

RESPONSE TO PANDEMIC INFLUENZA

A worldwide influenza pandemic could have very high costs, in mortality, morbidity, and secondary impacts to the U.S. and global economy. In recent years, two influenza strains, H5N1, and H1N1, have raised the concern of a pandemic. In the case of H1N1, a worldwide pandemic did come to pass, but luckily the strain was not virulent enough to impose excessive health or economic costs on the U.S. or the world.

On October 27, 2009, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled “Real-Time Assessment of the Federal Response to Pandemic Influenza.” The Subcommittee received testimony from Alexander Garza, MD, Chief Medical Officer and Assistant Secretary for Health Affairs, Department of Homeland Security; Nicole Lurie, MD, Assistant Secretary for Preparedness and Response, Department of Health and Human Services; Mr. Richard Serino, Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security; and Ms. Marcy Forman, Director, Intellectual Property Rights Coordination Center, Department of Homeland Security.

The purpose of the hearing was to ensure that every effort was made to prevent as much illness and save as many lives as possible. Members received testimony from DHS and HHS. This testimony revealed that several systematic improvements would strengthen the public health security infrastructure: biosurveillance; pandemic disaster assistance; real-time recording of lessons learned; public messaging; and pharmaceutical system security.

Following the hearing, in October 2009, the Committee wrote a letter to Secretary Napolitano, asking her to have FEMA review FEMA Disaster Assistance Policy 9523.17 — Emergency Assistance for Human Influenza Pandemic. The Secretary did so, and the updated version was released in November 2009.

The Committee currently has two ongoing GAO engagements regarding pandemic influenza: Pandemic Influenza Vaccine Technologies and Lessons Learned from H1N1 Influenza Pandemic.

DEPARTMENT OF HOMELAND SECURITY SCIENCE AND TECHNOLOGY
DIRECTORATE

The Science and Technology (S&T) directorate is intended to provide support to the Department's operational components and to first responders and other government and private sector entities engaged in the homeland security enterprise through research, development, testing, and evaluation of promising homeland security technologies. In the first years of the Department's existence, the Directorate was often described as a "rudderless ship", but it is widely acknowledged to be making improvements in recent years.

On March 3, 2010, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "The Department of Homeland Security's Science and Technology Directorate." The Subcommittee received testimony from Hon. Tara O'Toole, Under Secretary for the Science and Technology Directorate, Department of Homeland Security.

The purpose of this hearing was to consider Under Secretary Tara O'Toole's plans and priorities for S&T, and discuss legislation authorizing. The Under Secretary testified about her plans for realignment and reorganization within S&T; continued efforts to better engage with small business; and making improvements to the working partnerships with other DHS entities, with particular focus on improving the process of defining technology requirements.

The hearing informed the Committee's Science and Technology authorization legislation, H.R. 4842.

BIOTHREAT IN THE UNITED STATES

In 2008, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (WMD Commission) issued the report *World at Risk*. The Report asserted that the chance of a WMD attack occurring somewhere in the world event by 2013 was greater than 50%. In January of 2010, the WMD Commission released a "Report Card" on the government's progress in implementing the recommendations in the original report.

Experts from the Office of the Director for National Intelligence, the Federal Bureau of Investigation and DHS briefed the Committee on the current biological threat to the United States. Members questioned briefers about the evolution of the biological threat since these statements were originally promulgated in 2008. The Committee discussed the need to focus on addressing Congressional homeland security jurisdiction, in part, to facilitate legislation directing a concerted government-wide effort to address the threat.

On March 12, 2010, the Members of the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology hosted a Classified Member briefing for the Members of the Committee on Homeland Security on bioterrorism threats in the United States.

This briefing in part prompted the Committee's development and introduction of H.R. 5498, the WMD Prevention and Preparedness Act of 2010.

A Full Committee hearing was held with the WMD Commissioners in April of 2010.

BIOSURVEILLANCE

On May 25, 2010, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a Member briefing to receive an update on the Department of Homeland Security Office of Health Affairs and its major programs, including BioWatch and the National Biosurveillance Integration Center. Representatives from the office of Health Affairs and Chief Medical Officer for the Department of Homeland Security were present to respond to Member questions.

The goals of this briefing were to: (1) learn about the new vision for and reorganization of OHA; (2) examine whether OHA was fulfilling the Congressionally mandated responsibilities of the CMO; (3) discuss the poor performance of the National Biosurveillance Integration Center (NBIC) and what, if anything, could be done to turn the Center around; (4) discuss the BioWatch program, including the new technologies being developed and its potential expansion to cover more of the United States; and (5) discuss the recent decision to eliminate the position of the Chief Veterinary Officer.

To further examine performance and management issues in the office, the Committee requested that GAO review NBIC and OHA national biosurveillance efforts under the following requests: *Biosurveillance: Efforts to Develop a National Biosurveillance Capability Need a National Strategy and a Designated Leader* (GAO-10-645); and *Biosurveillance: Developing a Collaboration Strategy Is Essential to Fostering Interagency Data and Resource Sharing* (GAO-10-171). In addition, the Committee has the following ongoing GAO engagements: *Biosurveillance: State, Local, Tribal; and Territorial Biosurveillance Capabilities*.

The Committee authorized, within the Department, the position of Chief Medical Officer as part of the Post-Katrina Emergency Management Reform Act (P.L. 109-295). The Chief Medical Officer leads the Department's Office of Health Affairs (OHA), which has performed poorly since its inception. Dr. Alex Garza took over as the new Chief Medical Officer in August of 2009.

ELECTRIC INFRASTRUCTURE PROTECTION

Committee members remain concerned about the vulnerability of our electric grid. Key threats of concern include those posed by electromagnetic phenomena such as an electromagnetic pulse (EMP); created by a high-altitude nuclear weapon burst radio-frequency or microwave-frequency devices; and most especially by naturally occurring geomagnetic storms.

On September 20, 2010, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology Chairwoman Yvette Clarke led a Congressional Delegation (CODEL) to the Parliament of the United Kingdom's Electric Infrastructure Security Summit (EISS) in London, England. Rt. Hon. James Arbuthnot MP, Chair of the United Kingdom House of Commons Defense Select Committee chaired the Summit. Chairwoman Clarke was an Honorary Co-Chair of the event, along with Congressman Trent Franks of the House Armed Services Committee.

The Summit brought together senior government representatives and scientists from Europe, the U.S. and other regions to review

results of new research on Electromagnetic Pulses and severe solar flare infrastructure risks and protection options. Participants explored the potential for cooperation in implementing protective measures, and define the mission and framework for the EISS process.

DOMESTIC NUCLEAR DETECTION OFFICE

The Domestic Nuclear Detection Office (DNDO), first authorized under the SAFE Port Act (P.L. 109-347), is responsible for developing and acquiring technology used by operational components of the Department to detect smuggling of nuclear and radiological material into the United States. In addition, the DNDO is the agency responsible for coordination of all U.S. government activities under the Global Nuclear Detection Architecture.

On September 30, 2010, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled “The Domestic Nuclear Detection Office: Can It Overcome Past Problems and Chart a New Direction?” The Subcommittee received testimony from Mr. Warren M. Stern, Director, Domestic Nuclear Detection Office, Department of Homeland Security.

The hearing facilitated oversight with regard to DNDO programs and activities, such as the Advanced Spectroscopic Portal (ASP), the Global Nuclear Detection Architecture (GNDA), Radiation Portal Monitors (RPM), and the Securing the Cities Initiative (STC). Members also discussed DNDO’s future challenges, such as limited supply of Helium-3, used to detect gamma radiation signatures of special nuclear material (SNM) such as uranium and plutonium. Other challenges include currently unaddressed nuclear smuggling vulnerabilities like rail, general aviation, small maritime craft, and border crossings between ports of entry.

In addition to the hearing, the Committee provided direction for the DNDO in H.R. 4842.

Finally, the Committee requested GAO engagements relevant to DNDO activities, including: *Combating Nuclear Smuggling: DHS Improved Testing of Advanced Radiation Detection Portal Monitors, but Preliminary Results Show Limits of the New Technology* (GAO-09-655); and *Combating Nuclear Terrorism: Actions Needed to Better Prepare to Recover from Possible Attacks Using Radiological or Nuclear Materials* (GAO-10-204).

SUBCOMMITTEE HEARINGS HELD

“*Reviewing the Federal Cybersecurity Mission*” March 10, 2009. (Serial No. 111-5)

“*Do the Payment Card Industry Data Standards Reduce Cybercrime?*” March 31, 2009. (Serial No. 111-14)

“*Review of the National Animal Identification System.*” Joint hearing with the Subcommittee on Livestock, Dairy, and Poultry of the Committee on Agriculture. May 5, 2009. (Serial No. 111-17)

“*The FY 2010 Budget for the Directorate for Science & Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office.*” June 9, 2009. (Serial No. 111-22)

- "Securing the Modern Electric Grid from Physical and Cyber Attacks."* July 21, 2009. (Serial No. 111-30)
- "Status Report on Federal and Local Efforts to Secure Radiological Sources."* September 14, 2009. (Brooklyn, New York) (Serial No. 111-34)
- "Real-Time Assessment of the Federal Response to Pandemic Influenza."* October 27, 2009. (Serial No. 111-41)
- "The Department of Homeland Security's Science and Technology Directorate."* March 3, 2010. (Serial No. 111-54)
- H.R. 5498, the "WMD Prevention and Preparedness Act of 2010."* June 15, 2010. (Serial No. 111-70)
- "The Domestic Nuclear Detection Office: Can It Overcome Past Problems and Chart a New Direction?"* September 30, 2010. (Serial No. 111-84)

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

LAURA RICHARDSON, California, *Chairman*

ELEANOR HOLMES NORTON, District
of Columbia
HENRY CUELLAR, Texas
BILL PASCRELL, JR., New Jersey
EMANUEL CLEAVER, Missouri
DINA TITUS, Nevada
WILLIAM L. OWENS, New York
BENNIE G. THOMPSON, Mississippi
(*Ex Officio*)

MIKE ROGERS, Alabama
PETE OLSON, Texas
ANH "JOSEPH" CAO, Louisiana
MICHAEL T. MCCAUL, Texas
PETER T. KING, New York
(*Ex Officio*)

The Subcommittee on Emergency Communications, Preparedness and Response held 12 days of hearings and received testimony from 43 witnesses.

FIRST RESPONDER ANTI-TERRORISM TRAINING RESOURCES ACT

PUBLIC LAW 111-245 (H.R. 3978)

To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes.

Legislative History

H.R. 3978 was introduced in the House on November 2, 2009, by Mr. Rogers of Alabama and referred to the Committee on Homeland Security. Within the Committee, H.R. 3837 was referred to the Subcommittee on Emergency Communications, Preparedness, and Response.

The Subcommittee on Emergency Communications, Preparedness, and Response considered H.R. 3978 on November 3, 2009, and forwarded the measure to the Full Committee with the recommendation that it pass, without amendment, by voice vote.

The Committee on Homeland Security considered H.R. 3978 on November 17, 2009, and ordered the measure reported to the House, without amendment, by voice vote.

Committee on Homeland Security reported H.R. 3978 to the House as H. Rpt. 111-376.

The House considered H.R. 3978 under Suspension of the Rules on December 15, 2009, and passed the measure, as amended, by a $\frac{2}{3}$ vote of 413 yeas and 1 nay (Roll no. 973).

H.R. 3978 was received in the Senate on December 16, 2009, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

On May 17, 2010, the Senate Committee on Homeland Security and Governmental Affairs ordered H.R. 3978 to be reported to the Senate, with an Amendment in the Nature of a Substitute. The Senate Committee on Homeland Security and Governmental Affairs reported H.R. 3978 to the Senate on August 2, 2010, with no written report.

The Senate considered H.R. 3978 on August 5, 2010, and passed the measure, with an Amendment in the Nature of a Substitute by unanimous consent.

The Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security on September 14, 2010, indicating jurisdictional interest in the Senate amendments to H.R. 3978. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure acknowledging the jurisdictional interests of the Committee on Transportation and Infrastructure.

The House considered the Senate amendments to H.R. 3978 on September 15, 2010, and concurred in the Senate amendments by voice vote, clearing the measure for the President.

H.R. 3978 was presented to the President on September 22, 2010, and signed into law on September 30, 2010, as Public Law 111-245.

IDENTIFYING REDUNDANCIES AND DEVELOPING PERFORMANCE METRICS ACT

PUBLIC LAW 111-271 (H.R. 3980)

To provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

Legislative History

H.R. 3980 was introduced in the House on November 2, 2009, by Mr. Cuellar and referred to the Committee on Homeland Security. Within the Committee, H.R. 3980 was referred to the Subcommittee on Emergency Communications, Preparedness, and Response.

The Subcommittee on Emergency Communications, Preparedness, and Response considered H.R. 3980 on November 3, 2009, and forwarded the measure to the Full Committee with the recommendation that it pass, without amendment, by voice vote.

The Committee on Homeland Security considered H.R. 3980 on November 17, 2009, and ordered the measure to be reported to the House, without amendment, by voice vote.

The Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security on December 1, 2009, agreeing that, in order to expedite consideration of the measure by the full House, the Committee would not seek a sequential referral of H.R. 3980. The letter further requested the support for an appointment of Conferees should a

House-Senate Conference be called. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure acknowledging the jurisdictional interests of the Committee on Transportation and Infrastructure and the agreement to not seek a sequential referral of H.R. 3980.

The Committee on Homeland Security reported H.R. 3980 to the House on December 1, 2009, as H. Rpt. 111-346.

The House considered H.R. 3980 Suspension of the Rules on December 2, 2009, and passed the bill, amended, by a $\frac{2}{3}$ recorded vote of 414 yeas and 0 nays.

H.R. 3980 was received in the Senate on December 3, 2009, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Senate Committee on Homeland Security and Governmental Affairs considered H.R. 3980 on July 28, 2010, and ordered the measure to be reported to the Senate with an Amendment in the Nature of a Substitute. The Senate Committee on Homeland Security and Governmental Affairs reported H.R. 3980 to the Senate on September 16, 2010, as S. Rpt. 111-291.

The Senate passed H.R. 3980 on September 22, 2010, after agreeing to the Committee Amendment in the Nature of a Substitute.

The House considered the Senate amendment to H.R. 3980 under Suspension of the Rules on September 28, 2010, and concurred in the Senate amendment by voice vote, clearing the measure for the President.

H.R. 3890 was presented to the President on September 30, 2010, and signed into law on October 12, 2010 as Public Law 111-271.

CIVIL AIR PATROL

H.R. 1178

To direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

Legislative History

110th Congress

H.R. 1333, the Civil Air Patrol Homeland Security Support Act of 2007, was introduced in the House on March 6, 2007, by Mr. Dent, Mr. Reichert, Ms. Ginny Brown-Waite of Florida, Mr. McCaul of Texas, Mr. Rogers of Alabama, Mrs. Blackburn, Mr. King of New York, and 26 original co-sponsors. H.R. 1333 was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure. Within the Committee on Homeland Security, the measure was referred to the Subcommittee on Emergency Communications, Preparedness and Response.

The Subcommittee on Emergency Communications, Preparedness and Response considered H.R. 1333 on April 30, 2007, and for-

warded the measure to the Full Committee for consideration, amended, by voice vote.

On May 1, 2007, the National Commander of the Civil Air Patrol, met with the Chairman and the Ranking Member of the Subcommittee on Emergency Communications, Preparedness, and Response to discuss the organization's current operations, resources and capabilities, strategic challenges, and requests for assistance.

The Committee on Homeland Security considered H.R. 1333 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, amended, by unanimous consent.

The Committee reported H.R. 1333 to the House as H.Rpt. 110-691, Pt. 1. Referral of the measure to the Committee on Transportation and Infrastructure extended for a period ending not later than June 13, 2008.

Committee on Transportation and Infrastructure reported H.R. 1333 to the House on June 12, 2008, as H.Rpt. 110-691, Pt. 2.

Considered in the House under Suspension of the Rules on June 18, 2008, and passed the House by voice vote.

H.R. 1333 was received in the Senate on June 19, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

111th Congress

H.R. 1178 was introduced in the House on February 25, 2009, by Mr. Dent, Mr. Cuellar, Mr. Rogers of Alabama, and seven original co-sponsors, and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security. Within the Committee, H.R. 1178 was referred to the Subcommittee on Emergency Communications, Preparedness, and Response.

On April 2, 2009, the Committee on Transportation and Infrastructure considered H.R. 1178 and ordered the measure reported to the House, amended, by voice vote. The Committee on Transportation and Infrastructure reported H.R. 1178 to the House on May 4, 2009 as H. Rpt. 11-93, Pt. I.

Referral of the bill to the Committee on Homeland Security was extended on May 4, 2009, for a period ending not later than June 3, 2009.

On May 7, 2009, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Transportation and Infrastructure agreeing to waive further consideration of H.R. 1178, and requesting the appointment of Conferees should a House-Senate Conference be convened. On that same date, the Chair of the Committee on Transportation and Infrastructure sent a letter to the Chair of the Committee on Homeland Security agreeing to the jurisdictional interests of the Committee on Homeland Security, and the waiving of further consideration of H.R. 1178. The letter further indicated support for the appointment of Conferees should a House-Senate Conference be called.

The House considered H.R. 1178 on May 12, 2009, under Suspension of the Rules, and passed H.R. 1178, as amended, by voice vote.

H.R. 1178 was received in the Senate on May 13, 2009, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

STRENGTHENING AND UPDATING RESOURCES AND EQUIPMENT ACT

H.R. 3837

To amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes.

Legislative History

H.R. 3837 was introduced in the House on October 15, 2009, by Ms. Kilroy, Mr. Cuellar, Mr. Thompson of Mississippi, Mr. Pascrell, Ms. Clarke, Mr. DeFazio, Ms. Richardson, Ms. Norton, Ms. Jackson-Lee of Texas, Mr. Cleaver, Ms. Titus, and one original co-sponsors, and referred to the Committee on Homeland Security. Within the Committee, H.R. 3837 was referred to the Subcommittee on Emergency Communications, Preparedness, and Response.

The Subcommittee on Emergency Communications, Preparedness, and Response considered H.R. 3837 on November 3, 2009, and forwarded the measure to the Full Committee with the recommendation that it pass, without amendment, by voice vote.

The Committee on Homeland Security considered H.R. 3837 on November 17, 2009, and ordered the measure reported to the House, amended, by voice vote.

The Committee on Homeland Security reported H.R. 3837 to the House on July 22, 2010, as H. Rpt. 111-558.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

PREPAREDNESS AND RECOVERY LESSONS LEARNED FROM KATRINA

Hurricane Katrina affected over a half million people located within approximately 90,000 square miles spanning Louisiana, Mississippi, and Alabama, and resulted in one of the largest natural disaster relief and recovery operations in United States history. Less than a month later, on September 24, 2005, Hurricane Rita made landfall between Sabine Pass, TX and Johnsons Bayou, LA as a Category 3 storm. More than 3 years after the 2005 hurricanes, the Gulf Coast embarked upon another recovery effort in the wake of 2008 Hurricanes Gustav and Ike. Following the failed federal response to Hurricane Katrina and subsequent backlash, in September 2008, the Government Accountability Office (GAO) released a report to the Senate Committee on Homeland Security and Governmental Affairs that examined the experiences from past disasters to better understand where States may better prepare their management of the recovery process.

On March 3, 2009, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled “FEMA’s Gulf Coast Rebuilding Efforts: The Path Forward.” The Subcommittee received testimony from Mr. David Garratt, Acting Deputy Administrator, FEMA’s Disaster Assistance Directorate, Department of Homeland Security; Mr. James Walke, Acting Assistant Administrator, FEMA’s Disaster Assistance Directorate, Department of Homeland Security; Mr. Stanley J. Czerwinski, Director, Strategic Issues, U.S. Government Accountability Office; Mayor Lyda Ann Thomas, Mayor, City of Galveston, Texas; and Ms. Amy

Liu, Deputy Director, Brookings Metropolitan Policy Program, Brookings Institute.

The purpose of this hearing was to examine the lessons learned from past catastrophic incidents and discuss the areas GAO identified as necessary to improve the process to help state and local governments navigate the federal maze of public assistance to enhance their capacity to recover from a catastrophic incident. It also sought to benchmark the steps that the Federal Emergency Management Agency (FEMA) has taken to implement the GAO recommendations. Members were able to take the opportunity to promote the need for a clear, implementable, and timely recovery plan; encourage the application of timely public assistance to enhance state and local government capacity; discuss the benefit of implementing strategies for private sector preparedness and recovery; and, stress the importance of adopting a comprehensive approach to combating fraud, waste and abuse.

At the Chairman's direction, Committee and its staff continued to conduct oversight on FEMA's implementation of GAO recommendations and other related issues identified at the hearing. Specifically, on May 13, 2009, Chairman Thompson requested GAO to assess FEMA's application process for disaster assistance to individuals and households. GAO is currently performing this assessment and will present their findings at a later date.

STATUS OF POST KATRINA EMERGENCY MANAGEMENT REFORM ACT IMPLEMENTATION

On August 29, 2005, Hurricane Katrina devastated the Gulf Coast region of the United States. In addition to the destruction, Hurricane Katrina revealed colossal inadequacies at the Federal, State, and local government levels to prepare for, respond to, and recover from a catastrophic incident. In response, the Congress passed the Post Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295) to address the shortcomings identified with the government's response to the storm. On November 21, 2008, the Government Accountability Office (GAO) released to the Committee a report entitled "Actions Taken to Implement the Post-Katrina Emergency Management Reform Act of 2006," which identified the provisions that the Department Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) had and had not put into effect. Specifically, GAO identified over 300 requirements in PKEMRA and worked with FEMA to identify what, if any, actions had been taken by the agency to address each requirement.

On March 17, 2009, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "PKEMRA Implementation: An Examination of FEMA's Preparedness and Response Mission." The Subcommittee received testimony from Mr. Richard Skinner, Inspector General, Department of Homeland Security; Mr. William "Bill" Jenkins, Director, Homeland Security and Justice, Government Accountability Office; Mr. Corey Gruber, Acting Deputy Administrator, National Preparedness Directorate, Federal Emergency Management Agency, Department of Homeland Security; Ms. Mary Troupe, Executive Director, Mississippi Coalition of Citizens with Disabilities; and Mr. Daniel

Kaniewski, Deputy Director, Homeland Security Policy Institute, The George Washington University.

In light of the GAO findings, the purpose of this hearing was to examine FEMA's implementation of PKEMRA, as described in the Committee's oversight plan. Members had the opportunity to hear the status of implementing PKEMRA; how PKEMRA is working to strengthen FEMA within DHS; and how PKEMRA could be strengthened in future DHS authorizing language.

At the Chairman's direction, Committee and its staff continued to conduct oversight on the PKEMRA issues identified at the hearing. Among the various PKEMRA issues that oversight was conducted on, the Committee worked to ensure that FEMA fulfilled a PKEMRA requirement that it develop, coordinate, and maintain a National Disaster Housing Strategy (NDHS). On July 8, 2009, the Committee held a Full Committee hearing on to examine FEMA Housing and the NDHS.

SOUTHWEST BORDER VIOLENCE

The borders of the United States pose a major challenge to state and local law enforcement, firefighters, and emergency medical personnel. Today, Mexico is a major producer and supplier of marijuana and methamphetamine to the U.S. market. An estimated 90% of cocaine entering the United States transits via Mexico. As trafficking networks have come under increasing strain from Mexican President Felipe Calderon's counternarcotics efforts, elements of Mexico's most powerful cartels have become more aggressive-retaliating against soldiers and tolerating more collateral damage among civilians not directly involved in the drug trade. The growth and severity of the violence in Mexico over the past few years has been personified by the increase in assassinations of high-level government and law enforcement officials, horrific murders including beheadings, violent kidnappings, use of a growing and varied arsenal of high-powered weapons and the indiscriminate killing of civilians.

The extent to which such violence is spilling over to the United States is not entirely clear and the subject of much debate. In conjunction with the Full Committee and the Subcommittee on Border, Maritime, and Global Counterterrorism, the Subcommittee conducted extensive oversight on the recent escalation in violence to determine what impact if any, it would have on federal, state, and local resources and what contingency plans were in place to combat spillover violence.

On March 31, 2009, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Examining Preparedness and Coordination Efforts of First Responders along the Southwest Border." The Subcommittee received testimony from Dr. Richard C. Barth, Acting Assistant Secretary, Office of Policy, Department of Homeland Security; Ms. Janice Ayala, Deputy Assistant Director, Office of Investigations, Immigration and Customs Enforcement, Department of Homeland Security; Major General Peter Aylward, Director of the Joint Staff, National Guard Bureau; Sheriff Sigifredo Gonzalez, Jr., Zapata County, Texas; and Sheriff Larry A. Dever, Cochise County, Arizona.

The purpose of this hearing was to assess the unique challenges that federal, state, and local first responders face in border communities as the border violence escalated. Members had the opportunity to discuss the emergency preparedness and response needs specific to Southwest Border States, including cross-border communications and information sharing capabilities as outlined in the Committee's oversight plan. Members also considered homeland security funding for resources and equipment and cross-border training and exercises that are needed to coordinate the emergency preparedness and response efforts of federal, state, and local governments in border regions.

INTEROPERABLE COMMUNICATIONS

On April 30, 2009, the Subcommittee on Emergency Communications, Preparedness, and Response held a Member briefing on the Department of Homeland Security's progress on interoperable emergency communications.

FISCAL YEAR 2010 BUDGET REQUEST

On May 7, 2009 the President submitted to Congress the Fiscal Year (FY) 2010 Budget Request. In the budget request, the President requested that the Federal Emergency Management Agency (FEMA) receive a decrease of \$362 million in total budget authority, from \$10.84 billion in FY 2009 to \$10.48 billion in FY 2010, with the inclusion of \$610 million from the American Recovery and Reinvestment Act of 2009 (P.L. 111-5). Although, the Committee generally agreed with the President's FY 2010 budget request, the Committee recommended funding of important grant programs such as State and Local Programs, Emergency Food and Shelter, Port Security Grants, and the FIRE Grants Program at the FY 2009 level.

On June 9, 2009, the Subcommittee on Emergency Communications, Preparedness and Response held a hearing entitled "The FY2010 Budget for the Federal Emergency Management Agency." The Subcommittee received testimony from Hon. W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security.

The purpose of this hearing was to assess FEMA's budget priorities, as expressed in the President's FY 2010 Budget Request. Members had the opportunity to question Administrator Fugate about the budget request for FEMA and his priorities for the agency.

At the Chairman's direction, the Committee and its staff worked with the Congress to ensure that funding for programs such as State and Local Programs, Emergency Food and Shelter, Port Security Grants, and the FIRE Grants Programs was fully funded at the FY 2009 levels.

HURRICANE PREPAREDNESS

On July 30, 2009, the Subcommittee on Emergency Communications, Preparedness, and Response held a Member briefing on hurricane preparedness for the 2009 hurricane season. Representatives from the Department of Homeland Security, Federal Emergency

Management Agency's Office of Disaster Assistance were present to respond to Member concerns.

PREPAREDNESS

In order to fulfill its citizen and community preparedness mandate under the Post Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295) and the National Preparedness Guidelines, the Federal Emergency Management Agency (FEMA) established the Community Preparedness Division. The mission of FEMA's Community Preparedness Division is to "provide resources for public education, outreach, and training and offer volunteer service opportunities for citizens to support first responders, disaster relief activities, and community safety efforts." According to a FEMA August 2009 report entitled, *Personal Preparedness in America: Findings from the 2009 Citizen Corps National Survey (Survey)*: only 56 percent of respondents have set-aside disaster supplies in their home; 44 percent have a household emergency plan; and 38 percent are aware of local sources of public safety information.

On October 1, 2009, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Preparedness: State of Citizen and Community Preparedness." The Subcommittee received testimony from Hon. Tim Manning, Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security; Mr. William "Bill" Jenkins, Jr., Director, Homeland Security & Justice, Government Accountability Office; Ms. Wendy Smith, Assistant City Manager, McAllen, Texas; and Ms. Suzanne C. DeFrancis, Chief Public Affairs Officer, American Red Cross.

The purpose of this hearing was to conduct oversight on the nation's citizen and community preparedness in light of FEMA's August 2009 report. Members had the opportunity to discuss FEMA's citizen and community preparedness programs-particularly Citizen Corps and the Ready Campaign-and steps that FEMA should take to help communities close the preparedness gaps identified in its report. The hearing revealed the dismal state of citizen preparedness throughout the nation, which prompted the Chairman to request that FEMA develop a new strategy to enhance citizen preparedness. The Subcommittee Chairman requested that FEMA develop a new strategy to enhance citizen preparedness.

At the Chairman's direction, Committee and its staff continued to conduct oversight on FEMA's citizen and community preparedness programs. Subsequently, in January 2010, GAO released a related report requested by the Committee entitled "FEMA Faces Challenges Integrating Community Preparedness Programs into Its Strategic Approach." This report, as well as the new FEMA strategy, was later examined at a subcommittee Member briefing that was held on February 26, 2010.

PUBLIC ALERTS AND WARNINGS

On October 7, 2010, the Subcommittee on Emergency Communications, Preparedness, and Response held a Member briefing on public alerts and warnings. The Members were briefed by rep-

representatives from the Federal Emergency Management Agency and the broadcast community.

PREPAREDNESS GRANTS

Since 2006, the Congress has mandated that the Federal Emergency Management Agency (FEMA) establish performance metrics to measure both the nation's level of preparedness, as well as the effectiveness of the agency's administration of state and local homeland security grant programs. The Post Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295) and the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act, P.L. 110-53) both require FEMA to develop metrics of preparedness that can be used by federal, state, local, and tribal entities to identify and close preparedness gaps with their homeland security resources. To better understand FEMA's efforts to measure preparedness, on September 17, 2009, the Committee sent a letter and survey to states, urban areas, and tribal governments to examine FEMA's new Cost-to-Capability (C2C) pilot program. While most of the Committee's survey respondents expressed appreciation that FEMA was trying to develop a tool that would be helpful for grantees, they identified significant weaknesses with the current tool.

On October 27, 2009, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Preparedness: What has \$29 billion in homeland security grants bought and how do we know?" The Subcommittee received testimony from Hon. Timothy Manning, Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security; Ms. Kathy Crandall, Director, Office of Homeland Security & Justice Programs, Franklin County, Ohio; and Mr. David Maxwell, Director, Arkansas Department of Emergency Management.

The purpose of this hearing was to take testimony on FEMA's efforts to measure the return on investment from homeland security grants and the eligible uses of preparedness grants. Members had the opportunity to hear FEMA explain its C2C pilot program and its implications for the Homeland Security Grant Program, as well as the concerns about the system expressed by states and urban areas.

At the Chairman's direction, Committee and its staff continued to conduct oversight on effectiveness of the agency's administration of state and local homeland security grant programs and the C2C program. As a result of the hearing, FEMA's leadership agreed that the C2C tool was an example of government waste and cancelled the project. The Subcommittee's oversight in this area resulted in the introduction and enactment of H.R. 3980, the Identifying Redundancies and Developing Performance Metrics Act of 2010 (P.L. 111-271), which requires FEMA to eliminate redundant reporting requirements, measure preparedness, and develop performance metrics for grants.

FEDERAL EMERGENCY MANAGEMENT AGENCY'S COMMUNITY PREPAREDNESS STRATEGY

On February 26, 2010, the Subcommittee on Emergency Communications, Preparedness, and Response held a Member briefing on

the Federal Emergency Management Agency's community preparedness strategy. The Members were briefed by representatives from the Federal Emergency Management Agency and the Government Accountability Office.

FEDERAL EMERGENCY MANAGEMENT AGENCY REGIONAL OFFICES

Since the beginning of the 110th Congress, the Committee has extensively explored the challenges of integrating preparedness at the Federal Emergency Management Agency (FEMA) and strengthening FEMA Regional Offices' (ROs') capacity and capability to coordinate disaster response efforts. Among the various Committee oversight activities, in October 2008, it supported a Congressional request that the National Academy of Public Administration (NAPA) initiate a panel to evaluate FEMA's implementation of PKEMA as it relates to integrating preparedness efforts across the agency and building robust ROs.

Shortly after his appointment as Administrator of the Federal Emergency Management Agency (FEMA), Administrator Craig Fugate along with other FEMA leadership began emphasizing the need to give its ROs greater responsibility for implementing the Agency's emergency management programs. In July of 2009, the Administrator delegated ten responsibilities that had been under the purview of FEMA Headquarters to the ten Regional Administrators. While empowering the Regions was an important and positive step, the Committee became concerned that FEMA was not providing the ROs the resources and expertise necessary to implement these new responsibilities. With the Committee's support, NAPA released its final report, "FEMA's Integration of Preparedness and Development of Robust Regional Offices, An Independent Assessment", in October 2009. The report found that while FEMA had made progress toward preparedness integration and building out its ROs there were significant ongoing challenges impacting FEMA's ability to achieve the results mandated by the Post Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295).

On March 16, 2010, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Ensuring Strong FEMA Regional Offices: An Examination of Resources and Responsibilities." The Subcommittee received testimony from Mr. David Garratt, Associate Administrator, Federal Emergency Management Agency, Department of Homeland Security; Mr. Tony Russell, Regional Administrator, FEMA Region 6, Department of Homeland Security; Dr. Christine Gibbs Springer, National Academy of Public Administration; Mr. Brock Long, Director, Alabama Emergency Management Agency.

The purpose of this hearing was to conduct oversight on the authorities, functions, and effectiveness of the ten FEMA ROs. Members had the opportunity to question witnesses about FEMA's efforts to enhance ROs and the NAPA's recent report.

At the Chairman's direction, Committee and its staff continued to conduct oversight on the increased responsibility at the FEMA ROs. On March 31, 2010, the Committee requested GAO to further examine how preparedness and response, particularly with respect to preparedness grants, would be improved with the devolvement

of authorities to the FEMA regions. In addition, in August of 2010, the Committee sent correspondence to the Administrator regarding the transfer of vacant Headquarters positions to RO's.

FEDERAL EMERGENCY MANAGEMENT AGENCY'S FISCAL YEAR 2011 BUDGET

On February 1, 2010, the President submitted to the Congress the Fiscal Year 2011 Budget Request for the federal government and its agencies. The President proposed that the Federal Emergency Management Agency (FEMA) receive an increase of \$168 million (1.64%) in total budget authority, from \$10.36 billion in FY 2010 to \$10.53 billion in FY 2011. While the Committee supported the modest budget increase for FEMA, on March 5, 2010 the Committee expressed in its Views and Estimates on the FY 2011 Budget that it had concerns that the budget request cuts vital homeland security grant programs by \$164.6 million from the FY 2010 enacted level. In addition, the Committee expressed its concerns with the President's proposal that FEMA would consolidate several grants under the State Homeland Security Grant Program (SHSGP).

On April 27, 2010, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "FEMA's FY 2011 Priorities and Beyond: Aligning Budget, Mission, and Vision." The Subcommittee received testimony from Mr. William Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security.

The purpose of this hearing was to assess FEMA's budget priorities, as expressed in the President's FY 2011 Budget Request. Members had the opportunity to question Administrator Fugate about FEMA's \$10.5 billion request and his priorities as outlined in "The FEMA Administrator's Intent: Fiscal Years 2012-2016."

At the Chairman's direction, the Committee and its staff worked with the Congress to ensure that FEMA's State and Local Programs, including the AFG and SAFER programs, would be funded - at a minimum - at the FY 2010 enacted levels.

NATIONAL LEVEL EXERCISE

On May 5, 2010, the Subcommittee on Emergency Communications, Preparedness, and Response held a Member briefing to receive an update on the National Level Exercise (NLE) 2010 and the future of the NLE Program. Members were briefed by representatives from the Federal Emergency Management Agency, Department of Homeland Security.

VULNERABLE POPULATIONS

Lessons learned from Hurricane Katrina prompted changes in efforts to address the needs of people with disabilities and other vulnerable populations during disasters. The Post Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295) included several provisions intended to focus the Federal Emergency Management Agency's (FEMA's) attention on improving assistance to individuals with disabilities. PKEMRA required FEMA to appoint a Disability Coordinator, coordinate policies with the National

Council on Disability (NCD), enhance planning, and develop guidance for state and local partners to improve response protocols for vulnerable populations. In August 2009, NCD released a report entitled, “Effective Emergency Management: Making Improvements for Communities and People with Disabilities.” The report assessed scientific studies of preparedness, response, recovery, and mitigation efforts in order to identify challenges still facing people with disabilities and makes recommendations to federal, state, local, and individual actors to address those challenges. The report found that people with disabilities remain vulnerable through all stages of a disaster. In response to NCD’s report, Chairman Bennie G. Thompson and Representative Henry Cuellar wrote to FEMA Administrator Craig Fugate in September 2009 asking him to provide the Committee with information on the Agency’s activities-to-date that address the needs of people with disabilities in all stages of disaster planning.

On June 15, 2010, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled “Caring for Special Needs during Disasters: What’s being done for Vulnerable Populations?” The Subcommittee received testimony from Ms. Marcie Roth, Senior Advisor on Disability Issues, Federal Emergency Management Agency, Department of Homeland Security; Dr. Jonathan M. Young, Chairman, National Council on Disability; Dr. Carmen J. Spencer, Deputy Assistant Secretary of the Army-Elimination of Chemical Weapons, United States Army, Department of Defense; Mr. Jim Kish, Director, Technological Hazards Division, Federal Emergency Management Agency, Department of Homeland Security; Mr. Jon Gundry, Deputy Superintendent of Schools, Los Angeles County Office of Education; and Ms. Diana Rothe-Smith, Executive Director, National Voluntary Organizations Active in Disasters.

In light of the policy changes and the NCD report, the Committee held a hearing to take testimony on the actions taken by FEMA, non-profits, and localities to address the needs of vulnerable populations, including people with disabilities, the poor, children, and persons with limited English proficiency, during disasters. Members had the opportunity to question witnesses about the steps taken to eliminate the gaps found after Hurricane Katrina in planning, response, and recovery for vulnerable populations. FEMA’s Disability Coordinator testified that the Office of Disability Integration and Coordination (ODIC) was established within FEMA to implement PKEMRA requirements. During questioning, the Committee found that the ODIC Fiscal Year 2010 budget did not provide sufficient staff and resources to fulfill its statutory mission under PKEMRA.

At the Chairman’s direction, Committee and its staff continued to conduct oversight on FEMA’s responsibilities to address the needs of people with disabilities and other vulnerable populations during disasters. Following the hearing, witnesses were asked to respond to questions for the record that provided further insight on the efforts and challenges that remain to improving preparedness of vulnerable populations. Findings related to the ODIC budget resulted in a bipartisan letter from ECPR subcommittee Chairwoman Laura Richardson, ECPR subcommittee Ranking Member Mike

Rogers, and Representatives Emanuel Cleaver and Joseph Cao to the Secretary of Homeland Security Janet Napolitano encouraging additional funds for ODIC in the FY 2012 budget request. On December 2, 2010, Chairwoman Richardson introduced H.R. 6481, the Disability Integration and Coordination Improvement Act, to enhance the authority of ODIC and provide funding for staff and operations. Additional Committee oversight activities included staff participation at FEMA's 2010 Inclusive Emergency Management National Capacity Building Conference, meetings with the Disability Coordinator, and regular discussions with disability advocates and stakeholder groups regarding preparedness policies for vulnerable populations.

FEDERAL EMERGENCY MANAGEMENT AGENCY'S GRANT PROGRAMS
DIRECTORATE

The Federal Emergency Management Agency's (FEMA's) Grant Programs Directorate (GPD) is responsible for state and local government grants management at FEMA and the Department of Homeland Security (DHS). The Congress, under the Post Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295), consolidated within GPD not only grant operations for all-hazards grants that had traditionally been administered by FEMA, but also terrorism-focused preparedness grants that previously had program responsibility residing in various DHS components. In March 2010, a new Assistant Administrator for GPD was confirmed by the Senate, who was supported by Chairman Bennie Thompson and Ranking Member Peter King. The new Assistant Administrator assumed leadership of a Directorate that continues to struggle with organization and management issues.

At the Chairman's direction, Committee and its staff continued to conduct oversight to monitor FEMA's effort to develop a roadmap for grant regionalization that is currently planned to be initiated with the FY 2011 grant cycle. Additionally, Committee oversight activities included regular briefings related to: award decisions, creation of preparedness metrics for grants, and expediting state and local governments spending of grant funds.

In March of 2010, the DHS Office of Inspector General (OIG) completed an audit titled *Efficacy of DHS Grant Programs* (OIG 10-69) on the steps FEMA has taken to mitigate duplication and redundancy across its non-disaster, preparedness grant programs. In the report, the OIG identified several weaknesses, which included legislative, organizational, and State-level challenges that hinder FEMA's ability to improve the efficacy of its grant programs. Also, in March 2010, the National Academy of Public Administration (NAPA) participated in an ECPR subcommittee hearing to discuss the results of their October 2009 report entitled, "Ensuring Strong FEMA Regional Offices: An Examination of Resources and Responsibilities," which included analysis of FEMA's grant programs. NAPA's analysis included consideration of FEMA Administrator's directive to devolve grant management responsibilities to regional offices. NAPA found similar results to the OIG that FEMA regional offices believe they did not have the staff or expertise necessary to fulfill their current grant management duties. Further, the Regions indicated that there were lengthy delays in

receiving guidance from FEMA Headquarters on how to implement their grant responsibilities.

On June 29, 2010, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled “The Future of FEMA’s Grant Programs Directorate.” The Subcommittee received testimony from Hon. Elizabeth Harman, Assistant Administrator, Grant Programs Directorate, Federal Emergency Management Agency, Department of Homeland Security; Ms. Anne L. Richards, Assistant Inspector General for Audits, Office of the Inspector General, Department of Homeland Security; Chief Alan Catalan, Fire Chief, Long Beach Fire Department, Long Beach, California; and Ms. MaryAnn Tierney, Deputy Managing Director, Office of Emergency Management, City of Philadelphia.

The purpose of this hearing was to take testimony from the new Assistant Administrator for the GPD at FEMA, regarding priorities for the Directorate. The hearing allowed Members to examine staffing at GPD; the efficacy of FEMA’s grants, application and grant draw down procedures’ and the implications of FEMA’s move to devolve additional grant management authorities to the ten Regional Offices. At the hearing, FEMA’s Assistant Administrator agreed to respond in writing to the recommendations identified by the OIG.

2010 HURRICANE SEASON — OIL SPILL RESPONSE PLANS

On July 14, 2010, the Subcommittee on Emergency Communications, Preparedness, and Response held a Member briefing on hurricane preparedness in the Gulf and the potential impacts of a hurricane on the Deepwater Horizon oil spill cleanup efforts. Representatives from the Federal Emergency Management Agency (FEMA) and U.S. Coast Guard were present and responded to Member questions.

INTEROPERABLE COMMUNICATIONS - NATIONAL BROADBAND PLAN

Emergency communications is critical for ensuring that public safety is able to effectively respond to disasters. Communications issues severely hindered response efforts at the World Trade Center Towers and the Pentagon following the 9/11 terrorist attacks. Broadband spectrum offers numerous benefits and would expand public safety’s access and utilization of emerging technologies (such as streaming video; automated license plate recognition; and biometric technologies). As required by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), on March 16, 2010, the Federal Communication Commission (FCC) transmitted the National Broadband Plan (NBP) to the Congress. The NBP proposes, pursuant to the Deficit Reduction Act of 2005 (109 - 171), that the FCC auction the 10 megahertz (MHz) of spectrum in the 700 MHz band (known as the D Block) to commercial interests as the best means for realizing the National Commission on Terrorist Attacks Upon the United States’ (also referred to as the 9/11 Commission) goal of a nationwide, interoperable, public safety network. The plan promotes a public /private partnership in which public safety would be allowed to obtain additional spectrum via priority access and roaming agreements during times of emergencies. Funding to build out the network would come from auction proceeds. To the contrary, a large cross-discipline collection of public safety organizations have

petitioned the Congress in opposition to the FCC's plan to auction the D Block.

On July 27, 2010, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Interoperable Emergency Communications: Does the National Broadband Plan Meet the Needs of First Responders?" The Subcommittee received testimony from RADM James Arden Barnett, Jr. (Ret.), Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission; Mr. Greg Schaffer, Assistant Secretary, Office of Cyber Security and Communications, Department of Homeland Security; Chief Jeff Johnson, President and Chairman of the Board, International Association of Fire Chiefs; Deputy Chief Charles F. Dowd, Communications Division, New York City Police Department; Mr. Robert A. LeGrande, II, Founder, The Digital Decision, LLC; and Mr. Eric Graham, Rural Cellular Association, Vice President for Strategic Government Relations, Cellular South, Inc.

The purpose of this hearing was to take testimony from the FCC and the Department of Homeland Security (DHS), as well as the first responder community about the public safety aspects of the FCC's NBP, including the proposal to auction the 10 MHz of spectrum, known as the "D-Block." Members had the opportunity to question witnesses about the state of interoperable emergency communications and the NBP's proposed framework to provide a nationwide interoperable public safety broadband wireless network. At the hearing, the Assistant Secretary for the Office of Cyber Security and Communications at DHS raised numerous concerns with the NBP's proposal to auction the D Block and could not fully support the plan. It was found that the administration intended to create a new task force to address the interoperability issues left unaddressed in the NBP.

At the Chairman's direction, Committee and its staff continued to conduct oversight to monitor the implementation of the NBP. Specifically, on July 29, 2010, the Committee sent a letter to President Barack Obama requesting that DHS lead the taskforce in order to ensure that the views of the public safety community are incorporated into the body's discussions. Furthermore, the Committee advocated in the letter for additional consideration of the costs associated for emergency communications by State and local jurisdictions, particularly rural areas.

EMERGENCY LOGISTICS MANAGEMENT

When states and localities are overwhelmed by a catastrophic disaster, the Federal Emergency Management Agency (FEMA) is responsible for delivering life-saving commodities to assist their populations. The Logistics Management Directorate (LMD) within FEMA is the office responsible for developing the policies, standards, and budgetary and operational practices that enable emergency officials to provide relief to disaster victims and affected communities. In July of 2010, the DHS Office of Inspector General (OIG) released to the Committee a report titled "FEMA's Logistics Management Process for Responding to Catastrophic Disasters," that analyzed the strengths and weaknesses of the FEMA LMD's process for responding to catastrophic disasters. The OIG found

that FEMA has made significant progress in enhancing its logistics capability, but noted several major deficiencies that could hinder FEMA's ability to further enhance response operations. In particular, the OIG found several planning and coordination issues with FEMA's new Logistics Supply Chain Management System (LSCMS). The report suggests that an imbalance in resources and capabilities could create communication issues and delay the arrival of much needed disaster relief supplies.

On September 29, 2010, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Emergency Logistics Management: Transforming the Delivery of Disaster Relief for the 21st Century." The Subcommittee received testimony from Mr. Matt Jadacki, Assistant Inspector General, Emergency Management Oversight, Office of the Inspector General, Department of Homeland Security; Mr. Eric Smith, Assistant Administrator, Logistics Management Directorate, Federal Emergency Management Agency, Department of Homeland Security, *accompanied by* Ms. Elizabeth A. Zimmerman, Deputy Associate Administrator, Office of Response and Recovery, Federal Emergency Management Agency, Department of Homeland Security; and Mr. Stephen A. Irwin, Chair, Donations Management Committee, National Voluntary Organizations Active in Disaster, and Director, Agency Services, Convoy of Hope.

The purpose of this hearing was to take testimony from FEMA, the OIG, and National Voluntary Organizations Active in Disasters about their logistical efforts to ensure the effective delivery of goods and services to disaster victims. Members had the opportunity to examine FEMA's Logistics Directorate, the development of FEMA's new supply chain and inventory management system, and the collection, inventory management, and distribution of donated goods. The hearing provided a platform to discuss the \$321 million anticipated to be spent on FEMA's LSCMS and the potential for wasteful spending.

At the Chairman's direction, Committee and its staff continued to conduct oversight on the operations of FEMA LMD. Additional Committee oversight activities included regular meetings with FEMA to track progress with completing the LSCMS, addressing coordination issues with its federal partners, and providing additional support for state and local jurisdictions.

SUBCOMMITTEE HEARINGS HELD

"FEMA's Gulf Coast Rebuilding Efforts: The Path Forward." March 3, 2009. (Serial No. 111-2)

"PKEMRA Implementation: An Examination of FEMA's Preparedness and Response Mission." March 17, 2009. (Serial No. 111-8)

"Examining Preparedness and Coordination Efforts of First Responders along the Southwest Border." March 31, 2009. (Serial No. 111-13)

"The FY2010 Budget for the Federal Emergency Management Agency." June 9, 2009. (Serial No. 111-21)

- “Preparedness: State of Citizen and Community Preparedness.”* October 1, 2009. (Serial No. 111-38)
- “Preparedness: What Has \$29 billion in Homeland Security Grants Bought and How Do We Know?”* October 27, 2009. (Serial No. 111-38)
- “Ensuring Strong FEMA Regional Offices: An Examination of Resources and Responsibilities.”* March 16, 2010. (Serial No. 111-56)
- “FEMA’s FY 2011 Priorities and Beyond: Aligning Budget, Mission, and Vision.”* April 27, 2010. (Serial No. 111-64)
- “Caring for Special Needs during Disasters: What’s being done for Vulnerable Populations?”* June 15, 2010. (Serial No. 111-69)
- “The Future of FEMA’s Grant Programs Directorate.”* June 29, 2010. (Serial No. 111-72)
- “Interoperable Emergency Communications: Does the National Broadband Plan Meet the Needs of First Responders?”* July 27, 2010. (Serial No. 111-77)
- “Emergency Logistics Management: Transforming the Delivery of Disaster Relief for the 21st Century.”* September 29, 2010. (Serial No. 111-82)

COMMITTEE ON HOMELAND SECURITY OVERSIGHT PLAN FOR THE 111TH CONGRESS

Rule X. Clause 2(d) of the Rules of the House of Representatives for the 111th Congress requires each standing Committee in the first session of a Congress to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committee on Government Reform and the Committee on House Administration.

Rule XI. Clause 1(2)(d)(1) requires each Committee to submit to the House of Representatives not later than January 2, of each odd-numbered year, a report on the activities of that committee under Rule X and Rule XI during the Congress ending on January 3 of such year. Clause 1(2)(d)(3) of Rule XI also requires that such report include a summary of the action taken and recommendations made with respect to each such plan; and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

Part A of this section contains the Committee on Homeland Security Oversight Plan for the 110th Congress which the Full Committee considered and adopted by a voice vote of February 4, 2009, a quorum being present.

Part B of this section contains a summary of the actions taken by the Committee on Homeland Security to implement the Oversight Plan for the 111th Congress and the recommendations made with respect to this plan. Part B also contains a summary of the additional oversight activities undertaken by the Committee, and the recommendations made or actions taken thereon.

PART A—COMMITTEE ON HOMELAND SECURITY OVERSIGHT PLAN

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

This is the oversight plan of the Committee on Homeland Security for the 111th Congress. It includes the areas in which the Committee expects to conduct oversight during the 111th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

During the 111th Congress, the Committee will assess the progress of the Department of Homeland Security in meeting its

major management and integration challenges. The Homeland Security Act of 2002 transferred 22 separate agencies into the Department of Homeland Security (DHS). During the 111th Congress, the Committee will conduct oversight of the effectiveness of DHS efforts to integrate and coordinate the management and administration of these numerous legacy entities, especially regarding the effectiveness of its efforts to streamline activities relating to human capital recruitment and retention, asset investment, acquisitions, financial management and other departmental administrative functions essential to the short and long-term effectiveness of the Department in fulfilling its critical mission functions. Additionally, the Committee will examine the Department's efforts to establish and locate a new headquarters within Washington, DC.

PROCUREMENT AND CONTRACTS MANAGEMENT

During the 111th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to improve the integration and coordination of the procurement functions of its major legacy components, and to ensure that effective management controls are put in place to prevent contract waste, fraud and abuse while promoting efficiency and effectiveness. The Committee will review the authorities and activities of the Chief Procurement Officer to ensure the effective management of this key function. The Committee also will review the Department's implementation of Section 831(a) of the Homeland Security Act of 2002, which grants the Secretary authority with respect to research and development projects to use more flexible contracting mechanisms in an effort to attract "nontraditional government contractors" for needed homeland security technologies, as well as the Secretary's use of "insourcing" and other "streamlined" acquisition practices.

FINANCIAL MANAGEMENT

During the 111th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to address the financial management challenges of individual components, including the implementation of internal controls and the mitigation of organizational weaknesses which preclude the issuance of clean audit opinions. Additionally, the Committee will examine the Department's efforts to integrate the financial management systems of the component agencies into a unified system and the Department's compliance with the Department of Homeland Security Financial Accountability Act, P.L. 108-330.

HUMAN CAPITAL MANAGEMENT

During the 111th Congress, the Committee will monitor the Department's efforts to plan and implement strategic human capital management programs that address current and emerging human capital challenges and establish a results-oriented organizational culture. Additionally the Committee will examine the authorities and activities of the Chief Human Capital Officer (CHCO) and the coordination of policy between and among the Department's CHCOs. Further, the Committee will examine the Department's use of contract employees to fulfill its staffing needs.

INFORMATION TECHNOLOGY SYSTEMS MANAGEMENT

During the 111th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to address information technology (IT) challenges, including the management and integration of the Department's information technology systems. The Committee will review the authorities and activities of the Chief Information Officer (CIO) and the coordination of policy and acquisition within and among the Department's CIOs. The Committee also will monitor the Department's progress in IT architectural planning, investment management, policy development, operations, and related personnel management. Additionally, the Committee will monitor the Department's compliance with the Federal Information Security Management Act of 2002, 44 U.S.C. § 3541.

EMERGENCY COMMUNICATIONS, PREPAREDNESS AND RESPONSE

FEDERAL PREPAREDNESS AND RESPONSE EFFORTS

The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security to ensure effective coordination of the Department's efforts to prevent, prepare for, respond to, and recover from acts of terrorism and other major emergencies. Additionally, on October 4, 2006, President Bush signed into law P.L. 109-295, the Department of Homeland Security Appropriations Bill of 2007. Title VI of this law, cited as the Post Katrina Emergency Management Reform Act of 2006, made substantial changes to the Federal Emergency Management Agency (FEMA) that ultimately resulted in the integration of all preparedness and response activities in the Department. The Committee will examine the Department's efforts to implement the Post Katrina Emergency Management Reform Act of 2006.

NATIONAL PREPAREDNESS GOAL AND SYSTEM

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

In the 111th Congress, the Committee will oversee the implementation of the National Preparedness Goal and System to gage improvements in the Nation's ability to prevent, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters.

NATIONAL RESPONSE FRAMEWORK/INCIDENT MANAGEMENT

The National Response Framework (NRF) presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies. It establishes a comprehensive, national, all-hazards approach to do-

mestic incident response. In the 111th Congress, the Committee will examine the effectiveness of the NRF, including the Department's role in coordinating the response obligations of all applicable Federal departments and agencies and the coordination between the Department and State and local governments, first responders, and the private sector in implementing the NRF.

In addition, during the 111th Congress, the Committee will oversee the Department's implementation of the National Incident Management System (NIMS). The Committee will review the Department's integration of NIMS with the National Response Framework.

INTEROPERABLE COMMUNICATIONS

In the 111th Congress, the Committee will monitor the provisions in the Post Katrina Emergency Management Reform Act of 2006 which created an Office of Emergency Communications. Specifically, the Committee will oversee the Department's coordination and planning, technical assistance, communications standards and best practices for interoperable communications systems for first responders. The Committee also will oversee the Department's implementation of grants for interoperable communications.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST RESPONDERS

In the 111th Congress, the Committee will examine the Department's allocation and administration of grants to State and local governments. In particular, the Committee will review the coordination of grant programs within the Department and across the Federal government; challenges in the funding pipeline; and the distribution and spending of such grants at the State and local levels.

FIRST RESPONDER TRAINING

During the 111th Congress, the Committee will review the efficacy of Federal terrorism preparedness training, incorporation of such training into first responder certification processes, and the level of coordination between Federal, State, and local training programs. The Committee intends to review the Department of Homeland Security's current training programs for first responders. The Committee will review the extent of State and local government utilization and awareness of these programs, the compatibility of the Department's programs with existing training requirements and certifications for first responders, and whether the Department is effectively utilizing existing training infrastructures at the State and local levels.

EXERCISES AND SIMULATIONS

In Homeland Security Presidential Directive 8, the President directed DHS to create a national program and multi-year planning system to conduct terrorism preparedness-related exercises. During the 111th Congress, the Committee will review DHS' National Ex-

ercise Program, and will evaluate the extent to which this program enhances preparedness.

EMERGENCY WARNINGS

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

INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

DHS' OFFICE OF INFORMATION ANALYSIS

During the 111th Congress, the Committee will review efforts to build the intelligence, analytical, and assessment capabilities of the Department and to ensure its full participation in the Intelligence Community in furtherance of its homeland security mission. The Committee will examine whether the Department is receiving relevant intelligence and law enforcement information from other Federal agencies on a timely basis; whether the Secretary of Homeland Security is appropriately involved in the prioritization of the Federal government's intelligence collection requirements for homeland security purposes; and the Department's role in managing, distributing, and otherwise using terrorist threat information in furtherance of its homeland security mission.

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

DHS' INTELLIGENCE AND INFORMATION COLLECTION ACTIVITIES

The Committee will examine the Department's information collection efforts to ensure that they contribute materially to the Department's overall homeland security/counterterrorism mission. In particular, the Committee will oversee the efforts of the Department to coordinate and integrate the activities of its various intelligence and analytic units and offices and to ensure that national-level terrorist threat intelligence is being disseminated to the operational entities within the Department. As part of this oversight, the Committee will examine the effectiveness with which the Department's intelligence and threat assessments are utilized in carrying out Department-wide initiatives to understand and assess critical infrastructure vulnerabilities and to conduct national risk assessments. This oversight also will include a review of the Department's plans use of Open Source Information, as recommended in the 9/11 Commission Report and the Intelligence Reform and Terrorism Prevention Act of 2004.

INFORMATION SHARING

The Homeland Security Act of 2002, and a subsequent Memorandum of Understanding on Information Sharing entered into by

the Attorney General, Director of Central Intelligence, and Secretary of Homeland Security, mandated routine sharing of homeland security-related information between and among Federal, State and local officials, in order to assess the nature and scope of terrorist threats to the United States and to evaluate and act on that information in light of U.S. vulnerabilities. During the 111th Congress, the Committee will examine information sharing among Federal, State and local governments, law enforcement entities, first responders, and emergency management personnel. The Committee also will examine the development and implementation of the information sharing environment mandated under the Intelligence Reform and Terrorism Prevention Act of 2004, and whether the Department is meeting the terrorism threat-related information requirements of State, local, and private sector officials in a timely and responsive manner. In addition, the Committee will examine the issue of unclassified information designations by DHS and other Federal agencies, such as "Sensitive Security Information," and any impact such designations may have on the ability of the Department or other Federal agencies to share information among Federal, state, local, and private sector partners.

THREAT COMMUNICATIONS AND ADVISORIES

In the 111th Congress, the Committee intends to review the Department's policies and procedures with respect to issuing threat and warning advisories, including the Homeland Security Advisory System, to ensure that they convey information in a timely and relevant manner to Federal, State, and local government officials and other entities.

INTELLIGENCE-DRIVEN EFFORTS TO COUNTER TERRORISM-RELATED SMUGGLING

During the 111th Congress, the Committee will examine the operations and progress of the Terrorist Screening Center, the Human Smuggling and Trafficking Center, and other cooperative efforts to prevent and interdict terrorist travel, including the Department of Homeland Security's interaction with and participation in such entities and efforts. In addition, the Committee will review the Department's intelligence-driven efforts to prevent and interdict terrorist travel and the smuggling of illicit terrorism-related materials, including the expansion of its ability to analyze terrorist techniques, patterns, indicators, and trends, and to share such information in a timely manner to enable front-line Department personnel to identify, intercept, and disrupt terrorists attempting to travel into and within the United States.

THE NATIONAL OPERATIONS CENTER

The Department of Homeland Security's National Operations Center (NOC) serves as the national nerve center for information sharing and domestic incident management, by increasing the vertical coordination between Federal, State, and local government and private sector partners. In the 111th Congress, the Committee will oversee the Department's efforts to collect and fuse information in the NOC in order to maintain domestic situational awareness,

and to carry out its role as the primary national-level center during domestic incidents and special events.

PRIVACY AND CIVIL LIBERTIES PROTECTION

Section 222 of the Homeland Security Act of 2002 (the Act) created a Privacy Officer for the Department of Homeland Security (DHS), to ensure that DHS' information gathering and analysis functions, across its many directorates and offices, adhere to established standards for protection of personal privacy. Section 705 of the Act also established an Officer for Civil Rights and Civil Liberties to review and assess information alleging abuses of civil rights or civil liberties by employees and officials of the Department, and the Intelligence Reform and Prevention Act of 2004 required the Department's Inspector General to designate a senior staff member to handle similar issues and work with the Officer for Civil Rights and Civil Liberties on such matters. During the 111th Congress, the Committee will monitor the Department's efforts to ensure appropriate privacy and civil liberties protections.

TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION

NATIONAL STRATEGY FOR TRANSPORTATION SECURITY

During the 111th Congress, the Committee plans to examine the Department of Homeland Security's (DHS) progress in developing a risk-based National Strategy for Transportation Security, as required by section 4001 of the Intelligence Reform and Terrorism Prevention Act of 2004. The Committee will examine the Department's efforts to develop strategies for addressing terrorist threats in varied transportation environments. The Committee also will review the potential efficacy and cost of current and proposed practices to protect the mass transit industry's passengers and infrastructure from terrorist attack, including hardening of facilities, the use of biological, chemical and radiological sensors, passenger screening, and other methods to prevent or mitigate a terrorist attack. Additionally, the Committee will examine the use of transportation security grants.

PASSENGER AND BAGGAGE SCREENING

During the 111th Congress, the Committee intends to review the Transportation Security Administration's (TSA) progress in developing and deploying passenger, baggage screening technologies, including the cost-effectiveness and accuracy of such technologies. The Committee also will review TSA's passenger search policies and practices and passenger pre-screening programs including the use of no-fly and selectee lists, the implementation of the Secure Flight program and other measures that affect the safety of domestic and international air travelers. As part of this oversight, the Committee plans to examine TSA's staffing needs.

AVIATION SECURITY

In the 111th Congress, the Committee will examine the risks and consequences of different types of terrorist attacks on or utilizing

aircraft, and the development of security measures to reduce or mitigate such risks. As part of this oversight, the Committee expects to review efforts by the Transportation Security Administration (TSA) relating to air cargo security and general aviation aircraft. The Committee also will review airport perimeter and access control procedures and practices as well as related technology to assess the effectiveness of TSA requirements for limiting access to the secure areas of commercial and general aviation airports. In addition, the Committee will examine the training and management of the Federal Air Marshals Service.

AIRSPACE SECURITY

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

CRITICAL INFRASTRUCTURE PROTECTION

Under Homeland Security Presidential Directive 7 (HSPD-7), the Department is responsible for integrating sector-specific strategies into a National Strategy for Critical Infrastructure Protection, and for coordinating Federal efforts across all such infrastructure sectors. During the 111th Congress, the Committee will examine the Department's national coordination responsibilities and its sector-specific critical infrastructure protection responsibilities. The Committee also will examine the coordination of efforts between the Department of Homeland Security, the Department of Defense, and the States with respect to critical infrastructure protection activities.

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

BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

PORT AND MARITIME SECURITY

In the 111th Congress, the Committee will examine various aspects of port security, including the security of port facilities; the screening of vessels, passengers, cargo, and crew for potential terrorists or instrumentalities of terrorism; the development of international security standards for shipping and containers, and the

development of secure identification cards for maritime employees. The Committee plans to review the efficiency and effectiveness of the Department's supply chain security programs and the status and implementation of the Maritime and Transportation Security Act of 2002 and the Security and Accountability for Every (SAFE) Port Act of 2006, and the relevant provisions of the Intelligence Reform and Terrorism Prevention Act of 2004.

In the 111th Congress, the Committee plans to monitor the Coast Guard's efforts to enhance maritime domain awareness through an examination of existing and alternative programs that contribute to this goal. As part of this effort, the Committee will review the progress and efficacy of the Coast Guard's Deepwater Program.

BORDER SCREENING

In the 111th Congress, the Committee intends to review efforts to ensure the deployment and implementation of technology and training to assist border and consular officials in identifying, intercepting, and disrupting terrorists or others who would do us harm attempting to enter or travel within the United States. As a part of this effort, the Committee will review the efforts of the Department to detect, detain, and remove aliens apprehended at or near U.S. borders and ports of entry who are subject to deportation, particularly those from countries of terrorist concern. The Committee will examine the integration, security, and reliability of criminal, immigration, and terrorist databases used to screen persons seeking to enter this country. The Committee will monitor the Department's progress in fully implementing the US-VISIT program and its supporting technologies and databases, the potential benefits and challenges of various biometric technologies; the impact of the program on cross-border travel at ports of entry, the ability of the Department to use overstay reports generated by the program for enforcement purposes and the integration of the US-VISIT program with other screening programs. The Committee will also closely monitor implementation of the Western Hemisphere Travel Initiative in a manner to achieve both enhanced border security and to expedite legitimate and qualified travelers, as recommended by the 9/11 Commission. The Committee also will assess DHS progress with respect to the integration and effectiveness of transportation and border security screening systems for passengers and cargo transported within the United States and across our borders. The Committee also will examine the existing state of infrastructure at our nation's ports of entry and assess improvements that may be required to enhance implementation of border security programs.

BORDER SECURITY TECHNOLOGY

The Intelligence Reform and Terrorism Prevention Act of 2004 mandated an advanced technology pilot program along the northern border and a comprehensive surveillance plan for the southwest border. Both plans emphasize the use of technology - particularly sensors, video and unmanned aerial vehicles (or remotely piloted aircraft) - to enhance border security. In the 111th Congress, the Committee will monitor the Department's efforts to implement these programs in an effective and efficient manner.

EMERGING THREATS, CYBERSECURITY, SCIENCE AND TECHNOLOGY

BIODEFENSE

In the 111th Congress, the Committee will examine efforts of the Department of Homeland Security (DHS) to improve and expand efforts to detect biological attacks. The Committee will conduct comprehensive oversight of the Department's activities as outlined in Homeland Security Presidential Directive (HSPD) 10 ("Biodefense for the 21st Century"). The Committee will examine the short and long-term effectiveness of these activities, as well as the Department's coordination of the Federal government's biodefense initiatives, including defenses against agro-terrorism and the safety of nation's food supply. The Committee will conduct oversight of the Department's actions to provide for response capabilities to a biological event, including medical countermeasures development and procurement activities as well as surge capacity needed for large-scale events such as a pandemic outbreak.

WMD TERRORISM AND NUCLEAR SMUGGLING

In the 111th Congress, the Committee will conduct oversight of Department of Homeland Security (DHS) programs focused on assessing threats related to nuclear terrorism, including the development of threat certification, characterization, detection, and source attribution techniques. The Committee will review the integration of threat assessments with the development of detection capabilities and countermeasures.

Also, the Committee will examine the Department's progress in refining risk-based methods for identifying, screening, and scanning high-risk cargo entering the United States, and the development of non-intrusive inspection technologies and capabilities for detecting and interdicting commerce in and transit of nuclear, radiological, chemical, and biological weapons, components, and precursors.

Additionally, the Committee will review the efforts of the Department to deploy and operate nuclear and radiological detection equipment, including but not limited to radiation portal monitors and alternative approaches to tracking and monitoring cargo in transit. Finally, the Committee will examine the Department's efforts to develop and execute response and recovery efforts in the event of a WMD event.

R&D INVESTMENT AND COORDINATION

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

COUNTER-PROLIFERATION ACTIVITIES

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

CYBERSECURITY

The Committee will examine the Department's efforts to prevent cyber attacks against America's critical infrastructures; reduce national vulnerability to cyber attacks; and minimize damage and recovery time if cyber attacks should occur. The Committee will focus on improving integration of the cybersecurity mission within the Department, and coordination of cybersecurity best practices, risk assessments and warnings across all levels of government and the private sector. The Committee also will review DHS' cyber-related remediation activities, including plans for recovery in the event of a coordinated terrorist attack, and the Department's efforts to coordinate with the private sector to develop mechanisms for information sharing on cybersecurity threats, vulnerabilities and solutions. The Committee will examine the Department's efforts to support research and development and educational activities to improve cybersecurity. Finally, the Committee will review the Department's investment in research and development (R&D) designed to implement the National Strategy to Secure Cyberspace.

SCIENCE AND TECHNOLOGY DIRECTORATE

The Directorate for Science and Technology (S&T Directorate) is the primary research and development arm of the Department. The S&T Directorate provides federal, state and local officials with the technology and capabilities to protect the nation. In the 111th Congress, the Committee will conduct oversight of the coordination of homeland security-related research, development, testing, and evaluation (RDT&E) within the Department and the adequacy of mission support provided by the Directorate to operational elements of the Department, state and local authorities, and the private sector.

TECHNOLOGY CLEARING HOUSE AND TECHNOLOGY TRANSFER

In the 111th Congress, the Committee will review the Department activities relating to evaluation, testing, and certification of private sector homeland security technologies. The Committee also will evaluate the Department's role in facilitating the transfer and commercialization of existing technologies (including modification of military technologies) for use by Federal, state, and local governments and first responders to prevent, prepare for, or respond to terrorist attacks.

S&T FELLOWSHIP PROGRAM AND CENTERS FOR EXCELLENCE

During the 111th Congress, the Committee will review the Department of Homeland Security's (DHS) efforts to attract the Nation's most talented scientists and build partnerships with the aca-

demic community through its Homeland Security Centers of Excellence and its Scholars and Fellows program. The Committee will review the Centers assignments and their role in fulfilling the Department's mission.

THE HOMELAND SECURITY INSTITUTE

The Homeland Security Institute (the Institute), created under the Homeland Security Act of 2002 and sponsored by the Department of Homeland Security (DHS), is a Federally-funded research and development center (FFRDC) that produces strategic analysis for the science and technology (S&T) mission of DHS. In the 111th Congress, the Committee will examine the Department's operation, management and utilization of the Institute.

SAFETY ACT IMPLEMENTATION

The Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act) was included as Subtitle G of the Homeland Security Act of 2002, and gave the Secretary of the Department of Homeland Security (DHS) the authority to designate, upon application, certain anti-terrorism technologies as qualified to participate in a Federal liability protection program. In the 111th Congress, the Committee will review the Department's efforts to coordinate such designation with operational components of the Department and with other Federal, State, and local government agencies.

PART B—IMPLEMENTATION OF THE OVERSIGHT PLAN

Part B of this section contains a summary of the actions taken by the Committee on Homeland Security to implement the Oversight Plan for the 111th Congress and the recommendations made with respect to this plan. Part B also contains a summary of the additional oversight activities undertaken by the Committee, and the recommendations made or actions taken thereon.

MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

As part of the Committee's oversight on the Department of Homeland Security (DHS) the Subcommittee on Management, Investigations and Oversight, conducted oversight of the effectiveness of DHS in integrating, consolidating, and coordinating management activities and administrative functions across DHS headquarters and each of its components. In accordance with the Committee's Oversight Plan, the Subcommittee held hearings, briefings, and exchanged frequent correspondence focusing on the integration of DHS's financial management systems, the merging of its Data Centers, and the consolidation of its Headquarters operations at the site of St. Elizabeth's Hospital. Moreover, Subcommittee Staff visited DHS's primary data center in Stennis, Mississippi, to see firsthand the efficacy of DHS's intended plans and monitor the ongoing process of merging DHS's data and information technology. Subcommittee Members and Staff also led frequent visits to the St. Elizabeth's site to conduct oversight of the project, monitor contractor performance, and ensure that the schedule determined by both DHS and the General Services Administration (GSA), as authorized by Congress, was proceeding as planned.

Throughout the Subcommittee's oversight of DHS's integration and consolidation efforts, Members and Staff met with representatives from DHS Chief Administrative Officer, Chief Financial Officer, Chief Information Officer, Office of Procurement Operations, Resource Management Transformation Office, the Office of the Inspector General, Office of Small and Disadvantaged Business Utilization, the Under Secretary for Management and the General Services Administration Public Buildings Service and Office of Small Business Utilization Offices, in addition to the Government Accountability Office.

Additionally, during the 111th Congress, DHS produced its first Quadrennial Homeland Security Review (QHSR), as mandated by the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53). The Subcommittee conducted Member briefings, held a hearing, and conducted numerous meetings with DHS representatives during the planning, drafting, and implementation phases of the QHSR process. The Subcommittee Members and Staff also met with DHS officials regarding the Bottom-up Review, which served as a counterpart to the QHSR to ensure that both docu-

ments adequately reflected DHS mission and satisfied legislative requirements. As part of this oversight, Subcommittee Members and staff met and corresponded with the Deputy Secretary, the Under Secretary for Management, and the Office of Policy, in addition to key non-governmental organizations.

The Subcommittee also fulfilled its role of conducting oversight of leadership offices in DHS Office of the Secretary and Executive Management by monitoring the activities of the Chief Privacy Officer and the Officer for Civil Rights and Civil Liberties. The Subcommittee conducted frequent briefings and exchanged correspondence with both offices to ensure that homeland security policies implemented by DHS were balanced with necessary privacy, civil rights and civil liberties protections. The Subcommittee conducted oversight regarding DHS's Freedom of Information Act (FOIA) activities, as led by the Chief Privacy Officer; compliance with the No Fear Act (P.L. 107-174); and compliance with the Privacy Act (P.L. 93-579), the eGovernment Act (P.L. 107-347) and the Code of Federal Regulations. The Subcommittee also conducted oversight of the Transportation Security Administration's screening procedures to ensure fairness, equity and the protection of privacy at our Nation's airports. Likewise, the Subcommittee conducted oversight of electronic media searches and other U.S. Custom and Border Protection's activities at ports of entry to ensure compliance with existing laws, policies and regulations. Moreover, the Subcommittee exchanged letters and conducted meetings with DHS representatives, community leaders, and advocacy organizations regarding privacy, civil rights and civil liberties protections at Fusion Centers and the re-establishment of the Privacy and Civil Liberties Oversight Board, as mandated by the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53).

In an effort to conduct oversight of DHS-wide privacy policies and procedures and to ensure consistency throughout the various components, Subcommittee staff met with Component Privacy Officers from Immigration and Customs Enforcement, National Protection and Programs Directorate, Federal Emergency Management Agency and the Transportation Security Administration. The Subcommittee also conducted oversight of the establishment and implementation of the U.S. Coast Guard's Civil Rights Action Plan.

PROCUREMENT AND CONTRACTS MANAGEMENT

As part of the Committee's oversight on the Department of Homeland Security (DHS) the Subcommittee on Management, Investigations and Oversight, conducted oversight on the effectiveness of DHS to improve the integration and coordination of its procurement functions and ensure that effective management controls were put in place to prevent waste, fraud and abuse. In accordance with the Committee's Oversight Plan, the Subcommittee held briefings and exchanged correspondence regarding DHS's contracting activities. The Subcommittee exchanged correspondence with DHS officials regarding contracts that were awarded through other than full and open competition, as revealed by DHS Office of Inspector General (OIG). The Subcommittee also conducted hearings and closely monitored DHS's high-risk contracts, such as *SBI^{net}*, the Transformation and Systems Consolidation financial management

procurement, the TSA HRAccess (formerly Integrated Hiring Operations & Personnel Program) contract, the EAGLE II acquisition strategy, and contracts related to the St. Elizabeth's Headquarters Consolidation project.

Moreover, the Subcommittee conducted oversight of inter-governmental contracts and agreements between DHS and other Federal government agencies, such as the interagency contracts between DHS and DHS of Defense governing data center operations.

In performing its oversight functions, the Subcommittee met with the Chief Procurement Officer, the Office of Small and Disadvantaged Business Utilization and the Office of Procurement Operations. Subcommittee staff also met with and monitored the contracting activities of, and requested documents from, Heads of Contracting Activity at the following Component agencies: the United States Coast Guard, the Federal Emergency Management Agency, Immigration and Customs Enforcement, Customs and Border Protection, Federal Law Enforcement Training Center, and the Transportation Security Administration.

FINANCIAL MANAGEMENT

As part of the Committee's oversight on the Department of Homeland Security (DHS) the Subcommittee on Management, Investigations and Oversight, conducted oversight on the effectiveness of DHS to improve its financial management system. In accordance with the Committee's Oversight Plan, the Subcommittee held a hearing and held numerous Member and Staff briefings with the Under Secretary for Management, Chief Financial Officer, Office of Procurement Activity, Resource Management Transformation Office and the Transformation and System Consolidation Program Manager's Office to express the Committee's concerns and offer solutions.

During the 111th Congress, DHS focused heavily on its intention to consolidate the 19 separate financial management systems it inherited from legacy components into one integrated system, called the Transformation and Systems Consolidation program. The purpose of the new system is to allow DHS to obtain a clean audit and to better manage its financial functions. The Subcommittee conducted extensive oversight of DHS's process and through those efforts determined that the cost of the system, the procurement method utilized by DHS, and the intended strategy lent itself to an uncertain result. As a result, the Subcommittee took multiple steps in an effort to monitor and oversee the cost, timeframe, procurement activity, and strategy of DHS's efforts. The Subcommittee monitored DHS's process of obtaining approval for its strategy from the Office of Management and Budget. Subcommittee staff exchanged letters and held a conference with Office of Management and Budget staff to ensure that the Committee's position on DHS's financial management strategy was communicated to all necessary and interested parties. The Subcommittee also met with the Office of the Inspector General and the Government Accountability Office to review their recommendations for a clearer strategy and conducted oversight over DHS's adherence to and implementation of recommended actions.

The Subcommittee also conducted oversight of the residual effects of DHS's inadequate financial management, such as the lack of internal controls governing policies, oversight, and reporting of conference planning and spending practices; the failure of DHS leadership to ascertain that select financial management practices of the U.S. Secret Services were in violation of the Anti-Deficiency Act (31 U.S.C. 1341); interagency transfers of funds for data center operations without appropriate documentation and receipts, which could have resulted in overpayments; and the failure of the Science and Technology Directorate to remit certain fees to the U.S. Treasury, as required by law.

HUMAN CAPITAL MANAGEMENT

As part of the Committee's oversight on the Department of Homeland Security (DHS) the Subcommittee on Management, Investigations and Oversight, conducted oversight on the effectiveness of DHS to improve human capital management. In accordance with the Committee's Oversight Plan, the Subcommittee held hearings, briefings, and meetings regarding DHS's personnel practices and its ability to attract, hire, promote, retain and support an adequate, prepared and well-equipped workforce. Subcommittee Chair Christopher Carney also introduced legislation honoring the brave men and women that lost their lives in the line of duty while serving as a part of DHS workforce.

On March 5, 2009, Subcommittee held its first hearing in the 111th Congress entitled "Putting People First: A Way Forward for the Homeland Security Workforce." Subcommittee Members illustrated their commitment to the DHS workforce. Subsequent oversight during the 111th Congress focused on that commitment. Subcommittee Members and Staff met with the Chief Human Capital Officer to discuss, monitor and exercise oversight of DHS's effort to balance its workforce by reducing its over reliance on contractors and hiring and retiring a greater number of federal employees. Meetings were conducted with the Chief Security Officer to exercise oversight of the DHS's clearance and suitability process in an effort to decrease the backlog experienced by new recruits during the onboarding process and to ensure that the clearance process is fair and equitable throughout the entire DHS. During the H1N1 outbreak, the Subcommittee conducted oversight of the U.S. Customs and Border Protection and the Transportation Security Administration efforts to adequately equip and inform its workforce to avoid risk and illness.

The Subcommittee also held a hearing on July 23, 2009, entitled "Protecting the Protectors: Examining the Personnel Challenges Facing the Federal Air Marshal Service", and conducted oversight of personnel challenges and issues faced by the Federal Air Marshal Service and met with Transportation Security Administration representatives throughout the 111th Congress to monitor and oversee human capital efforts designed to protect and enhance this vital workforce. Likewise, Subcommittee staff met with representatives from the Chief Human Capital Office and the Chief Procurement Office to monitor the DHS's efforts to adequately staff and train its acquisition workforce. The Subcommittee also participated in efforts to seek whistleblower protections and collective bar-

gaining rights for employees of the Transportation Security Administration.

The Subcommittee also examined DHS human capital practices to ensure diversity, fairness and compliance with equal employment opportunity laws and veteran's preferences. The Subcommittee conducted a series of workforce briefings with the Office of Human Capital at all seven major components and Headquarters, employee representatives, think tanks and several employees on an individual basis, to explore how the DHS can improve hiring practices, training, retention and the morale of the workforce.

Moreover, as part of the Subcommittee's oversight efforts Members and Staff met with the Chief Human Capital Officer, The Chief Procurement Officer, the Chief Security Officer, the Transportation Security Administration Administrator, the Director of the Federal Air Marshal Service, DHS Director of Recruiting, Staffing and Services, and the Program Manager for Veterans Outreach, the Officer for Civil Rights and Civil Liberties, and the Deputy Officer for Equal Employment Opportunity Programs. Meetings were also conducted with representatives from the Office of Personnel Management, the Government Accountability Office, advocacy organizations, non-governmental organizations, and organized labor organizations to discuss the personnel and workforce strategies and issues of DHS. Moreover, Subcommittee Members and Staff visited airports, ports of entry and training facilities to discuss employee morale, workforce issues and ascertain the effect of DHS workforce policies in the workplace.

INFORMATION TECHNOLOGY SYSTEMS MANAGEMENT

As part of the Committee's oversight of the Department of Homeland Security's management of its information technology systems, the Subcommittee on Management, Investigations and Oversight conducted oversight of the DHS's plans to consolidate its information technology from numerous data centers, located throughout the country, into two data centers located in Virginia and Mississippi. In accordance with the Committee's Oversight Plan, Subcommittee conducted several meetings and exchanged correspondence with the Chief Information Officer in an effort to monitor and conduct oversight over this process. Moreover, Subcommittee staff visited DHS's primary data center, located in Stennis, Mississippi to determine whether the facility was adequately equipped to meet DHS's goals and plans. The Subcommittee also conducted oversight of interagency memoranda of agreement governing data center operations and information technology processes to ensure that the agreements were in compliance with Federal laws and standards. Subcommittee staff met with representatives from the Office of Inspector General and the Government Accountability Office to determine and oversee the feasibility of the DHS's information technology efforts and related costs.

Subcommittee staff also conducted meetings with the Chief Privacy Officer and Component representatives, namely, the Transportation Security Administration to address and conduct oversight of DHS efforts to protect personal identifiable information contained within DHS information technology systems to ensure com-

pliance with the Federal Information Security Management Act of 2002 (44 U.S.C. § 3541), Privacy Act (P.L. 93-579), and the eGovernment Act (P.L. 107-347).

EMERGENCY COMMUNICATIONS, PREPAREDNESS AND RESPONSE

FEDERAL PREPAREDNESS AND RESPONSE EFFORTS

As part of the Committee's oversight of federal preparedness and response efforts, the Subcommittee on Emergency Communications, Preparedness, and Response conducted extensive oversight on the Department of Homeland Security's (DHS's) federal preparedness and response capabilities and compliance with the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295). In furtherance of its oversight efforts, the Subcommittee examined: the DHS's implementation of PKEMRA; the FEMA Administrator's initiative to devolve more authorities to the FEMA Regions; FEMA's ability to measure preparedness and assess risk; FEMA's ability to leverage private sector and non-governmental organizations' (NGO) resources during emergency response; federal, state, and local coordination prior to and during catastrophic events; and FEMA's ability to provide goods in a timely manner to a disaster. In accordance with the Committee's Oversight Plan, the Subcommittee held various hearings and staff briefing and meetings to gather information with numerous stakeholders, including DHS, other federal, state, and local authorities, private sector businesses, NGOs, and other experts.

On August 29, 2005, Hurricane Katrina devastated the Gulf Coast region of the United States. Hurricane Katrina revealed colossal inadequacies at the federal, State, and local government levels to prepare for, respond to, and recover from a catastrophic incident. In response, the Congress passed the PKEMRA to address shortcomings identified with the government's response to the storm. The Committee and Subcommittee have continued to monitor FEMA's implementation of PKEMRA and other statutes addressing the shortfalls identified after Katrina. Following the enactment of PKEMRA, the Committee requested the Government Accountability Office (GAO) to examine FEMA's implementation of PKEMRA. On November 21, 2008, GAO released a report entitled "Actions Taken to Implement the Post-Katrina Emergency Management Reform Act of 2006," which identified the provisions that DHS and FEMA had and had not put into effect. Specifically, GAO identified over 300 requirements in PKEMRA and worked with FEMA to identify what, if any, actions had been taken by the agency to address each requirement. This report and its findings were later the focus for the March 17, 2009 Subcommittee hearing entitled "PKEMRA Implementation of FEMA'S Preparedness and Response Mission." The hearing highlighted the challenges still facing FEMA nearly five years after Hurricane Katrina and provided a framework for further oversight on PKEMRA implementation.

Additional deficiencies were examined at a March 3, 2009, Subcommittee hearing entitled "FEMA's Gulf Coast Rebuilding Efforts: The Path Forward." At the hearing, Members examined, among other things, the public assistance application program utilized

after a disaster and the benefits of implementing strategies for private sector preparedness and recovery. On May 13, 2009, Chairman Thompson requested GAO to assess FEMA's application process for disaster assistance to individuals and households. On October 28, 2010, Chairman Thompson requested GAO to conduct an analysis of FEMA's Disaster Reserve Workforce Division. As part of Committee's oversight on business preparedness, Chairman Thompson also submitted comments to a Notice of Proposed Rule-making (NPRM) issued by FEMA regarding its Voluntary Private Sector Accreditation and Certification Preparedness Program, which appeared in the Federal Register on October 1, 2010. The comments call for a low-cost, yet flexible small business PS-Prep program with strong oversight and technical assistance.

The Subcommittee has also conducted extensive oversight on FEMA's initiative to empower its Regional Offices as directed by PKEMRA's mandate to establish robust regional offices. To this end, the Subcommittee utilized a congressional-chartered report drafted by the National Academy of Public Administration, entitled "FEMA's Integration of Preparedness and Development of Robust Regional Offices," to support its oversight activities. The independent assessment was released in October 2009 and found that while FEMA had made progress toward preparedness integration and building-out its Regions, there were significant ongoing challenges impacting FEMA's ability to achieve the results mandated by PKEMRA. The report served as the basis for a March 16, 2010, Subcommittee hearing entitled "Ensuring Strong FEMA Regional Offices: An Examination of Resources and Responsibilities." After the hearing, the Subcommittee, on March 31, 2010, requested GAO to further examine how preparedness and response, particularly with respect to preparedness grants, would be improved with the devolvement of authorities to the FEMA regions. In August of 2010 additional correspondence was sent to the Administrator regarding the transfer of vacant Headquarters positions to the Regions. Subcommittee Staff also visited FEMA's National Response Coordination Center and FEMA Region II Headquarters in New York City to review the impact of FEMA's new regional office empowerment initiative.

NATIONAL PREPAREDNESS GOAL AND SYSTEM

As part of the Committee's oversight of the national preparedness goal and system, the Subcommittee on Emergency Communications, Preparedness, and Response conducted extensive oversight on the Department of Homeland Security's (DHS's) efforts to define the target level of preparedness to ensure the nation's ability to prevent, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters. Through its oversight efforts, the Subcommittee examined: the Federal Emergency Management Agency's (FEMA's) preparations for the 2009 and 2010 hurricane seasons; the ability of citizens to prepare themselves for future catastrophes; the ability of the DHS to leverage private sector resources for preparedness and response; the ability of FEMA to measure preparedness and assess risk; FEMA's efforts to include the disability community in preparedness planning; and, the effectiveness of homeland security national and

regional exercises. In accordance with the Committee's Oversight Plan, the Subcommittee held various hearings and staff briefings and meetings to gather information with numerous stakeholders, including DHS, other federal, state, and local authorities, private sector businesses, non-governmental organizations (NGOs), and other experts.

The Committee and the Subcommittee has long been concerned with the engagement of citizens in disaster response and has conducted extensive oversight to ensure FEMA treats citizens as assets to disaster relief, not liabilities. To examine the requirements in the National Preparedness Guidelines and Target Capabilities List for strengthening citizen and community preparedness, the Subcommittee held a hearing on October 1, 2009, entitled "Preparedness: State of Citizen and Community Preparedness." The hearing revealed the dismal state of citizen preparedness throughout the nation, which prompted the Subcommittee Chairman to request that FEMA develop a new strategy to enhance citizen preparedness. Subsequently, in January 2010, GAO released a related report requested by the Committee entitled "FEMA Faces Challenges Integrating Community Preparedness Programs into Its Strategic Approach." This report, as well as the new FEMA strategy, were later examined at a February 26, 2010, Member briefing.

Measuring the nation's preparedness for natural disasters and terrorist attacks is a continuing challenge for FEMA and the Subcommittee has conducted extensive oversight on this issue. Since 2006, the Congress has mandated that FEMA establish performance metrics to measure both the nation's level of preparedness, as well as the effectiveness of state and local homeland security grant programs administered by FEMA. Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295) and the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) require FEMA to develop metrics of preparedness that can be used by federal, State, local, and tribal entities to identify and close preparedness gaps with their homeland security resources. To better understand FEMA's efforts to measure preparedness, on September 17, 2009, the Committee sent a letter and survey to states, urban areas, and tribal governments to examine FEMA's new Cost-to-Capability (C2C) pilot program. The feedback from these surveys on C2C was nearly uniform. While most of the respondents expressed appreciation that FEMA was trying to develop a tool that would be helpful for grantees, they identified significant weaknesses with the current tool. This survey was later examined in an October 27, 2009, Subcommittee hearing entitled "Preparedness: What has \$29 billion in homeland security grants bought and how do we know?" As a result of the hearing, FEMA's leadership agreed that the C2C tool was an example of government waste and cancelled the project. The Subcommittee anticipates this action saved taxpayers at least \$5 million in FY 2010. The Subcommittee's oversight in this area resulted in the introduction and enactment of H.R. 3980, the Identifying Redundancies and Developing Performance Metrics Act of 2010 (P.L. 111-271), which requires FEMA to eliminate redundant reporting requirements, measure preparedness, and develop performance metrics for grants.

The Subcommittee also examined FEMA's efforts to ensure the National Preparedness System encompasses the needs of all persons, including those with functional needs and the elderly, sick, and poor. In August 2009, the National Council on Disability (NCD) released a comprehensive report entitled, "Effective Emergency Management: Making Improvements for Communities and People with Disabilities." The report assesses scientific studies of preparedness, response, recovery, and mitigation efforts in order to identify challenges still facing people with disabilities and makes recommendations to federal, state, local, and individual actors to address those challenges. In response to NCD's report, the Committee sent a letter to the FEMA Administrator in September 2009 requesting information on the agency's activities-to-date that address the needs of people with disabilities in all stages of disaster planning. To further investigate FEMA's efforts to conduct inclusive planning, the Subcommittee held a hearing on June 15, 2010, entitled "Caring for Special Needs during Disasters: What's being done for Vulnerable Populations?" During the hearing, it became evident that FEMA's Office of Disability Integration and Coordination needed additional resources to meet the mandates of PKEMRA. Accordingly, the Subcommittee sent a letter on July 1, 2010, to the Secretary of Homeland Security requesting more resources for the office. On December 2, 2010, Subcommittee Chairwoman, Ms. Richardson of California, introduced H.R. 6481, the Disability Integration and Coordination Improvement Act, to ensure the office has the resources it needs to fulfill its mission. Additional Committee and Subcommittee oversight activities included staff participation at FEMA's 2010 Inclusive Emergency Management National Capacity Building Conference, meetings with the Disability Coordinator, and regular discussions with disability advocates and stakeholder groups regarding preparedness policies for vulnerable populations.

NATIONAL RESPONSE FRAMEWORK/INCIDENT MANAGEMENT

As part of the Committee's oversight on the National Response Framework (NRF), the Subcommittee on Emergency Communications, Preparedness, and Response examined the Department of Homeland Security's (DHS's) efforts to prepare for and provide a unified national response to disasters and emergencies. Through its oversight efforts, the Subcommittee examined: the implementation of the National Response Framework, including Emergency Support Functions (ESF) 5 - Emergency Management, ESF 6 - Mass Care, Emergency Assistance, Housing, and Human Services, ESF 7 - Logistics Management and Resource Support, ESF 9 - Search and Rescue, and ESF 10 - Oil and Hazardous Materials; the capabilities needed to respond to a border violence incident; the delivery of goods and services during a disaster; the effectiveness of mutual aid agreements in assisting in response efforts; the ability of the Federal Emergency Management Agency (FEMA) to properly credential those responding to a catastrophe; and the Department of Defense's support of civil authorities. In accordance with the Committee's Oversight Plan, the Subcommittee held various hearings and staff briefings and meetings to gather information with numer-

ous stakeholders, including DHS, other Federal, State, and local authorities, private sector businesses, NGOs, and other experts.

With drug-related violence beginning to escalate along the southwest border in 2009, the Subcommittee examined DHS's incident planning efforts as well as the unique emergency response and communication challenges faced by state and local first responders. On March 31, 2009, the Subcommittee held a hearing entitled, "Examining Preparedness and Coordination Efforts of First Responders along the Southwest Border." The hearing explored federal contingency plans to address growing violence, homeland security funding for resources and equipment, and cross-border training and exercises.

Since 2005, when Hurricane Katrina overwhelmed the logistical capacity of Federal, State, and local governments to respond and recover, the Subcommittee has continued to monitor FEMA's capacity and capability to deliver goods and services during a catastrophic disaster. To examine the NRF and in particular, ESF 7 (Logistics, Management and Resource Support) and the Volunteer and Donations Management Support Annex, the Subcommittee held a hearing on September 29, 2010, entitled, "Emergency Logistics Management: Transforming the Delivery of Disaster Relief for the 21st Century." At the hearing, the Subcommittee analyzed FEMA's National Donations Management Network and discussed with witnesses a July 2010 DHS Office of Inspector General report entitled "FEMA's Logistics Management Process for Responding to Catastrophic Disasters," which discussed the \$321 million anticipated to be spent on FEMA's new logistics supply chain and inventory system and the potential for wasteful spending.

The Subcommittee also conducted vigorous oversight of FEMA's efforts to prepare for hurricanes and coordinate the federal response pursuant to the NRF. On July 30, 2009, the Subcommittee held a Member briefing on hurricane preparedness for the 2009 hurricane season. Further, on July 14, 2010, the Subcommittee held a Member briefing on hurricane preparedness in the Gulf for the 2010 hurricane season and the potential impacts of a hurricane on the Deepwater Horizon oil spill cleanup efforts. This briefing allowed Members to examine ESF 10, Oil and Hazardous Materials Response, and the potential responses needed to address the commingling of oil with storm surge from a hurricane. This Subcommittee briefing was complemented by significant activities at the Full Committee level, including a site visit to Louisiana in July 2010 and a hearing on September 22, 2010, entitled, "DHS Planning and Response: Preliminary Lessons from Deepwater Horizon."

INTEROPERABLE COMMUNICATIONS

As part of the Committee's oversight on interoperable communications, the Subcommittee on Emergency Communications, Preparedness, and Response conducted extensive oversight on the Department of Homeland Security's (DHS's) Office of Emergency Communications (OEC) and its compliance with the enhancements made to emergency communications in the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295). Through its oversight efforts, the Subcommittee examined: the DHS's ability to support public safety interoperable communica-

tions through grant programs and technical guidance; cross-border interoperable emergency communications capabilities; public safety spectrum allocation; and the national strategy to coordinate communication efforts at the federal, state, tribal, territorial, regional and local levels. In accordance with the Committee's Oversight Plan, the Subcommittee held various hearings and staff briefings and meetings to gather information with numerous stakeholders, including DHS, other Federal, State, and local authorities, private sector businesses, NGOs, and other experts.

In response to the communication failures highlighted after 9/11 and Hurricane Katrina, Congress created the Office of Emergency Communications (OEC) within DHS. The Committee and Subcommittee have continually examined the work of the OEC to ensure that it is improving the ability of first responders—firefighters, police officers, emergency medical providers—to communicate and share vital voice and data information across disciplines and jurisdictions. On April 30, 2009, the Subcommittee held a Member briefing on DHS's progress on interoperable emergency communications and the efforts of the OEC to implement the National Communications Plan and provide critical guidance to first responders throughout the nation.

The Subcommittee was also heavily engaged in the administration's efforts to provide a nationwide interoperable broadband public safety network and the role of DHS in the Federal Communication Commission's proposal to provide interoperable communications to first responders through the auction of the 10 megahertz (MHz) of spectrum known as the "D-Block," in the 700 MHz band. On July 27, 2010, the Subcommittee held a hearing entitled "Interoperable Emergency Communications: Does the National Broadband Plan Meet the Needs of First Responders?" At the hearing, DHS expressed some reservations about the FCC's auction proposal and recommended more analysis to resolve all outstanding issues. The Committee subsequently sent a letter on July 29, 2010, to President Barack Obama requesting that DHS play a primary role in any new taskforce designated to study the FCC's proposal to better champion the voice of the public safety community.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST RESPONDERS

As part of the Committee's oversight on the Department of Homeland Security's (DHS's) assistance to state and local government and first responders, the Subcommittee on Emergency Communications, Preparedness, and Response conducted extensive oversight on the DHS's allocation and administration of grants to state and local governments. Through its oversight efforts, the Subcommittee examined: the Federal Emergency Management Agency's (FEMA's) ability to measure preparedness; FEMA's formula to assess risk; FEMA's proposal to consolidate individual grant programs into the State Homeland Security Grant Program (SHSGP); FEMA's grant guidance; and FEMA's ability to improve the efficacy of its grant programs. In accordance with the Committee's Oversight Plan, the Subcommittee held various hearings and staff briefings and meetings to gather information with numerous stakeholders, including DHS, other Federal, State, and local authorities,

private sector businesses, non-governmental organizations, and other experts.

Because the funding levels and general administration of homeland security grants can change yearly with the President's budget submission, the Committee and Subcommittee closely followed FEMA's proposed budget for fiscal years (FY) 2010 and 2011. With respect to the FY 2011 FEMA budget, the President proposed cutting the Staffing for Adequate Fire and Emergency Response (SAFER) program and the Assistance to Firefighter Grant (AFG) by 25% from FY10 enacted levels and consolidating four grant programs, including the Citizen Corps grants program, into the State Homeland Security Grant Program. On April 27, 2010, the Subcommittee held a hearing with the Administrator of FEMA to examine proposed funding levels, the proposed changes to preparedness grants, and his strategic vision for the FEMA Regions. At the hearing, Subcommittee members made it clear that the Regional initiative needed to be reevaluated and that cuts to vital grant programs would undermine security and hamper the life-saving efforts of first responders across the country.

In an effort to examine the effectiveness of the DHS's programs that provide funding to state and local governments and first responders, the Subcommittee conducted vigorous oversight on FEMA's management of homeland security grants. After receiving numerous concerns about a FEMA proposal that required grantees to submit an environmental and historic preservation (EHP) review for preparedness grant programs, the Subcommittee sent a letter, on April 22, 2010, to the FEMA Administrator requesting that FEMA reassess its ability to implement such guidance and prevent backlogs of grant awards. Further, the Subcommittee held a hearing on June 20, 2010, entitled "The Future of FEMA's Grant Programs Directorate," and examined this issue along with the findings of a March 2010 DHS Office of Inspector General Report entitled "Efficacy of DHS Grant Programs." The hearing also presented another opportunity for Members to question FEMA about its initiative to devolve new grant authority to the Regions. Following the hearing, FEMA changed its position to require EHPs for only a small selection of projects undertaken with preparedness grant programs.

The Subcommittee's oversight on homeland security grants also resulted in the several pieces of legislation. After learning of FEMA's proposal to prohibit the use of homeland security grant funds for the sustainment and maintenance of equipment purchased with such grant funds, Ms. Mary Jo Kilroy of Ohio introduced H.R. 3837, the Strengthening and Updating Resources and Equipment on October 15, 2009. The purpose of this legislation was to overturn FEMA's arbitrary policy and ensure homeland security grant funds could continue to be used for sustainment and maintenance of equipment. On the same day, Ms. Kilroy, Chairman Bennie Thompson, Ranking Member Peter King and other Members of the Committee sent a letter to the Administrator of FEMA urging him to rescind the policy. H.R. 3837 was further discussed during an October 27, 2009, Subcommittee hearing entitled "Preparedness: What has \$29 billion in homeland security grants bought and how do we know?" The Subcommittee favorably consid-

ered H.R. 3978 on November 3, 2009 and the Full Committee ordered the measure to be reported to the House on November 17, 2009. Three days after H.R. 3837 was reported, FEMA issued an Information Bulletin rescinding its September 22, 2009 maintenance policy.

Similarly, after numerous state emergency management offices raised concerns over a FEMA directive that allowed the agency to unilaterally impose spending requirements for state grant dollars, Subcommittee Chairwoman Richardson introduced H.R. 5562, The Homeland Security Grant Management Improvement Act to prohibit the practice. The Committee met on June 23, 2010, to consider H.R. 5562, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by voice vote. The bill was further considered at a June 29, 2010, Subcommittee hearing entitled “The Future of FEMA’s Grant Programs Directorate,” where state witnesses reiterated the need for Congress and FEMA to reevaluate restrictive grant guidance imposed by FEMA.

FIRST RESPONDER TRAINING

As part of the Committee’s oversight on first responder training, the Subcommittee on Emergency Communications, Preparedness, and Response conducted extensive oversight on the efficacy of the Department of Homeland Security’s (DHS’s) programs that provide training, technical assistance, and other resources to the nation’s first responders. The Subcommittee examined: coordination among federal emergency response teams, military, and local officials during a disaster; resources and technical assistance available for first responder training; and national training centers for state and local first responders. In accordance with the Committee’s Oversight Plan, the Subcommittee held various hearings and staff briefings and meetings to gather information with numerous stakeholders, including DHS, other federal, State, and local authorities, private sector businesses, non-governmental organizations, and other experts.

The Committee and Subcommittee’s long oversight of first responder training and resources resulted in the introduction of two measures. On February 25, 2009, Mr. Dent introduced H.R. 1178, a bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, including exercises and training. The House considered and passed H.R. 1178 on May 12, 2009. On November 2, 2009, Mr. Rogers of Alabama introduced H.R. 3978, the First Responder Anti-Terrorism Training Resources Act. H.R. 3978 permits the Secretary of Homeland Security to accept and use gifts for authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism. The Center for Domestic Preparedness in Anniston, Alabama, is the nation’s premier training site for first responders. The legislation was considered by the Subcommittee on November 3, 2009 and the full Committee on November 17, 2009 considered and ordered the measure reported to the House. The measure was passed by the House under suspension of the rules on December 15, 2009, and passed the Senate, as amended, on September 22,

2010. The House passed the Senate Amendment to H.R. 3978 on September 28, 2010, and the legislation became Public Law 111-245 on September 30, 2010.

EXERCISES AND SIMULATIONS

As part of the Committee's oversight on exercises and simulations, the Subcommittee on Emergency Communications, Preparedness, and Response conducted extensive oversight on the Department of Homeland Security's (DHS's) National Exercise Program and the coordination among federal, state, and local agencies participating in exercises. Through its oversight efforts, the Subcommittee examined: the Secretary of Homeland Security's proposal to overhaul the National Exercise Program; lessons learned from previous exercises; and coordination with federal, state, tribal, and private stakeholders. In accordance with the Committee's Oversight Plan, the Subcommittee held various hearings and staff briefings and meetings to gather information with numerous stakeholders, including DHS, other federal, State, and local authorities, private sector businesses, non-governmental organizations, and other experts.

The Committee and Subcommittee have closely watched the Secretary of Homeland Security's initiative to significantly modify the National Exercise Program. Upon the release of the Secretary's plan to "scale down" national level exercises (NLE), the Subcommittee held a Member briefing on May 5, 2010, to discuss the modifications to NLE 2010 and to evaluate lessons learned from previous national level exercises. After learning that the Federal Emergency Management Agency (FEMA) still does not have a robust after-action reporting process in an October 2010 DHS Office of Inspector General Report entitled, "FEMA's Implementation of Recommendations from Top Officials 4," the Committee sent a letter to FEMA on December 1, 2010, requesting more information on the Secretary's plan to learn from past exercises and implement corrective action.

Subcommittee Members and staff also observed many exercises across the country in furtherance of the Subcommittee's oversight plan. In July 2009, Subcommittee staff traveled to Texas to observe NLE 2009. In May 2010, Subcommittee Chairwoman Laura Richardson and staff observed NLE 2010 and discussed preparedness activities with federal and state participants involved in the exercise. Committee staff also observed Department of Defense led exercises, Vibrant Response in Indiana in July 2010 and Capitol Shield in Virginia in September 2010.

EMERGENCY WARNINGS

As part of the Committee's oversight on emergency warnings, the Subcommittee on Emergency Communications, Preparedness, and Response conducted extensive oversight on the Federal Emergency Management Agency's (FEMA's) efforts to provide a robust public alerts warning system. Through its efforts, the Subcommittee examined FEMA's efforts to provide: prompt and useful alerts and warning information to persons at risk of a disaster; uniform standards and protocols for the use of warning systems; essential

information through various media sources, including television, social networks, and the internet; support in various languages for diverse communities; and, meaningful metrics to assess the effectiveness of the warning systems. In accordance with the Committee's Oversight Plan, the Subcommittee held various hearings and staff briefings and meetings to gather information with numerous stakeholders, including DHS, other federal, state, and local authorities, private sector businesses, non-governmental organizations, and other experts.

The Committee and Subcommittee understand the importance of effective and robust early warnings systems and have closely monitored the development of the Integrated Public Alerts Warning System (IPAWS) by FEMA. On October 7, 2009, the Subcommittee held a Member briefing on public alerts and warnings and received an update on IPAWS and other emergency warnings issues from FEMA and broadcast representatives. Over the course of the 111th Congress, Subcommittee staff held several briefings to discuss IPAWS and hosted an information demonstration on the system in September 2010. Chairman Bennie Thompson and Subcommittee Chairwoman Laura Richardson participated in the IPAWS demonstration project. After a tsunami devastated American Samoa in September 2009, the Subcommittee closely analyzed the emergency alert systems used on the island and urged FEMA to better prepare the island for future tsunamis.

INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

DHS' OFFICE OF INFORMATION ANALYSIS

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted oversight of the DHS's Office of Intelligence and Analysis (I&A) including DHS's usage of homeland security intelligence and information; I&A's efforts to support the national fusion center network and state, local, tribal and private sector partners; the DHS's over-reliance on contractors for its intelligence and information sharing equities; the DHS Intelligence Enterprise; state and local coordination including the efforts of the Interagency Threat Assessment Coordination Group (ITACG); and I&A support to Departmental assets including components and headquarters elements. In accordance with the Committee's Oversight Plan, the Subcommittee held various hearings and staff briefing and meetings to gather information with numerous stakeholders, including DHS, other federal, state and local authorities, the private sector, and other experts.

On January 12, 2009, Chairman Thompson requested the General Accountability Office (GAO) conduct a review of the support provided by the I&A to the national fusion center network. The report would require GAO to determine how I&A provides intelligence and information to state and local agencies through fusion centers, whether this information is provided in a timely and useful manner, and efforts to improve this flow of information by I&A. The report was released to the Committee in September 2010; and concluded that although I&A is making efforts to improve the in-

formation flow to fusion centers, it is lacking performance metrics for doing so and needs to improve its efforts.

On March 18, 2009, the Subcommittee held a hearing entitled “Homeland Security Intelligence: Its Relevance and Limitations,” and took testimony on the topic of homeland security intelligence, including homeland security relevance, collectors, and customers. The hearing further informed the Subcommittee’s oversight activities regarding the I&A, and DHS intelligence and information collection activities.

On April 1, 2009, the Subcommittee held a hearing entitled “The Future of Fusion Centers: Potential Promise and Dangers,” and took testimony on fusion centers, focusing on fusion center development and new fusion center baselines for operations developed by DHS, the Department of Justice, and the Global Justice Initiative. The hearing further informed the Subcommittee’s oversight activities regarding the DHS I&A, and information sharing.

On June 24, 2009, the Subcommittee held a hearing entitled “FY2010 Budget for the Office of Intelligence and Analysis of the Department of Homeland Security,” and examined the President’s FY 2010 budget request for the I&A. The hearing further informed the Subcommittee’s oversight activities regarding the I&A’s budget priorities for FY 2010.

On September 24, 2009, the Subcommittee held a hearing entitled “I&A Reconceived: Defining a Homeland Security Intelligence Role,” and took testimony on efforts to improve intelligence and information sharing processes at DHS. The hearing further informed the Subcommittee’s oversight activities regarding I&A, DHS intelligence and information sharing collection activities, and information sharing.

On September 29, 2010, the Subcommittee held a hearing entitled “Is the Office of Intelligence and Analysis Adequately Connected to the Broader Homeland Communities,” and took testimony on the extent to which I&A interacts with other headquarters elements within the Department. The hearing further informed the Subcommittee’s oversight activities regarding the DHS Office of Intelligence and Analysis, DHS intelligence and information collection activities, information sharing, threat communications and advisories, and the National Operations Center.

In addition to the subcommittee hearings held during the 111th Congress, the Subcommittee reviewed efforts to build the intelligence, analytical, and assessment capabilities of DHS and examined whether I&A has been able to fully participate in the Intelligence Community for homeland security purposes. Within the context of evaluating enemy attacks against the United States, the Subcommittee examined whether DHS received relevant intelligence and law enforcement information from other Federal agencies in a timely fashion.

Meetings with the operational components of DHS, as well as the I&A, allowed the Subcommittee to determine that the Secretary of Homeland Security is appropriately involved in the prioritization of the Federal government’s intelligence collection requirements for homeland security purposes. However, meetings and briefings also indicated to the Subcommittee that intelligence collection requests generated by the components, and disseminated through I&A to

the rest of the Intelligence Community, have not been performed in accordance with National priority intelligence requirements.

The Subcommittee also examined the DHS's role in managing, distributing, and otherwise using terrorist threat information in furtherance of its homeland security mission. The Subcommittee noted that I&A had increasingly improved its ability to pull information and intelligence out of highly classified materials in order to create and distribute information and intelligence classified at lower levels to appropriately cleared state and local governmental personnel and others in the private sector. This was specific to certain situations. In the case of managing, distributing, and otherwise using terrorist threat information to the public, the Subcommittee found that DHS had shown improvement, but needed to continue refining its messages and getting information out to the public so that they can taken any necessary actions in response to threats to the Nation.

In addition, the Subcommittee explored DHS's role in the activities of the National Counterterrorism Center (NCTC), and how it disseminates terrorist threat information among Federal, State, and local governments and the private sector. In particular, the Subcommittee has taken an ongoing interest in the Interagency Threat Assessment and Coordination Group (ITACG). Subcommittee staff received a status briefing on the ITACG on October 19, 2010, including a review of its mission and activities, as well as how state and local detailees to the ITACG are being utilized now that the DHS is funding and managing these personnel, and the NCTC is continuing to house and also manage their activities. The Subcommittee continues to be concerned about how the detailees are being utilized, whether their input and opinions are being taken seriously, and whether they are being allowed to fulfill Congressional intent for the ITACG.

DHS' INTELLIGENCE AND INFORMATION COLLECTION ACTIVITIES

As part of the Committee's oversight of the Department of Homeland Security (DHS) and federal counterterrorism efforts, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted oversight of the DHS's intelligence and information sharing activities. In furtherance of its oversight efforts, the Subcommittee examined: DHS's usage of homeland security intelligence and information; requests made to the National Geospatial-Intelligence Agency (NGA) satellite imagery; I&A's efforts to support the national fusion center network and state, local, tribal and private sector partners; the DHS's over-reliance on contractors for its intelligence and information sharing equities; the DHS Intelligence Enterprise; and I&A support to Departmental assets including components and headquarters elements. In accordance with the Committee's Oversight Plan, the Subcommittee held various hearings and staff briefing and meetings to gather information with numerous stakeholders, including DHS, other federal, state and local authorities, the private sector, and other experts.

On March 18, 2009, the Subcommittee held a hearing entitled "Homeland Security Intelligence: Its Relevance and Limitations," and took testimony on the topic of homeland security intelligence, including homeland security relevance, collectors, and customers.

The hearing further informed the Subcommittee's oversight activities regarding the I&A, and DHS intelligence and information collection activities.

On July 21, 2009, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a Member briefing on the authorities, procedures, and processes for requesting National Geospatial-Intelligence Agency (NGA) satellite imagery, as used by DHS components under the existing legal framework.

On September 24, 2009, the Subcommittee held a hearing entitled "I&A Reconceived: Defining a Homeland Security Intelligence Role," and took testimony on efforts to improve intelligence and information sharing processes at DHS. The hearing further informed the Subcommittee's oversight activities regarding I&A, DHS intelligence and information sharing collection activities, and information sharing.

On November 19, 2009, the Subcommittee held a hearing entitled "Reassessing the Evolving al-Qaeda Threat to the Homeland," and took testimony regarding the current threat al-Qaeda posed to the homeland in light of United States counterterrorism and war fighting policy. The hearing further informed the Subcommittee's oversight activities regarding DHS intelligence and information collection activities.

On December 15, 2009, the Subcommittee held a hearing entitled "Violent Extremism: How Are People Moved from Constitutionally-Protected Thought to Acts of Terrorism," and took testimony regarding possible risk factors and pre-incident indicators of terrorist activity. The hearing further informed the Subcommittee's oversight activities regarding DHS intelligence and information collection activities, and privacy and civil liberties protection.

From January 7-8, 2010, the Subcommittee Chair let a Member site visit to the United States Central Command (USCENTCOM) in Tampa, Florida. The Members also examined the current operations at the Joint Task Force Guantanamo, Naval Station Guantanamo Bay. Members assessed the involvement of Department of Homeland Security equities at that location.

On May 12, 2010, the Subcommittee held a hearing entitled "A DHS Intelligence Enterprise: Still Just a Vision or Reality," and took testimony on efforts to improve and solidify the Homeland Security Intelligence Enterprise, as well as strategic planning for I&A. The hearing informed the Subcommittee's oversight activities regarding I&A, and DHS intelligence and information collection activities.

On May 26, 2010, the Subcommittee held a hearing entitled "Internet Terror Recruitment and Tradecraft: How Can We Address an Evolving Tool While Protecting Free Speech," and took testimony on the role of the internet in radicalization, recruitment, and terrorist operations, as well as the extent to which law enforcement efforts to counter this use of the internet are balanced with civil liberties guaranteed by the First and Fourth Amendments. The hearing further informed the Subcommittee's oversight activities regarding DHS intelligence and information collection activities, and privacy and civil liberties protection.

As a result of the subcommittee hearings and briefings held, the Subcommittee found that the I&A continues to find it difficult to

coordinate and integrate the intelligence and intelligence-related activities of DHS's operational components as it has no formal control over these elements. I&A works only with strategic intelligence while the operational components need tactical intelligence for their operations, as well as strategic intelligence to help them understand the context in which those operations occur. The Subcommittee found that this exacerbates the coordination and integration efforts of I&A.

Further, Briefings from I&A also revealed problems in the dissemination of strategic and national level terrorist threat intelligence to DHS operational entities. While, the operational components have developed their own direct relationships with members of the intelligence community; and as a result, they often received strategic intelligence directly from other members of the intelligence community days in advance of receiving it from the DHS's own I&A. This highlights a breakdown of disseminating threat level intelligence between I&A and DHS component agencies.

The Subcommittee also examined the effectiveness and utilization of DHS intelligence and threat assessments in fulfilling DHS's initiatives to understand and assess critical infrastructure vulnerabilities and to conduct national risk assessments. The Subcommittee also undertook a limited review of the Department's use of Open Source Information, as recommended in the 9/11 Commission Report and the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458).

INFORMATION SHARING

As part of the Committee's oversight of the Department of Homeland Security (DHS) and federal counterterrorism efforts, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted extensive oversight of DHS's intelligence and information sharing activities. In furtherance of its oversight efforts, the Subcommittee examined: the Department's usage of homeland security intelligence and information; the Office of Intelligence and Analysis's (I&A's) efforts to support the national fusion center network and state, local, tribal and private sector partners; the Department of Homeland Security Intelligence Enterprise; the attempted terrorist attack by Umar Farouk Abdulmutallab; and I&A support to Departmental assets including components and headquarters elements. In accordance with the Committee's Oversight Plan, the Subcommittee held various hearings and staff briefing and meetings to gather information with numerous stakeholders, including DHS, other federal, state and local authorities, the private sector, and other experts.

On April 1, 2009, the Subcommittee held a hearing entitled "The Future of Fusion Centers: Potential Promise and Dangers," and took The Subcommittee took testimony on fusion centers, focusing on fusion center development and new fusion center baselines for operations developed by DHS, the Department of Justice, and the Global Justice Initiative. The hearing further informed the Subcommittee's oversight activities regarding the DHS Office of Intelligence and Analysis, and information sharing.

On July 30, 2009, the Subcommittee held a hearing entitled "Beyond ISE Implementation: Exploring the Way Forward for Informa-

tion Sharing,” and took to explore the current status of and the future outlook of information sharing, focusing on the Information Sharing Environment Annual Report to the Congress, and broader recommendations for improving information sharing horizontally with federal agencies and vertically with State and local entities. The hearing further informed the Subcommittee’s oversight activities regarding information sharing.

On November 3, 2009, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a Member-only briefing on Suspicious Activity Reporting (SAR).

In the wake of the attempted attack on Northwest Airlines Flight 253 by Umar Farouk Abdulmutallab on December 25, 2009, the Committee took swift action to examine the series of events leading up to the attempted attack, including the shortcomings in information sharing between intelligence and law enforcement agencies that contributed to the incident. On January 13, 2010, the Committee held a Classified Member-Only briefing on the incident, and from January 15 through 17, 2010, Committee Staff conducted a Staff Delegation to London, England and Amsterdam, Netherlands, to examine events related to the attempted attack firsthand. Finally, on January 27, 2010, the Committee also held a Full Committee hearing entitled “Flight 253: Learning Lessons from an Averted Tragedy.”

The Subcommittee examined information sharing among Federal, State and local governments, law enforcement entities, first responders, and emergency management personnel. On numerous occasions throughout the 111th Congress, the Subcommittee visited fusion centers across the country to examine first-hand information sharing efforts, especially information shared between DHS and state and local fusion centers. For example, on August 12-13, 2010, the Subcommittee led a staff delegation to South Carolina to examine the South Carolina Intelligence and Information Center, focusing on Federal Bureau of Investigation and DHS I&A support to the Center as well as its effectiveness in gathering intelligence information and responding to threats.

Further, the Subcommittee also examined the development and implementation of the information-sharing environment mandated under the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458). As a result of its examination, the Subcommittee found that while the DHS tried to meet the terrorism threat-related information requirements of state, local, and private sector officials, but has not always done so in a timely and responsive manner.

The Subcommittee also examined the issue of unclassified information designations by DHS and other Federal agencies, such as “Sensitive Security Information,” and the impact such designations had on the ability of the Department or other Federal agencies to share information among Federal, state, local, and private sector partners.

The Committee and Subcommittee’s long oversight of information sharing challenges resulted in the introduction of H.R. 553, the Reducing Over-Classification Act by Subcommittee Chairwoman Harman on January 1, 2009. H.R. 553 was considered and passed by the House on February 3, 2009 under suspension of the rules. H.R.

553 was passed by the Senate, as amended, on September 27, 2010. The House concurred in the Senate amendment to H.R. 553 on September 28, 2010 and was signed into law by the President on October 7, 2010 as P.L. 111-258.

THREAT COMMUNICATIONS AND ADVISORIES

As part of the Committee's oversight of the Department of Homeland Security (DHS) and federal counterterrorism efforts, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted extensive oversight of the DHS's threat communications and advisories programs. In furtherance of its oversight efforts, the Subcommittee examined: the Department's usage of homeland security intelligence and information; Office of Intelligence and Analysis (I&A's) efforts to share information with state, local, tribal and private sector partners; and the Department's threat advisory programs, especially the National Operations Center. In accordance with the Committee's Oversight Plan, the Subcommittee held various hearings and staff briefing and meetings to gather information with numerous stakeholders, including DHS, other federal, state and local authorities, the private sector, and other experts.

On May 27, 2010, the Subcommittee held a classified Member-only briefing on current threat streams. Members were briefed by the Director of the National Counter Terrorism Center.

On July 15, 2010, the Subcommittee on held a classified Member-only briefing on the release of al-Qaeda in the Arabian Peninsula's (AQAP) *Inspire* magazine as well as background information and current threats posed by al-Shabaab.

On September 29, 2010, the Subcommittee held a hearing entitled "Is the Office of Intelligence and Analysis Adequately Connected to the Broader Homeland Communities," and took testimony on the extent to which the DHS Office of Intelligence and Analysis interacts with other headquarters elements within the Department. The hearing further informed the Subcommittee's oversight activities regarding the DHS Office of Intelligence and Analysis, DHS intelligence and information collection activities, information sharing, threat communications and advisories, and the National Operations Center.

In addition to these subcommittee briefings and hearings, the Subcommittee undertook a review of the Department's policies and procedures with respect to issuing threat and warning advisories, including the Homeland Security Advisory System, to ensure that they conveyed information in a timely and relevant manner to Federal, State, and local government officials and other entities.

INTELLIGENCE-DRIVEN EFFORTS TO COUNTER TERRORISM-RELATED SMUGGLING

As part of the Committee's oversight of the Department of Homeland Security (DHS) and federal counterterrorism efforts, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted extensive oversight on intelligence-driven efforts to counter terrorism-related smuggling. In furtherance of its oversight efforts, the Subcommittee examined the DHS's

Terrorist Screening Center, the Human Smuggling and Trafficking Center, and the Office of Counternarcotics Enforcement. In accordance with the Committee's Oversight Plan, the Subcommittee held various staff briefing and meetings to gather information with numerous stakeholders, including DHS, other federal, state and local authorities, the private sector, and other experts.

The Subcommittee conducted vigorous oversight of the operations and progress of the Terrorist Screening Center, the Human Smuggling and Trafficking Center, and other cooperative efforts to prevent and interdict terrorist travel, including the DHS's interaction with and participation in such entities and efforts. In addition, the Subcommittee conducted a review of DHS's intelligence-driven efforts to prevent and interdict terrorist travel and the smuggling of illicit terrorism-related materials.

The Subcommittee also examined the role of the DHS Office of Counternarcotics Enforcement (CNE) in coordinating the efforts of DHS's counternarcotics assets including CNE's role in disseminating intelligence regarding links between drug-trafficking and terrorism, and coordinating policy and operations at the Department. The Committee requested the DHS Office of the Inspector General (OIG) to assess the activities of CNE and evaluate whether it was fulfilling its statutory requirements. On May 4, 2010, OIG released to the Committee its report entitled, "The Responsibilities of the Office of Counternarcotics Enforcement", and determined that CNE continues to face inherent difficulties, including its inability to fulfill statutory responsibilities on coordinating counternarcotics policy for DHS and its component agencies. In light of OIG's nine recommendations to CNE, the Committee sent a letter to CNE on October 8, 2010, and requested that the Director of CNE implement OIG's recommendations on improving its efficacy and effectiveness. The Committee and the Subcommittee continues to work with CNE to ensure it is meeting its statutory requirements.

THE NATIONAL OPERATIONS CENTER

As part of the Committee's oversight of the Department of Homeland Security (DHS) and federal counterterrorism efforts, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted extensive oversight of DHS's National Operations Center. In furtherance of its oversight efforts, the Subcommittee examined: the Department's usage of homeland security intelligence and information; Office of Intelligence and Analysis' (I&A's) efforts to share information with state, local, tribal and private sector partners; and the Department's threat advisory programs, especially the National Operations Center. In accordance with the Committee's Oversight Plan, the Subcommittee held various hearings and staff briefing and meetings to gather information with numerous stakeholders, including DHS, other federal, state and local authorities, the private sector, and other experts.

The Subcommittee conducted oversight on DHS's efforts to collect and fuse information in the National Operations Center in order to maintain domestic situational awareness, and to carry out its role as the primary national-level center during domestic incidents and special events. On September 29, 2010, the Subcommittee held a hearing entitled "Is the Office of Intelligence and Analysis Ade-

quately Connected to the Broader Homeland Communities,” and took testimony on the extent to which I&A interacts with other headquarters elements within DHS. The hearing further informed the Subcommittee’s oversight activities regarding I&A, DHS intelligence and information collection activities, information sharing, threat communications and advisories, and the National Operations Center.

In addition to the hearing, the Subcommittee staff visited the National Operations Center to oversee these efforts.

PRIVACY AND CIVIL LIBERTIES PROTECTION

As part of the Committee’s oversight of the Department of Homeland Security (DHS) and federal counterterrorism efforts, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted extensive oversight of DHS’s efforts to ensure appropriate privacy and civil liberties protections. In furtherance of its oversight efforts, the Subcommittee examined: DHS’s usage of homeland security intelligence and information; the Department’s intelligence gathering methods, including the National Applications Office; Federal, state, and local efforts to conduct outreach to communities to prevent terrorism; the spectrum between legally-protected free speech and illegal violent extremism; the legal ramifications of policing the internet in order to combat violent radicalization and terrorism; and ensuring that Federal intelligence gathering efforts are in line with privacy and civil liberties protections. In accordance with the Committee’s Oversight Plan, the Subcommittee held various hearings and staff briefing and meetings to gather information with numerous stakeholders, including DHS, other federal, state and local authorities, the private sector, and other experts.

On May 6, 2009, Chairman Bennie Thompson, as well as Chair Jane Harman of the Subcommittee, sent a letter to the Secretary of Homeland Security requesting a review of the National Applications Office for privacy and civil liberties violations. In response to the Committee’s letter, on June 23, 2009, the Secretary of Homeland Security announced the termination of the National Applications Office program.

On December 15, 2009, the Subcommittee held a hearing entitled “Violent Extremism: How Are People Moved from Constitutionally-Protected Thought to Acts of Terrorism,” and took testimony regarding possible risk factors and pre-incident indicators of terrorist activity. The hearing further informed the Subcommittee’s oversight activities regarding DHS intelligence and information collection activities, and privacy and civil liberties protection.

On March 17, 2010, the Subcommittee held a hearing entitled “Working with Communities to Disrupt Terror Plots,” and took testimony from federal and local government officials, community engagement advocates, and academic experts on efforts to work with at-risk communities in countering violent extremism. The hearing further informed the Subcommittee’s oversight activities regarding information sharing, and privacy and civil liberties protection.

On May 26, 2010, the Subcommittee held a hearing entitled “Internet Terror Recruitment and Tradecraft: How Can We Address an Evolving Tool While Protecting Free Speech,” and took

testimony on the role of the internet in radicalization, recruitment, and terrorist operations, as well as the extent to which law enforcement efforts to counter this use of the internet are balanced with civil liberties guaranteed by the First and Fourth Amendments. The hearing further informed the Subcommittee's oversight activities regarding DHS intelligence and information collection activities, and privacy and civil liberties protection.

As part of the Committee's oversight, the Subcommittee continued to examine the relationship between DHS and privacy and civil liberties protection, including the DHS's State and Local Fusion Center Program; privacy and civil liberties training for intelligence and other personnel within the Department and at state, local, and tribal levels; privacy and civil liberties protections for the sharing of products from I&A; the Office of Civil Rights and Civil Liberties community engagement programs; privacy and civil liberties implications in the study of terrorism; and the role of privacy and civil liberties in countering ideologically based violence and recruitment.

TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION

NATIONAL STRATEGY FOR TRANSPORTATION SECURITY

During the 111th Congress, the Subcommittee on Transportation Security and Infrastructure Protection examined the Department of Homeland Security's (DHS) development and implementation of a risk-based National Strategy for Transportation Security (NSTS), as required by section 4001 of the Intelligence Reform and Terrorism Prevention Act of 2004, and as amended by section 1202 of the Implementing Recommendations of the 9/11 Commission Act of 2007. The NSTS, last revised in 2006, provided a strategy for transportation security and modal security plans that addressed the evaluation of transportation assets and the establishment of corresponding mitigation approaches. In January 2009, DHS issued the updated National Infrastructure Protection Plan (NIPP), which is the comprehensive Critical Infrastructure and Key Resources planning framework supporting directives outlined in Homeland Security Presidential Directive - 7. The initial Transportation System Sector Specific Plan (TSSSP) was issued in May 2007 and established a five-year strategic plan to determine how the sector security partnership will achieve outlined sector-specific goals and objectives. In September 2009, the Department informed the Committee that it intends to satisfy the biennial mandate to revise the NSTS through the existing NIPP and TSSSP documents. The TSSSP is reviewed annually and updated every three years. The 2010 revision of the TSSSP is still under review by the Department and has not been released.

The 2007 TSSSP established three goals for securing the transportation sector: prevent and deter acts of terrorism using or against the transportation system; enhance the resilience of the transportation sector; and improve the cost-effective use of resources for transportation security. In its oversight, the Subcommittee evaluated programs, policies and rulemaking to assess the Department's efforts to secure all modes of transportation against terrorist threats and security vulnerabilities and increase

resiliency throughout the sector. In addition to conducting specific oversight in accordance with the Committee's oversight plan in the areas of Passenger and Baggage Screening and Aviation Security, which are discussed later in this report, the Subcommittee also reviewed the Transportation Security Administration's (TSA) management and administration of critical surface transportation security programs.

Unlike security of the aviation sector, for which the Federal Government is directly responsible, security of mass transit and passenger rail systems largely falls to local authorities. In the course of its oversight, and in light of several terrorist attacks during the last decade on transit systems abroad, the Subcommittee focused on evaluating TSA's surface transportation security programs. On July 28, 2010, the Subcommittee held a hearing entitled "Lost in the Shuffle: Examining TSA's Management of Surface Transportation Security Inspectors." At the hearing, Members examined the Surface Transportation Security Inspection Program within the context of findings and recommendations of GAO and OIG regarding organizational changes and accountability. The hearing also gave Members an opportunity to inquire about outstanding security regulations mandated in the Implementing Recommendations of the 9/11 Act Commission Act of 2007, governing frontline employee security training for surface mode employees and security assessments. To date, TSA has yet to issue these important regulations that should impact the framework for the STSIP administration.

In 2009, the Committee sought to address the OIG's findings and recommendations by adding the language in section 302 of H.R. 2200, the Transportation Security Administration Authorization Act of 2009. Despite this legislative action and the findings of the DHS OIG, TSA began implementing an initiative called "TSI Evolution," which reorganized STSIP in a manner inconsistent with the language of H.R. 2200 and the OIG recommendations. On August 25, 2010, the Committee wrote to the TSA Administrator urging him to allocate more resources to its surface program and implement a management structure that reflects the importance and unique challenges in securing the surface modes.

Further, on December 10, 2010, the Committee and the Senate Committee on Homeland Security and Governmental Affairs sent a joint letter to the TSA Administrator and the Administrator of the Federal Emergency Management Agency opposing the Administration's proposed changes to the allocation of Transit Security Grant Program funds for capital projects. If implemented, the changes would reduce funding to the majority of the Nation's transit systems grantees. The TSGP was authorized in section 1406 Implementing Recommendations of the 9/11 Commission Act of 2007 and has become the primary mechanism used by the Federal government to help local transit authorities cover costs associated with critical transit security programs and projects.

On the matter of resiliency, the Committee requested that the Government Accountability Office (GAO) assess the extent to which DHS has incorporated resiliency into the programs working with critical asset owners and operators, and is positioned to disseminate information on resiliency practices to asset owners and operators throughout the critical sectors. The Subcommittee reviewed

GAO's three recommendations contained in the report entitled *Critical Infrastructure Protection: DHS Efforts to Assess and Promote Resiliency Are Evolving but Program Management Could Be Strengthened* (GAO-10-772), and the Department's response. In assessing the cost-effective use of resources, the Subcommittee specifically evaluated the President's fiscal year 2010 budget request for TSA and the Department's planned deployment of Advanced Imaging Technology (AIT) machines at passenger checkpoints.

PASSENGER AND BAGGAGE SCREENING

The Subcommittee continued its oversight into the critical area of passenger and baggage screening. In particular, the Subcommittee evaluated how the Department continued to implement passenger and baggage screening security measures as authorized in the Aviation and Transportation Security Act of 2001 (P.L. 107-71), which established a Federal workforce at commercial service airports to screen passengers and baggage for explosives and other prohibited items.

On January 12, 2010, Committee Members conducted a site visit of the Newark Liberty International Airport to examine events surrounding the January 3, 2010 security breach in which a passenger bypassed security screening, entering the secure area of a terminal through the TSA passenger screening checkpoint exit lane. Officials from the airport administration and local TSA briefed the Members on security measures instituted following the incident to address security vulnerabilities at the airport's passenger screening checkpoints. The site visit further supported the Subcommittee's interest in evaluating passenger checkpoint security and technology.

In response to the attempted bombing of Northwest Airlines Flight 253 on December 25, 2009, in which a passenger boarding the aircraft in Amsterdam smuggled explosives onto the aircraft by stitching the explosives into his underwear, the President directed that the Transportation Security Administration (TSA) pursue enhanced screening technologies at U.S. airport passenger screening checkpoints. TSA had already been piloting Advanced Imaging Technology (AIT) body scanning machines at passenger checkpoints at several airports. In the wake of the Flight 253 incident, the Administration commenced an expedited deployment of AIT. Accordingly, the President's fiscal year 2011 budget request included a statement indicating the Administration's intent to deploy 1,000 AIT machines by the end of fiscal year 2011. During consideration of H.R. 2200, the Transportation Security Administration Authorization Act, an amendment was adopted to the bill that prohibited the use of AIT as a technology for conducting primary passenger screening.

In light of the expedited AIT deployment, on March 17, 2010, the Subcommittee held an oversight hearing, "An Assessment of Checkpoint Security: Are Our Airports Keeping Passengers Safe?" At the hearing, Members evaluated TSA's processes for development, procurement, and deployment of checkpoint security technologies at U.S. airports. In addition Members examined security procedures being implemented by international air carriers and at foreign airports.

Prior to the Subcommittee hearing, the Committee requested in writing clarification from TSA on the AIT machines' ability to store and transmit data. TSA responded that the mechanism to store or transmit images is disabled following AIT laboratory testing. Based on the Subcommittee hearing and subsequent oversight, on November 19, 2010, the Committee wrote the TSA Administrator questioning TSA's decision to deploy AIT and enhanced pat down protocols without the Department first having published important privacy and civil liberties impact assessments.

After several requests to TSA, the Committee received a deployment plan for AIT, which lacked information as to the risk-based nature, if any, of the AIT deployment. Further, GAO testified during the March hearing that TSA had not conducted a cost-benefit analysis for the AIT deployment. This suggests that the AIT deployment was not implemented in accordance with one of the stated goals of the Transportation Security Sector Specific Plan, to improve the cost-effective use of resources for transportation security. Further, the Administration requested \$218.9 million in fiscal year 2011 for additional personnel full time equivalents necessary for the AIT deployment.

Another area of concern for the Subcommittee in terms of assessing the effective use of resources is TSA's deployment and continued use of the Screening of Passengers by Observation Technique (SPOT) program, a behavior-based profiling program in use at several U.S. airports. According to GAO, TSA has not established any metrics or criteria for evaluating whether the external factors isolated and identified in the SPOT program are in fact predictive of dangerous behavior.

On August 17, 2010, the Committee wrote to TSA expressing its concern that, notwithstanding the fact that TSA had failed to develop a mechanism for evaluating, on an ongoing basis, the SPOT program's validity or effectiveness for use as a counterterrorism measure in airports, TSA had continued to seek budget increases for the program and continue with its deployment. TSA responded that TSA is currently working with the Department's Science and Technology Directorate on a validation study of the SPOT program.

In the course of its oversight of passenger and baggage screening, the Subcommittee also evaluated the Registered Traveler program. The Aviation and Transportation Security Act of 2001 authorized TSA to establish requirements to implement trusted passenger programs and to use available technologies to expedite the security screening of passengers who participate in such programs. Accordingly, TSA and private sector stakeholders established the Registered Traveler program. The program was broadly envisioned to be one of many initiatives constituting a layered system for strengthening aviation security using risk-based security screening of participants or "known" travelers who had previously undergone security background vetting and provided biometric identification information to facilitate such risk-based screening. Conceptually, this program would allow Transportation Security Officers to focus screening on "unknown" passengers. The Committee included section 233 into H.R. 2200, into the Transportation Security Administration Authorization Act, which directed TSA to examine the effi-

cacy of the Registered Traveler program for security purposes and report back to Congress with its findings.

On September 30, 2009, the Subcommittee on Transportation Security and Infrastructure Protection held an oversight hearing to examine the Registered Traveler program and TSA's efforts to implement a trusted passenger program. This hearing was held soon after the cessation of operations of the major vendor operating under the Registered Traveler program, Clear. TSA ceased performing Security Threat Assessments for program participants in 2008, and, to date, the security benefits envisioned for the program have not been realized.

Also in the course of the Subcommittee's oversight of TSA's passenger screening processes and associated technology, on December 16, 2009, the Subcommittee held an oversight hearing to examine the risk associated with the improper posting to the Internet of unredacted sensitive Security Operating Procedures related to passenger screening protocols. In December 2009, TSA announced the discovery of the inadvertent disclosure of Sensitive Security Information (SSI) dealing with passenger screening operations at airports. On December 8, 2009, the Committee sent a letter to TSA requesting a third-party investigation of the incident. Secretary Napolitano announced on December 9, 2009 that the Department's Office of Inspector General (OIG) had begun an investigation. On February 16, 2010, OIG released a report with its findings regarding the investigation. The IG recommended DHS review and revise of policies, procedures and training materials for employees handling sensitive and secure information. To date, the Department continues to evaluate its policies and procedures for handling sensitive information and has taken some steps in addressing the OIG's recommendations.

In August 2010, TSA informed the Committee that it was piloting enhanced pat down passenger screening protocols at two commercial service airports, with a planned deployment for later in the year. On September 22, 2010, Committee Members received a briefing on TSA's enhanced passenger screening protocols, where several Members expressed concerns about the invasiveness of the protocols. On November 19, 2010, the Committee wrote to the TSA Administrator criticizing TSA's decision to deploy AIT and enhanced pat down protocols without first having published important privacy and civil liberties impact assessments.

AVIATION SECURITY

In addition to its oversight of passenger and baggage screening, the Subcommittee also assessed key programs and policies impacting the broader aviation security landscape. In the course of this oversight, the Subcommittee held several hearings and briefings to evaluate TSA's efforts regarding budget priorities, general aviation security, aviation repair station security, and the implementation of a system for the screening of 100 percent of cargo being transported on passenger aircraft. The Committee's oversight in this area resulted in several provisions included in H.R. 2200, the Transportation Security Administration Authorization Act.

In evaluating the Department's strategic implementation of the TSSSP's broad goal of prevention and deterrence of terrorist at-

tacks against transportation systems, the Subcommittee began the 111th Congress assessing the security of cargo transported on passenger aircraft. The Aviation and Transportation Security Act of 2001 authorized several measures to secure the passenger aircraft against terrorist attack, including the mandatory fortification of cockpit doors; the employment of Federal personnel to conduct passenger and baggage screening; the deployment of Federal air marshals; and the requirement that all checked passenger baggage be screened for explosives. To further secure passenger aircraft, Congress included section 1602 in the Implementing Recommendations of the 9/11 Commission Act of 2007, which required the Department to establish a system for explosives screening of 100 percent of cargo transported on commercial passenger aircraft by August 3, 2010. The statutory provision also included a 50 percent screening benchmark milestone for cargo on passenger planes to be implemented by March 3, 2009.

On March 18, 2009, the Subcommittee held an oversight hearing, “100% Air Cargo Screening: Can We Secure America’s Skies?” The hearing examined TSA’s progress in establishing a system for the screening of at least 50 percent of cargo transported on passenger aircraft by the March 3, 2009 statutory deadline. The Committee subsequently authorized section H.R. 2200, the Transportation Security Administration Authorization Act, which, in section 201, clarified Congressional intent that TSA’s cargo screening system should include commercial passenger flights inbound to the United States.

The Committee later submitted comments to TSA on November 16, 2009, regarding the Interim Final Rule for TSA’s Certified Cargo Screening Program.

On June 30, 2010, the Subcommittee held another oversight hearing, “100% Air Cargo Screening: Remaining Steps to Secure Passenger Aircraft,” to evaluate TSA’s progress in meeting the August 3, 2010, 100 percent screening deadline for cargo transported on passenger aircraft.

On August 25, 2010, the Committee wrote TSA regarding the overdue implementation of the 100 percent cargo screening provision for inbound passenger aircraft, a significant missed statutory deadline. Further, in an October 20, 2010 letter to TSA, the Committee urged TSA to implement classified recommendations contained in the DHS Office of Inspector General (OIG) report, *Evaluation of Screening of Air Cargo Transported on Passenger Aircraft* (OIG-10-119), which cited vulnerabilities in the cargo screening procedures used by air carriers and cargo screening facilities.

In response to the October 2010 incident, involving explosives shipped from Yemen in mail packages on passenger and all-cargo commercial aircraft, the Committee requested that GAO conduct a review of DHS procedures for screening and securing cargo transported on commercial aircraft to the United States. The request also asked GAO to identify the major challenges in ensuring that cargo on U.S.-bound passenger aircraft is screened for explosives. Further, the Committee wrote Secretary Napolitano on November 15, 2010, urging the establishment of a DHS Aviation Security Advisory Committee under the Federal Advisory Committee Act. The Advisory Committee would serve as a platform for private sector

aviation industry stakeholders to engage officials from DHS, TSA, and Customs and Border Protection in order to improve threat information sharing throughout the sector. It would also provide industry with a mechanism for offering input on DHS security policies that would impact industry stakeholders.

The Subcommittee also focused on potential security vulnerabilities with general aviation. In October 2008, TSA released a Notice of Proposed Rulemaking (NPRM) on new security measures to be implemented by general aviation aircraft owners, flight crews, and airport operators. Stakeholders expressed concerns regarding the viability of the proposed rule in the general aviation setting. Upon reviewing the NPRM and the issues raised by stakeholders, on March 2, 2009, the Committee submitted comments recommending that TSA engage more extensively with stakeholders before proceeding to a final rulemaking.

On July 15, 2009, the Subcommittee held an oversight hearing, “General Aviation Security: Assessing Risks and the Road Ahead,” to examine TSA’s programs and the proposed rulemaking for general aviation security. In its evaluation of TSA’s general aviation security programs, the Subcommittee heard testimony from DHS OIG on its report, *Transportation Security Administration’s Role in General Aviation Security* (OIG-09-69). The report was requested by Subcommittee Chairwoman Jackson Lee. The Subcommittee had concerns with the OIG’s conclusion that most general aviation aircraft are too light to inflict significant damage, prompting its request that GAO conduct a review of the risk associated with general aviation aircraft. The request also sought an evaluation of the actions and programs DHS and TSA instituted to mitigate such risk. On August 25, 2010, the Committee requested in writing that the newly confirmed TSA Administrator review the Committee’s comments and concerns regarding the general aviation security NPRM.

With regard to aviation repair station security, the Subcommittee held an oversight hearing on November 18, 2009, “Is the Flying Public Protected? An Assessment of Security at Foreign Repair Stations,” to evaluate TSA’s progress in establishing a security oversight program for aviation repair stations. The notice of the hearing prompted TSA to issue its overdue NPRM for repair station security just days before the hearing. Due to the previous Administration’s failure to issue repair station security rulemaking as required by P.L. 108-176, Congress prohibited FAA in section 1616 of the Implementing Recommendations of the 9/11 Commission Act of 2007 from certifying any new repair stations until TSA had issued its repair station rulemaking. H.R. 2200, the Transportation Security Administration Authorization Act, also directed TSA to issue its overdue rulemaking for aviation repair stations. The Committee submitted comments to TSA raising concerns about the NPRM. In addition to these comments, in an August 25, 2010 letter to the newly confirmed TSA Administrator, the Committee requested that the Administrator review its submitted comments on the repair station security NPRM.

To further evaluate the Department’s efforts to adhere to the TSSSP, the Committee held several briefings on critical programs. On November 4, 2009, TSA officials briefed the Subcommittee on

threats to the transportation sector. On April 28, 2010, a briefing was held on the findings of a DHS OIG report on covert testing at TSA passengers screening checkpoints. On April 29, 2010, the Committee held a briefing on the Transportation Worker Identification Credential. On May 13, 2010, a briefing was held on TSA and CBP passenger pre-screening processes, including the Secure Flight program, in response to the Times Square bombing attempt, wherein the bomber was able to board a commercial airliner, even after his name was placed on the No-Fly list.

With regard to the Secure Flight passenger pre-screening program, the Subcommittee continued to evaluate TSA's progress in implementing Secure Flight. In particular, oversight was performed regarding TSA's assuming the function of vetting commercial airline passengers against the Federal No-Fly and Selectee watchlists, as required by the Intelligence Reform and Terrorism Prevention Act of 2004. In May 2009, GAO informed the Committee of the results of its assessment of the Secure Flight program, as directed by the Department of Homeland Security Appropriations Act of 2005. According to GAO, TSA had satisfied nine of the ten evaluation conditions, and had conditionally achieved the remaining condition. TSA announced in November 2010 that Secure Flight had been implemented for domestic and foreign air carriers operating flights within and inbound to the United States.

AIRSPACE SECURITY

The Committee has continued to review efforts of the Department to carry out its responsibilities to secure the National Capital Region airspace from unauthorized incursions. The Committee's oversight in this area includes evaluating the roles and responsibilities of each of the Federal agencies involved in the interdiction, identification, and investigation of aircraft that violate airspace restrictions. These agencies participate in an inter-agency working group that includes the Department of Defense, Transportation Security Administration, United States Secret Service, and the Federal Aviation Administration.

CRITICAL INFRASTRUCTURE PROTECTION

As part of its oversight of the Department of Homeland Security's (DHS) efforts to secure the Nation's critical infrastructure, the Committee held several hearings and briefings on the Department's efforts to secure critical infrastructure. The Subcommittee examined vulnerabilities regarding specific critical sectors; the Department's regulatory framework for securing the Nation's chemical facilities; the Department's progress addressing cybersecurity concerns; the efficacy of public and private sector partnerships to secure critical infrastructure; the Department's efforts to promote resiliency throughout the critical sectors; and DHS risk management practices related to resource allocation for infrastructure protection efforts.

Following the November 26, 2008, terrorist attack on high-profile targets in Mumbai, India, the Subcommittee studied the event to assess how DHS could improve critical infrastructure protection in the United States. On March 11, 2009, the Subcommittee held an

oversight hearing on the Mumbai attack to evaluate international information sharing and vulnerabilities in critical infrastructure protection. In accordance with the Committee's oversight plan to examine the Department's national coordination responsibilities and its sector-specific critical infrastructure protection responsibilities, this hearing explored domestic measures that can be implemented to secure critical assets in the United States.

DHS testified about its efforts to utilize the 18 critical infrastructure sectors, comprised of government and industry stakeholders, to identify potential standards necessary for the creation of a Voluntary Private Sector Preparedness Accreditation and Certification Program under Title IX of the Implementing Recommendations of the 9/11 Commission Act (P.L.110-53). The hearing also revealed ongoing issues with DHS outreach to private sector stakeholders, such as the Department's failure to offer consistent, uniform communications to stakeholders that contain timely, actionable data. Members emphasized the need for DHS to heighten its engagement with private sector stakeholders and improve communication and information sharing regarding threats to critical infrastructure.

On March 17, 2009, the Subcommittee held a joint briefing with the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology on cyber threats to the Nation's electric grid. Homeland Security Presidential Directive - 7 designated the DHS as the lead Federal agency for cybersecurity. However, through oversight, the Committee has found that DHS has had inadequate authority to fulfill its cybersecurity mission. In November 2010, several Committee Members introduced H.R. 6423, the Homeland Security Cyber and Physical Infrastructure Protection Act of 2010, which would authorize the DHS Office of Cybersecurity & Communications; create a new Cybersecurity Compliance Division to oversee the establishment of performance-based standards; require DHS to work with network operators to develop tailored security plans that meet risk-based, performance-based standards; and require DHS to share threat intelligence and protect proprietary information.

On May 27, 2010, the Subcommittee held a briefing on the Department's Chemical Facility Anti-Terrorism Standards (CFATS) program to assess DHS progress in ranking chemical facilities according to risk and in conducting inspections of CFATS-regulated facilities. As part of the Department of Homeland Security Appropriations Act of 2007, Congress authorized DHS to issue interim final regulations relating to the security of our nation's chemical facilities. During the 111th Congress, the House passed H.R. 2868, the Chemical Facilities Anti-Terrorism Act of 2009, which granted DHS continuing authority to implement and enforce the CFATS regulations. H.R. 2868 was referred to the Senate following its passage in the House, but no further action has been taken. The Department requested extension of the current CFATS authorization to allow time for Congress to complete a comprehensive CFATS bill. This Committee and the Committee on Appropriations supported this request.

On the matter of resiliency, the Committee requested that the Government Accountability Office (GAO) assess: (1) the extent to which DHS has incorporated resiliency into the programs it uses

to work with critical asset owners and operators; and (3) whether DHS is positioned to disseminate information it gathers on resiliency practices to asset owners and operators throughout the critical sectors. The Subcommittee reviewed GAO's three recommendations contained in the report, *Critical Infrastructure Protection: DHS Efforts to Assess and Promote Resiliency Are Evolving but Program Management Could Be Strengthened* (GAO-10-772), and the Department's response to the report.

BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

PORT AND MARITIME SECURITY

Concerns about the ability of terrorists to smuggle weapons of mass destruction inside cargo containers bound for the United States have heightened since the terrorist attacks of September 11, 2001. As part of the Committee's oversight of port and maritime security, the Subcommittee on Border, Maritime, and Global Counterterrorism examined the development of international security standards for maritime cargo; reviewed implementation of the Transportation Worker Identification Credential Program; and investigated the screening of vessels, passengers, cargo, and crew for potential terrorists or instrumentalities of terrorism.

On June 11, 2009, the Subcommittee held a hearing entitled "The FY 2010 Budget for Immigration and Customs Enforcement, U.S. Customs and Border Protection, and the U.S. Coast Guard." Members examined the budgetary priorities of U.S. Customs and Border Protection (CBP) and the U.S. Coast Guard in fulfilling their port and maritime security missions. Of particular concern was the Administration's continued failure to request funding necessary to implement the 100 percent maritime cargo scanning requirement mandated by the Implementing the 9/11 Commission Recommendations Act of 2007 (P.L. 110-53). Unfortunately, relatively little progress has been made toward the full implementation of this mandate by the 2012 statutory deadline.

Indeed, ongoing concern regarding the Department's failure to make significant progress on the 100 percent scanning mandate prompted significant correspondence and meetings between the Committee and the Department during the 111th Congress. March 2, 2010, the Subcommittee conducted a site visit to CBP's National Targeting Center - Cargo, where Members were briefed on CBP's programs and procedures to screen and target U.S.-bound cargo. Between June 1 and June 8, 2010, Committee staff traveled to the Republic of Singapore, Malaysia, and Hong Kong to obtain information on the Department's implementation of maritime supply chain security programs in these countries. Most recently, on September 29, 2010, GAO released a report prepared at the request of the Committee entitled "Supply Chain Security: DHS Should Test and Evaluate Container Security Technologies Consistent with All Identified Operational Scenarios to Ensure the Technologies Will Function as Intended." The Committee will continue to engage the Department on this matter as the Administration develops its strategy on supply chain security, currently expected to be released in the coming months.

Also, on April 29, 2009, the Committee held a Member briefing on Transportation Worker Identification Credential (TWIC). The Committee and Subcommittee have a longstanding interest in the implementation of the program, and have urged the Transportation Security Administration and U.S. Coast Guard to improve its efficiency and effectiveness. Issues related to the TWIC application, vetting, waiver and appeals, and card issuance processes as well as the procurement of card reader devices necessary for enforcement have been of particular concern. As a result of this oversight, several provisions addressing these concerns were included by the Committee in the Coast Guard Authorization Act of 2010 (P.L. 111-281).

Furthermore, the Subcommittee held multiple classified briefings by CBP and the Coast Guard regarding threats to port and maritime security and the agencies' efforts to counter such threats. On April 6, 2010, Committee staff traveled to Coast Guard Sector New York to receive information on the activities of the Maritime Safety and Security Team (MSST) Program. In addition, at the request of the Committee, GAO produced the following two maritime security reports: "Maritime Security: Varied Actions Taken to Enhance Cruise Ship Security, but Some Concerns Remain"; and "Maritime Security: Ferry Security Measures Have Been Implemented, but Evaluating Existing Studies Could Further Enhance Security." Finally, on May 21, 2009, the Subcommittee held a Member briefing on the Coast Guard's efforts to help combat piracy off the Horn of Africa, including threats to U.S.-flagged vessels.

BORDER SCREENING

The Nation's borders consist of land, maritime and air boundaries. The agencies charged with managing these borders are responsible for carrying out their security mission at ports of entry, between ports of entry, in the skies, on the water and, increasingly, overseas. As part of the Committee's oversight of border screening matters, the Subcommittee on Border, Maritime, and Global Counterterrorism conducted extensive oversight of the border screening functions of the Department. Specifically, the Subcommittee examined the deployment and implementation of programs, technology and training to assist border and consular officials in identifying, intercepting, and disrupting terrorists who would do us harm, particularly in light of the Northwest Airlines Flight 253 incident on Christmas Day 2009; the need to better secure our ports of entry while facilitating legitimate trade and travel, including through implementation of the Western Hemisphere Travel Initiative; and the efforts of the Department to deploy an exit component to the US-VISIT program and detect, detain, and remove aliens who remain in the U.S. beyond their authorized period of stay. The Subcommittee also reviewed the Department's efforts to combat escalating violence along the U.S.-Mexico border.

In the wake of the attempted attack on Flight 253 by Umar Farouk Abdulmutallab on December 25, 2009, the Committee took swift action to examine the series of events leading up to the attempted attack; study the Federal response to the incident; and address ways to help prevent similar terrorist acts in the future. On January 13, 2010, the Committee held a Classified Member-Only

briefing on the incident, and from January 15 through 17, 2010, Committee Staff conducted a Staff Delegation to London, England and Amsterdam, Netherlands, to examine events related to the attempted attack firsthand. Finally, on January 27, 2010, the Full Committee held a hearing entitled “Flight 253: Learning Lessons from an Averted Tragedy.”

In the 111th Congress, much of the Subcommittee’s work on border screening built upon the actions of the Full Committee related to the Flight 253 incident. These Subcommittee activities included a briefing, site visit, and hearing. On March 2, 2010, the Subcommittee conducted a site visit of U.S. Customs and Border Protection’s National Targeting Center - Passenger to observe CBP’s passenger prescreening activities, including new programs and procedures put into effect after Flight 253. On March 4, 2010, the Subcommittee held a Member briefing on U.S. Immigration and Customs Enforcement’s Visa Security Program. The briefing focused on the existing status of the program, its potential role in incidents like the Flight 253 matter, and plans for expansion of and improvements to the program. The Subcommittee’s work culminated with a hearing entitled “Visa Security and Passenger Pre-Screening Efforts in the Wake of Flight 253” on March 11, 2010.

Also related to passenger screening, on May 13, 2010, the Committee held a Member briefing on Transportation Security Administration and Customs and Border Protection processes for vetting of passengers on the terrorist watchlist. The briefing examined the Times Square bombing attempt and the suspect’s effort to flee the U.S. on a commercial air carrier.

While there continues to be much focus on securing the Nation’s land borders between the ports of entry, the Subcommittee also has long recognized the importance of better securing the ports of entry themselves. At the same time, the Subcommittee has focused on how to achieve increased security without causing unnecessary delays to legitimate travelers and commerce. For example, the Subcommittee has closely monitored implementation of the Western Hemisphere Travel Initiative, which mandated new documents for travelers between the U.S. and Canada, Mexico, and the Caribbean. At a May 7, 2009 hearing entitled “Implementing the Western Hemisphere Travel Initiative at Land and Sea Ports: Are We Ready?” the Subcommittee focused on Federal and State efforts to conduct public education and outreach on the new document requirements; issue the necessary documents to the traveling public; and deploy document readers at ports of entry.

The Subcommittee’s interest in security at ports of entry is not limited to passengers. The Subcommittee has also monitored the Department’s efforts to implement programs to both secure and expedite cargo across our land borders. For example on October 22, 2009, the Subcommittee held a hearing entitled “Cargo Security at Land Ports of Entry: Are We Meeting the Challenge?” to examine cargo security programs, staffing, technology, infrastructure, and investigations at our Nation’s land borders.

With respect to the US-VISIT program, the Committee and Subcommittee continued to conduct careful oversight of the Department’s implementation of the program, including efforts to implement the US-VISIT air exit requirements in the Implementing Rec-

ommendations of the 9/11 Commission Act of 2007 (P.L. 110-53). On October 8, 2009, the Subcommittee received a briefing on the status of recently completed US-VISIT air exit pilot projects. On January 21, 2010, the Subcommittee followed up with a Member briefing on the status of the Department's plans to implement the air exit portion of the program. Building on the Subcommittee's efforts, on March 25, 2010, the Full Committee on Homeland Security held a hearing entitled "Visa Overstays: Can They be Eliminated?" where Members discussed the limitations of the current exit system and its implications on identifying and removing individuals who overstay their visas in the U.S. The Committee also sent significant correspondence to the Department, examining the various challenges for implementing US-VISIT biometric exit; the potential impact of the program at airports; and the ability of the Department to use overstay reports generated by the program for enforcement purposes.

The Committee and Subcommittee have also monitored the Department's interior immigration enforcement and detention practices. The Committee held a hearing entitled "Examining 287(g): The Role of State and Local Law Enforcement in Immigration Law" on March 4, 2009. In conjunction with the hearing, the Government Accountability Office released a report requested by the Committee, expressing concern about the lack of adequate oversight of the program by the Department. In response, the Department announced several changes to the 287(g) program, including requiring all participants to sign new agreements with Immigration and Customs Enforcement to continue in the program.

Also, the Subcommittee held hearings on the Department's efforts to combat human trafficking and alien smuggling and improve immigration detention with hearings entitled "Human Trafficking: Recent Trends" on March 12, 2009; "Enhancing DHS' Efforts to Disrupt Alien Smuggling Across Our Borders" on July 22, 2010; and "Moving Toward More Effective Immigration Detention Management" on December 10, 2009.

Finally, the Subcommittee has extensively examined the ongoing issue of violence along the U.S.-Mexico border. These Subcommittee activities included a March 19, 2009 hearing entitled "Border Violence: An Examination of DHS Strategies and Resources;" a July 16, 2009 hearing entitled "Combating Border Violence: The Role of Interagency Coordination in Investigations;" and a May 27, 2010 hearing entitled "U.S.-Mexico Security Cooperation: Next Steps for the Mérida Initiative." Members examined issues related to the drug trafficking organizations responsible for much of the violence; cross-border weapons and bulk cash smuggling; and opportunities for the U.S. and Mexico to cooperate on security matters of mutual interest and benefit.

These Subcommittee hearings were complemented by significant activities on this issue at the Full Committee level. On March 31, 2009, the Committee held a Classified Member briefing on the violence occurring along the U.S.-Mexico border. Following the briefing, on April 3 and 4, 2009, it conducted a site visit to El Paso, Texas and Ciudad Juarez, Mexico to examine southern border violence issues, meet with Federal, State, and local representatives, and tour relevant facilities and infrastructure.

EMERGING THREATS, CYBERSECURITY, SCIENCE AND TECHNOLOGY

BIODEFENSE

Weapons of mass destruction (WMD), or chemical, biological, radiological, nuclear, and explosive (CBRNE) weapons are of interest to U.S. enemies, including terrorists groups such as al-Qaeda as well as rogue nations like Iran and North Korea. A particular danger exists from biological weapons, chiefly because a biological attack is difficult to distinguish from a naturally occurring phenomenon, the impacts are not immediately evident, and the attack can spread through secondary infection. The Committee recognizes the particular danger posed by biological weapons - and also by naturally occurring outbreaks - and has conducted rigorous oversight in an attempt to ensure that the U.S. is protected and ready to respond to such incidents.

In the 111th Congress, the Committee carried through with its intent to examine detection of biological attacks and the Federal government's biodefense initiatives, including detection and response to biological attacks on people, livestock, and agricultural products in the nation's food supply. The Committee conducted oversight of response capabilities pertaining to a biological event, including medical countermeasures development and procurement, and medical surge capacity needed for large-scale events such as a pandemic outbreak. Oversight was focused principally on the Department of Homeland Security, but also included other Federal agencies with a role in these efforts, including the Department of Health and Human Services, the U.S. Department of Agriculture, and the Department of Defense.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held two Member briefings in March of 2010 on this topic. The first was a classified briefing on biological threats that the United States faces. The second was unclassified and focused on the major biodefense initiatives of the DHS Office of Health affairs.

The subcommittee also held several hearings, including "Review of the National Animal Identification System," a joint hearing with the Subcommittee on Livestock, Dairy, and Poultry of the Committee on Agriculture (May 5, 2009); "Real-Time Assessment of the Federal Response to Pandemic Influenza" (October 27, 2009); and "WMD Prevention and Preparedness Act of 2010" (June 15, 2010).

In addition to the subcommittee's actions, the Full Committee held two hearings which examined these topics: "Beyond Readiness: An Examination of the Current Status and Future Outlook of the National Response to Pandemic Influenza" (July 29, 2009); and "Viewpoints on Homeland Security: A Discussion with the 9/11 Commissioners" (May 19, 2010).

The Committee also requested several reports from GAO on biosurveillance, biological countermeasures, and biodefense preparedness and response. The Committee currently has two ongoing GAO engagements regarding pandemic influenza: *Pandemic Influenza Vaccine Technologies and Lessons Learned from H1N1 Influenza Pandemic*; and has requested and received the following reports on national biosurveillance from GAO: *Biosurveillance: Efforts to De-*

velop a National Biosurveillance Capability Need a National Strategy and a Designated Leader (GAO-10-645) and, *Biosurveillance: Developing a Collaboration Strategy Is Essential to Fostering Inter-agency Data and Resource Sharing* (GAO-10-171). In addition, the Committee the following ongoing GAO engagements: *Biosurveillance: State, Local, Tribal; and Territorial Biosurveillance Capabilities*.

WMD TERRORISM AND NUCLEAR SMUGGLING

Weapons of Mass Destruction (WMD) vary in type (chemical, biological, radiological, nuclear, and explosive, or CBRNE), sophistication, source material characteristics, ease of detection, and ability to be transported. They also differ greatly in their destructive power. While a nuclear weapon could cause large-scale devastation and loss of life, a radiological weapon or “dirty bomb” has very low destructive or killing capacity and is instead intended to cause mostly economic and psychological damage through area deniability. Strategies for countering these weapons also vary, and involve, as appropriate, planning, material procurement, assembly, transport, delivery, detonation, response, and recovery.

In the 111th Congress, the Committee conducted oversight of Department of Homeland Security (DHS) programs focused on nuclear terrorism, including threat certification, characterization, detection, and source attribution techniques. Also, the Committee examined the Department’s progress in refining risk-based methods for identifying, screening, and scanning high-risk cargo entering the United States. This includes the development of non-intrusive inspection technologies and capabilities for detecting and interdicting transit of nuclear, radiological, chemical, and biological weapons, components, and precursors. Finally, the Committee examined the Department’s efforts to protect nuclear and radiological source material, and to develop and execute response and recovery efforts in the event of a WMD event. Although most of the oversight focused on DHS efforts, the Committee also evaluated other Federal agencies with relevant responsibilities, including the Department of Health and Human Services, the Department of Energy, the Nuclear Regulatory Commission, and the Environmental Protection Agency.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held hearings including “Status Report on Federal and Local Efforts to Secure Radiological Sources” (September 14, 2009); “WMD Prevention and Preparedness Act of 2010” (June 15, 2010); and “The Domestic Nuclear Detection Office: Can It Overcome Past Problems and Chart a New Direction?” (September 30, 2010).

The Full Committee also held hearings that included these topics: “Beyond Readiness: An Examination of the Current Status and Future Outlook of the National Response to Pandemic Influenza” (July 29, 2009); and “Viewpoints on Homeland Security: A Discussion with the 9/11 Commissioners” (May 19, 2010).

The Committee also requested several reports from GAO on combating nuclear smuggling through detection, nuclear and radiological source security, and recovery from radiological or nuclear attacks: *Combating Nuclear Smuggling: DHS Improved Testing of*

Advanced Radiation Detection Portal Monitors, but Preliminary Results Show Limits of the New Technology (GAO-09-655); and *Combating Nuclear Terrorism: Actions Needed to Better Prepare to Recover from Possible Attacks Using Radiological or Nuclear Materials* (GAO-10-204).

R&D INVESTMENT AND COORDINATION

Technological innovation is a key component of a successful Homeland Security enterprise. Therefore, the Committee has a keen interest in assessing the Department's priorities for research and development (R&D), and its engagement with private industry, in particular small businesses, which are widely recognized for providing the most entrepreneurial and innovative approaches.

The Committee reviewed the Department's efforts to strategically invest in basic R&D for purposes of improving the effectiveness of the Department's operational components, and to benefit first responders and other State and Local authorities with homeland security missions. The Department has struggled to effectively engage with small businesses in the past. Through the oversight efforts of the Committee, as well as new leadership at the DHS Science and Technology Directorate, that situation is improving, though more can be done.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held oversight hearings on these topics including: "The FY 2010 Budget for the Directorate for Science & Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office" (June 9, 2009); and "The Department of Homeland Security's Science and Technology Directorate" (March 3, 2010).

In addition, on March 28, 2009, the Full Committee held a meeting entitled, "The U.S. Department of Homeland Security: Doing Business with America", at the Kroger Gymnasium, Tougaloo College in Jackson, Mississippi, where technology Research and Development was a major topic of interest. This meeting was an opportunity for the Science and Technology Directorate and interested small businesses to interact outside of the context of a particular request for proposal or other formal engagement, in efforts to foster to better working relationships between DHS and small business.

COUNTER-PROLIFERATION ACTIVITIES

Efforts to combat the proliferation of weapons that could be used by terrorists or rogue nations against the country are a key element of homeland security. Counter-proliferation activities can take many forms, from intelligence gathering, precursor or component monitoring, to observation and interdiction during movement of weapons or adversaries.

The Committee reviewed the efforts of the Department in counter-proliferation of nuclear and biological weapons, materials, and precursors. The Committee also evaluated DHS activities related to protection, detection and assessment of chemical and radiological threats, including the coordination of such activities within the Department throughout the Federal government

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held oversight hearings on counter-proliferation topics including: “Status Report on Federal and Local Efforts to Secure Radiological Sources” (September 14, 2009); and “The Domestic Nuclear Detection Office: Can It Overcome Past Problems and Chart a New Direction?” (September 30, 2010).

The Committee requested GAO engagements relevant to DNDO activities, including: *Combating Nuclear Smuggling: DHS Improved Testing of Advanced Radiation Detection Portal Monitors, but Preliminary Results Show Limits of the New Technology* (GAO-09-655); and *Combating Nuclear Terrorism: Actions Needed to Better Prepare to Recover from Possible Attacks Using Radiological or Nuclear Materials* (GAO-10-204).

CYBERSECURITY

Computer networks are now a pervasive and essential part of our society. They are used in all financial transactions, manufacturing, and the functioning of critical infrastructure, essential services, and government operations. While these networks have made possible many innovations, efficiencies, and even entire new markets and industries, they have also introduced a pervasive vulnerability to every aspect of our society. There is seemingly no limit to the reach of computer networks, and therefore no part of our society that is not vulnerable to computer-based attacks.

The Committee examined the Department’s efforts to prevent cyber attacks against the Federal (.gov) network and America’s critical infrastructures; reduce national vulnerability to cyber attacks; and minimize damage and recovery time if cyber attacks should occur. The Committee was intent on improving integration of the cybersecurity mission within the Department and across the Federal government, and coordination of cybersecurity best practices, risk assessments and warnings across all levels of government and the private sector. The Committee also reviewed DHS’ cyber-related remediation activities, including plans for response and recovery in the event of a coordinated terrorist cyber attack. It also reviewed the Department’s efforts to coordinate with the private sector to develop mechanisms for information sharing on cybersecurity threats, vulnerabilities and solutions; and to provide support to the private sector during attacks. Further, the Committee evaluated the Department’s efforts to support research and development, and educational activities to improve cybersecurity. Finally, the Committee reviewed the Department’s investment in research and development (R&D) in support of implementation of the National Strategy to Secure Cyberspace.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a joint Classified Member briefing on cybersecurity threats to United States federal networks on March 5, 2009. On March 17, 2009, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Transportation Security and Infrastructure Protection held a joint Member Classified briefing on cyber threats to the electric grid.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology also held the following oversight hearings addressing cybersecurity: “Reviewing the Federal Cybersecurity Mission” (March 10, 2009); “Do the Payment Card Industry Data Standards Reduce Cybercrime?” (March 31, 2009); “The FY 2010 Budget for the Directorate for Science & Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office (June 9, 2009); Securing the Modern Electric Grid from Physical and Cyber Attacks” (July 21, 2009); and “The Department of Homeland Security’s Science and Technology Directorate” (March 3, 2010).

The Full Committee also held a cybersecurity oversight hearing: “Cybersecurity: DHS’ Role, Federal Efforts and National Policy” (June 16, 2010). In addition, the Committee requested several GAO engagements to review cybersecurity challenges facing the Department and the Nation: *Cyberspace Policy: Executive Branch Is Making Progress Implementing 2009 Policy Review Recommendations, but Sustained Leadership Is Needed* (GAO-11-24); *Critical Infrastructure Protection: Key Private and Public Cyber Expectations Need to Be Consistently Addressed* (GAO-10-628); *Cyberspace: United States Faces Challenges in Addressing Global Cybersecurity and Governance* (GAO-10-606); *Cybersecurity: Key Challenges Need to Be Addressed to Improve Research and Development* (GAO-10-466); *Critical Infrastructure Protection: Update to National Infrastructure Protection Plan Includes Increased Emphasis on Risk Management and Resilience* (GAO-10-296); *Critical Infrastructure Protection: OMB Leadership Needed to Strengthen Agency Planning Efforts to Protect Federal Cyber Assets*. (GAO-10-148); *Information Technology: Management Improvements Needed on the Department of Homeland Security’s Next Generation Information Sharing System* (GAO-09-40); and *Critical Infrastructure Protection: Current Cyber Sector-Specific Planning Approach Needs Reassessment* (GAO-09-969). The Committee also has two ongoing engagements: *Review of Cybersecurity Standards* and *Review of Smart Grid Cybersecurity Guidelines and Related Issues*.

The Committee and Subcommittee’s long oversight of cybersecurity vulnerabilities resulted in the introduction of three pieces of legislation with significant cybersecurity provisions. They are: (1) H.R. 2195, to amend the Federal Power Act to provide additional authorities to adequately protect the critical electric infrastructure against cyber attack, and for other purposes; (2) H.R. 4842, the Homeland Security Science and Technology Authorization Act of 2010; and (3) H.R. 6423, the Homeland Security Cyber and Physical Infrastructure Protection Act of 2010.

SCIENCE AND TECHNOLOGY DIRECTORATE

The Science and Technology Directorate (S&T) was created under the Homeland Security Act of 2002 (P.L. 107-296) and was intended to conduct scientific and technological research, development, testing, and evaluation that would support and benefit the Department’s operational components, as well as State and Local authorities such as first responders, emergency managers, and others involved in the Homeland Security Enterprise such as private sector entities. Unfortunately, for several years S&T was often described as a “rudderless ship,” seeming disconnected from and pro-

viding little benefit to the entities it was designed to support. The Committee, other committees in Congress, and the Department have all engaged in an effort to correct these deficiencies and move toward the goal of enhancing homeland security activities with effective technology.

In the 111th Congress, the Committee conducted oversight of the coordination of homeland security-related research, development, testing, and evaluation (RDT&E) activities conducted or funded by the Department's Science and Technology Directorate. In particular, the Committee considered the adequacy of mission support provided by the Directorate to operational elements of the Department, state and local authorities, and the private sector.

In pursuit of these goals, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held two hearings where these topics were discussed: "The FY2010 Budget for the Directorate for Science & Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office" (June 9, 2009); and "The Department of Homeland Security's Science and Technology Directorate" (March 3, 2010).

In addition to formal hearings, on March 28, 2009, the Committee held a meeting, "The U.S. Department of Homeland Security: Doing Business with America", at the Kroger Gymnasium, Tougaloo College in Jackson, Mississippi. This meeting was an opportunity for the Science and Technology Directorate and interested small businesses to interact outside of the context of a particular request for proposal or other formal engagement, in efforts to foster to better working relationships between DHS and small business.

TECHNOLOGY CLEARING HOUSE AND TECHNOLOGY TRANSFER

Technology transfer is the process of sharing of technologies, methods of manufacturing, and best practices between government agencies, the government and private sector companies, and between companies. The aim of the transfer is to ensure that scientific and technological developments are accessible to a wide range of users to pursue development of better products and services or use or modify an existing technology for new applications.

During the 111th Congress, the Committee reviewed the Department's evaluation, testing, and certification of private sector homeland security technologies. The Committee also evaluated the Department's role in technology transfer and commercialization of existing technologies for use by Federal, state, and local governments and first responders for homeland security purposes. These topics were discussed at the following Subcommittee hearings: "The FY 2010 Budget for the Directorate for Science & Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office" (June 9, 2009); and "The Department of Homeland Security's Science and Technology Directorate" (March 3, 2010). They were also addressed at the March 28, 2009 Committee meeting, "The U.S. Department of Homeland Security: Doing Business with America."

S&T FELLOWSHIP PROGRAM AND CENTERS FOR EXCELLENCE

Technological innovation is impossible without our Nation's best and brightest recruited, engaged, motivated, and supported. The success of any mission comes down to the talents and abilities of the people working on that mission. It is therefore critical for the success of the Homeland Security Enterprise, and especially the scientific and technological development component of that enterprise, to recruit and retain talented scientists, engineers, and technologist.

During the 111th Congress, the Committee reviewed the Department's efforts to attract or partner with the Nation's most talented scientists through its Homeland Security Centers of Excellence and its Scholars and Fellows program, by reviewing the Centers' activities, research, and their role in fulfilling the Department's mission.

As part of this effort, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology investigated these topics during their hearings on: "The FY 2010 Budget for the Directorate for Science & Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office" (June 9, 2009); and "The Department of Homeland Security's Science and Technology Directorate" (March 3, 2010). Discussion of fellowships and the Centers of Excellence was also examined through Full Committee: hearing, "Diversity at The Department of Homeland Security: Continuing Challenges and New Opportunities" (October 14, 2009).

THE HOMELAND SECURITY INSTITUTE

The Homeland Security Institute was created under the Homeland Security Act of 2002 and sponsored by the Department of Homeland Security (DHS). It was a federally-funded research and development center (FFDC) that produced strategic analysis for DHS. During the 111th Congress, the Homeland Security Institute was replaced with two new FFRDC's, the Studies and Analysis Institute and the Systems Engineering and Development Institute. The Committee conducted oversight on the bidding process and the reassignment and realignment of subject areas from the HSI to the two new centers. Much of this oversight was conducted during the hearings on "The FY 2010 Budget for the Directorate for Science & Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office" (June 9, 2009); and "The Department of Homeland Security's Science and Technology Directorate" (March 3, 2010).

SAFETY ACT IMPLEMENTATION

The Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act) gives the Secretary of DHS the authority to designate, upon application, certain anti-terrorism technologies as qualified to participate in a Federal liability protection program. This can provide a sizable incentive to a company developing a technology or process for homeland security applications. In the 111th Congress, the Committee reviewed the Department's efforts to coordinate such designation with operational components of the Department and with other Federal, State, and local government agencies. The Subcommittee on Emerging Threats, Cyberse-

curity, and Science and Technology discussed the Safety Act during two of its hearings: “The FY 2010 Budget for the Directorate for Science & Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office” (June 9, 2009); and “The Department of Homeland Security’s Science and Technology Directorate” (March 3, 2010). In addition, Safety Act designation and process was a topic of much interest during the Committee meeting “The U.S. Department of Homeland Security: Doing Business with America” (March 28, 2009).

A P P E N D I C E S

APPENDIX I

Committee Rules—Committee on Homeland Security

Adopted February 4, 2009

RULE I. GENERAL PROVISIONS.

(A) *Applicability of the Rules of the U.S. House of Representatives.*—The Rules of the U.S. House of Representatives (the “House”) are the rules of the Committee on Homeland Security (the “Committee”) and its subcommittees insofar as applicable.

(B) *Applicability to Subcommittees.*—Except where the terms “Full Committee” and “subcommittee” are specifically mentioned, the following rules shall apply to the Committee’s subcommittees and their respective Chairmen and Ranking Minority Members to the same extent as they apply to the Full Committee and its Chairman and Ranking Minority Member.

(C) *Appointments by the Chairman.*—The Chairman shall designate a Member of the Majority party to serve as Vice Chairman of the Full Committee. The Vice Chairman of the Full Committee shall preside at any meeting or hearing of the Full Committee during the temporary absence of the Chairman. In the absence of both the Chairman and Vice Chairman, the Chairman’s designee shall preside.

(D) *Recommendation of Conferees.*—Whenever the Speaker of the House is to appoint a conference committee on a matter within the jurisdiction of the Full Committee, the Chairman shall recommend to the Speaker of the House conferees from the Full Committee. In making recommendations of Minority Members as conferees, the Chairman shall do so with the concurrence of the Ranking Minority Member of the Committee.

(E) *Motions To Disagree.*—The Chairman is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(F) *Committee Website.*—The Chairman shall maintain an official Committee website for the purposes of furthering the Committee’s legislative and oversight responsibilities, including communicating information about the Committee’s activities to Committee Members, other Members, and the public at large. The Ranking Minority Member may maintain a similar website for the same purposes.

RULE II.—TIME OF MEETINGS.

(A) *Regular Meeting Date.*—The regular meeting date and time for the transaction of business of the Full Committee shall be on the first Wednesday that the House is in Session each month, unless otherwise directed by the Chairman.

(B) *Additional Meetings.*—At the discretion of the Chairman, additional meetings of the Committee may be scheduled for the consideration of any legislation or other matters pending before the Committee or to conduct other Committee business. The Committee shall meet for such purposes pursuant to the call of the Chairman.

(C) *Consideration.*—Except in the case of a special meeting held under clause 2(c)(2) of House Rule XI, the determination of the business to be considered at each meeting of the Committee shall be made by the Chairman.

RULE III.—NOTICE AND PUBLICATION.

(A) *Notice.*—

(1) *Hearings.*—Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee shall make public announcement of the date, place, and subject matter of any hearing before the Full Committee or subcommittee at least one week before the commencement of the hearing. However, if the Chairman of the Committee, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The names of all witnesses scheduled to appear at such hearing shall be provided to Members no later than 48 hours prior to the commencement of such hearing.

(2) *Meetings.*—The date, time, place and subject matter of any meeting, other than a hearing or a regularly scheduled meeting, shall be announced at least 36 hours in advance of a meeting, excluding Saturdays, Sundays, and Federal holidays except when the House is in session on such a day, to take place on a day the House is in session, and 72 hours in advance of a meeting, excluding Saturdays, Sundays, and Federal holidays except when the House is in session on such a day, to take place on a day the House is not in session, except in the case of a special meeting called under clause 2(c)(2) of House Rule XI. These notice requirements may be waived by the Chairman with the concurrence of the Ranking Minority Member.

(a) Copies of any measure to be considered for approval by the Committee at any meeting, including any mark, print or amendment in the nature of a substitute shall be provided to the Members at least 24 hours in advance.

(b) The requirement in subsection (a) may be waived or abridged by the Chairman, with advance notice to the Ranking Minority Member.

(3) *Publication.*—The meeting or hearing announcement shall be promptly published in the Daily Digest portion of the Congressional Record. To the greatest extent practicable, meeting announcements shall be entered into the Committee scheduling service of the House Information Resources.

RULE IV.—OPEN MEETINGS AND HEARINGS; BROADCASTING.

(A) *Open Meetings.*—All meetings and hearings of the Committee shall be open to the public including to radio, television and still photography coverage, except as provided by Rule XI of the Rules of the House or when the Committee, in open session and with a majority present, determines by recorded vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, compromise sensitive law enforcement information, tend to defame, degrade or incriminate a witness, or violate any law or rule of the House of Representatives.

(B) *Broadcasting.*—Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered by television broadcast, internet broadcast, print media, and still photography, or by any of such methods of coverage, in accordance with the provisions of clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee-operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI and all other applicable rules of the Committee and the House. Priority shall be given by the Committee to members of the Press Galleries.

(C) *Transcripts.*—A transcript shall be made of the testimony of each witness appearing before the Committee during a Committee hearing. All transcripts of meetings or hearings that are open to the public shall be made available.

RULE V.—PROCEDURES FOR MEETINGS AND HEARINGS.

(A) *Opening Statements.*—At any meeting of the Committee, the Chairman and Ranking Minority Member shall be entitled to present oral opening statements of five minutes each. Other Members may submit written opening statements for the record. The Chairman presiding over the meeting may permit additional opening statements by other Members of the Full Committee or of that subcommittee, with the concurrence of the Ranking Minority Member.

(B) *The Five-Minute Rule.*—The time any one Member may address the Committee on any bill, motion, or other matter under consideration by the Committee shall not exceed five minutes, and then only when the Member has been recognized by the

Chairman, except that this time limit may be extended when permitted by unanimous consent.

(C) *Postponement of Vote*.—The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed vote at any time, provided that all reasonable steps have been taken to notify Members of the resumption of such proceedings. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(D) *Contempt Procedures*.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the Full Committee has, upon notice to all its Members, met and considered the alleged contempt. The person to be cited for contempt shall be afforded, upon notice of at least 72 hours, an opportunity to state why he or she should not be held in contempt prior to a vote of the Full Committee, with a quorum being present, on the question whether to forward such recommendation to the House. Such statement shall be, in the discretion of the Chairman, either in writing or in person before the Full Committee.

RULE VI.—WITNESSES.

(A) *Questioning of Witnesses*.—

(1) Questioning of witnesses by Members will be conducted under the five-minute rule unless the Committee adopts a motion permitted by House Rule XI (2)(j)(2).

(2) In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall first be recognized. In a subcommittee meeting or hearing, the Chairman and Ranking Minority Member of the Full Committee are then recognized. All other Members that arrive before the commencement of the meeting or hearing will be recognized in the order of seniority on the Committee, alternating between Majority and Minority Members. Committee Members arriving after the commencement of the hearing shall be recognized in order of appearance, alternating between Majority and Minority Members, after all Members present at the beginning of the hearing have been recognized. Each Member shall be recognized at least once before any Member is given a second opportunity to question a witness.

(3) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion, may permit an extension of the period of questioning of a witness beyond five minutes but the time allotted must be equally apportioned to the Majority party and the Minority and may not exceed one hour in the aggregate.

(4) The Chairman, in consultation with 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 period of time, but the time allotted must be equally apportioned to the Majority and Minority staff and may not exceed one hour in the aggregate.

(B) *Minority Witnesses.*—Whenever a hearing is conducted by the Committee upon any measure or matter, the Minority party Members on the Committee shall be entitled, upon request to the Chairman by a Majority of those Minority Members before the completion of such hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(C) *Oath or Affirmation.*—The Chairman of the Committee or any Member designated by the Chairman, may administer an oath to any witness.

(D) *Statements by Witnesses.*—

(1) Consistent with the notice given, witnesses shall submit a prepared or written statement for the record of the proceedings (including, where practicable, an electronic copy) with the Clerk of the Committee no less than 48 hours in advance of the witness's appearance before the Committee. Unless the 48-hour requirement is waived or otherwise modified by the Chairman after consultation with the Ranking Minority Member, the failure to comply with this requirement may result in the exclusion of the written testimony from the hearing record and/or the barring of an oral presentation of the testimony.

(2) To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, the hearing.

RULE VII.—QUORUM.

Quorum Requirements.—Two Members shall constitute a quorum for purposes of taking testimony and receiving evidence. One-third of the Members of the Committee shall constitute a quorum for conducting business, except for (1) reporting a measure or recommendation; (2) closing Committee meetings to the public, pursuant to Committee Rule IV; (3) authorizing the issuance of subpoenas; and (4) any other action for which an actual majority quorum is required by any rule of the House of Representatives or by law. The Chairman shall make reasonable efforts, including consultation with the Ranking Minority Member when scheduling meetings and hearings, to en-

sure that a quorum for any purpose will include at least one minority Member of the Committee.

RULE VIII.—DECORUM.

(A) *Breaches of Decorum.*—The Chairman may punish breaches of order and decorum, by censure and exclusion from the hearing; and the Committee may cite the offender to the House for contempt.

(B) *Access to Dais.*—Access to the dais before, during and after a hearing, markup, or other meeting of the Committee shall be limited to Members and Staff of the Committee. Subject to availability of space on the dais, Committee Member's personal staff may be present on the dais during a hearing if their employing Member is seated on the dais and during a markup or other meeting if their employing Member is the author of a measure or amendment under consideration by the Committee, but only during the time that the measure or amendment is under active consideration by the Committee, or otherwise at the discretion of the Chairman or Ranking Minority Member.

(C) *Wireless Communications Use Prohibited.*—During a hearing, mark-up, or other meeting of the Committee, ringing or audible sounds or conversational use of cellular telephones or other electronic devices is prohibited in the Committee room.

RULE IX.—SUBCOMMITTEES.

(A) *Generally.*—The Full Committee shall be organized into the following six standing subcommittees:

- (1) Subcommittee on Border, Maritime, and Global Counterterrorism;
- (2) Subcommittee on Emergency Communications, Preparedness, and Response;
- (3) Subcommittee on Transportation Security and Infrastructure Protection;
- (4) Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment;
- (5) Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology; and
- (6) Subcommittee on Management, Investigations, and Oversight.

(B) *Selection and Ratio of Subcommittee Members.*—The Chairman and Ranking Member of the Full Committee shall select their respective Members of each subcommittee. The ratio of Majority to Minority Members shall be comparable to the Full Committee, except that each subcommittee shall have at least two more Majority Members than Minority Members.

(C) *Ex Officio Members.*—The Chairman and Ranking Minority Member of the Full Committee shall be *ex officio* members of each subcommittee but are not authorized to vote on matters that arise before each subcommittee. The Chairman and Ranking Minority Member of the Full Committee shall not be count-

ed to satisfy the quorum requirement for any purpose other than taking testimony unless they are regular members of that subcommittee.

(D) *Powers and Duties of Subcommittees.*—Except as otherwise directed by the Chairman of the Full Committee, each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Full Committee on all matters within its purview. Subcommittee Chairmen shall set hearing and meeting dates only with the approval of the Chairman of the Full Committee. To the greatest extent practicable, no more than one meeting and hearing should be scheduled for a given time.

(E) *Special Voting Provision.*—If a tie vote occurs in a subcommittee on the question of reporting any measure to the Full Committee, the measure shall be placed on the agenda for Full Committee consideration as if it had been ordered reported by the subcommittee without recommendation.

RULE X.—COMMITTEE PANELS.

(A) *Designation.*—The Chairman of the Full Committee, with the concurrence of the Ranking Minority Member, may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter or matters that warrant enhanced consideration and to report to the Committee.

(B) *Duration.*—No panel appointed by the Chairman shall continue in existence for more than six months after the appointment.

(C) *Party Ratios and Appointment.*—Consistent with the party ratios established by the Majority party, all Majority members of the panels shall be appointed by the Chairman of the Committee, and all Minority members shall be appointed by the Ranking Minority Member of the Committee. The Chairman of the Committee shall choose one of the Majority members so appointed who does not currently chair another subcommittee of the Committee to serve as Chairman of the panel. The Ranking Minority Member of the Committee shall similarly choose the Ranking Minority Member of the panel.

(D) *Ex-Officio Members.*—The Chairman and Ranking Minority Member of the Full Committee may serve as ex-officio Members of each committee panel but are not authorized to vote on matters that arise before a committee panel and shall not be counted to satisfy the quorum requirement for any purpose other than taking testimony.

(E) *Jurisdiction.*—No panel shall have legislative jurisdiction.

(F) *Applicability of Committee Rules.*—Any designated panel shall be subject to all Committee Rules herein.

RULE XI.—REFERRALS TO SUBCOMMITTEES.

Referral of Bills and Other Matters by Chairman.—Except for bills and other matters retained by the Chairman for Full Committee consideration, each bill or other matter referred to

the Full Committee shall be referred by the Chairman to one or more subcommittees within two weeks of receipt by the Committee. In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Full Committee. Bills or other matters referred to subcommittees may be reassigned or discharged by the Chairman.

RULE XII.—SUBPOENAS.

(A) *Authorization.*—Pursuant to clause 2(m) of Rule XI of the House, a subpoena may be authorized and issued under the seal of the House and attested by the Clerk of the House, and may be served by any person designated by the Full Committee for the furtherance of an investigation with authorization by—

(1) a majority of the Full Committee, a quorum being present; or

(2) the Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chairman of the Full Committee, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chairman of the Full Committee shall notify Members of the Committee of the authorization and issuance of a subpoena under this rule as soon as practicable, but in no event later than one week after service of such subpoena.

(B) *Disclosure.*—Provisions may be included in a subpoena with the concurrence of the Chairman and the Ranking Minority Member of the Full Committee, or by the Committee, to prevent the disclosure of the Full Committee's demands for information when deemed necessary for the security of information or the progress of an investigation, including but not limited to prohibiting the revelation by witnesses and their counsel of Full Committee's inquiries.

(C) *Subpoena duces tecum.*—A subpoena *duces tecum* may be issued whose return to the Committee Clerk shall occur at a time and place other than that of a regularly scheduled meeting.

(D) *Affidavits and Depositions.*—The Chairman of the Full Committee, in consultation with the Ranking Minority Member of the Full Committee, or the Committee may authorize the taking of an affidavit or deposition with respect to any person who is subpoenaed under these rules but who is unable to appear in person to testify as a witness at any hearing or meeting. Notices for the taking of depositions shall specify the date, time and place of examination. Depositions shall be taken under oath administered by a Member or a person otherwise authorized by law to administer oaths. Prior consultation with the Ranking Minority Member of the Full Committee shall include written notice three business days before any deposition

is scheduled to provide an opportunity for Minority staff to be present during the questioning.

RULE XIII.—COMMITTEE STAFF.

(A) *Generally.*—Committee staff members are subject to the provisions of clause 9 of House Rule X and must be eligible to be considered for routine access to classified information.

(B) *Staff Assignments.*—For purposes of these rules, Committee staff means the employees of the Committee, detailees, fellows or any other person engaged by contract or otherwise to perform services for, or at the request of, the Committee. All such persons shall be either Majority, Minority, or shared staff. The Chairman shall appoint, determine remuneration of, supervise, and may remove Majority staff. The Ranking Minority Member shall appoint, determine remuneration of, supervise, and may remove Minority staff. In consultation with the Ranking Minority Member, the Chairman may appoint, determine remuneration of, supervise and may remove shared staff that is assigned to service of the Committee. The Chairman shall certify Committee staff appointments, including appointments by the Ranking Minority Member, as required.

(C) *Divulgence of Information.*—Prior to the public acknowledgement by the Chairman or the Committee of a decision to initiate an investigation of a particular person, entity, or subject, no member of the Committee staff shall knowingly divulge to any person any information, including non-classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if the member of the Committee staff has a reasonable expectation that such information may alert the subject of a Committee investigation to the existence, nature, or substance of such investigation, unless authorized to do so by the Chairman or the Committee.

RULE XIV.—COMMITTEE MEMBER AND COMMITTEE STAFF TRAVEL.

(A) *Approval of Travel.*—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any Committee Member or Committee staff shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any Committee Member or Committee staff only in connection with official Committee business, such as the attendance of hearings conducted by the Committee and meetings, conferences, site visits, and investigations that involve activities or subject matters under the general jurisdiction of the Full Committee.

(1) *Proposed Travel by Majority Party Members and Staff.*—In the case of proposed travel by Majority party Committee Members or Committee staff, before such authorization is given, there shall be submitted to the Chairman in writing the following: (a) the purpose of the travel;

(b) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (c) the location of the event for which the travel is to be made; and (d) the names of Members and staff seeking authorization. On the basis of that information, the Chairman shall determine whether the proposed travel is for official Committee business, concerns subject matter under the jurisdiction of the Full Committee, and is not excessively costly in view of the Committee business proposed to be conducted.

(2) *Proposed Travel by Minority Party Committee Members and Committee Staff.*—In the case of proposed travel by Minority party Committee Members or Committee staff, the Ranking Minority Member shall provide to the Chairman a written representation setting forth the information specified in items (a), (b), (c), and (d) of subparagraph (1) and his or her determination that such travel complies with the other requirements of subparagraph (1).

(B) *Foreign Travel.*—All Committee Members and Committee staff requests for foreign travel must include a written representation setting forth the information specified in items (a), (b), (c), and (d) of subparagraph (A)(1) and be submitted to the Chairman not fewer than ten business days prior to the start of the travel. Within thirty days of the conclusion of any such foreign travel authorized under this rule, there shall be submitted to the Chairman a written report summarizing the information gained as a result of the travel in question, or other Committee objectives served by such travel. The requirements of this section may be waived or abridged by the Chairman.

RULE XV.—CLASSIFIED AND CONTROLLED UNCLASSIFIED INFORMATION.

(A) *Security Precautions.*—Committee staff offices, including Majority and Minority offices, shall operate under strict security precautions administered by the Security Officer of the Committee. A security officer shall be on duty at all times during normal office hours. Classified documents and controlled unclassified information (CUI)—formerly known as sensitive but unclassified (SBU) information—may be destroyed, discussed, examined, handled, reviewed, stored, transported and used only in an appropriately secure manner in accordance with all applicable laws, executive orders, and other governing authorities. Such documents may be removed from the Committee's offices only in furtherance of official Committee business. Appropriate security procedures, as determined by the Chairman in consultation with the Ranking Minority Member, shall govern the handling of such documents removed from the Committee's offices.

(B) *Temporary Custody of Executive Branch Material.*—Executive branch documents or other materials containing classified information in any form that were not made part of the record of a Committee hearing, did not originate in the Committee or the House, and are not otherwise records of the Committee

shall, while in the custody of the Committee, be segregated and maintained by the Committee in the same manner as Committee records that are classified. Such documents and other materials shall be returned to the Executive branch agency from which they were obtained at the earliest practicable time.

(C) *Access by Committee Staff*.—Access to classified information supplied to the Committee shall be limited to Committee staff members with appropriate security clearances and a need-to-know, as determined by the Chairman and Ranking Minority Member, and under their direction of the Majority and Minority Staff Directors.

(D) *Maintaining Confidentiality*.—No Committee Member or Committee staff shall disclose, in whole or in part or by way of summary, to any person who is not a Committee Member or authorized Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session. Classified information and controlled unclassified information (CUI) shall be handled in accordance with all applicable laws, executive orders, and other governing authorities and consistently with the provisions of these rules and Committee procedures.

(E) *Oath*.—Before a Committee Member or Committee staff may have access to classified information, the following oath (or affirmation) shall be executed:

I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the Committee on Homeland Security, except as authorized by the Committee or the House of Representatives or in accordance with the Rules of such Committee or the Rules of the House.

Copies of the executed oath (or affirmation) shall be retained by the Chief Clerk as part of the records of the Committee.

(F) *Disciplinary Action*.—The Chairman shall immediately consider disciplinary action in the event any Committee Member or Committee staff member fails to conform to the provisions of these rules governing the disclosure of classified or unclassified information. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff, criminal referral to the Justice Department, and notification of the Speaker of the House. With respect to Minority staff, the Chairman shall consider such disciplinary action in consultation with the Ranking Minority Member.

RULE XVI.—COMMITTEE RECORDS.

(A) *Committee Records*.—Committee Records shall constitute all data, charts and files in possession of the Committee and shall be maintained in accordance with House Rule XI, clause 2(e).

(B) *Legislative Calendar*.—The Clerk of the Committee shall maintain a printed calendar for the information of each Committee Member showing any procedural or legislative measures

considered or scheduled to be considered by the Committee, and the status of such measures and such other matters as the Committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of such revisions shall be made available to each Member of the Committee upon request.

(C) *Members Right To Access.*—Members of the Committee and of the House shall have access to all official Committee Records. Access to Committee files shall be limited to examination within the Committee offices at reasonable times. Access to Committee Records that contain classified information shall be provided in a manner consistent with these rules.

(D) *Removal of Committee Records.*—Files and records of the Committee are not to be removed from the Committee offices. No Committee files or records that are not made publicly available shall be photocopied by any Member.

(E) *Executive Session Records.*—Evidence or testimony received by the Committee in executive session shall not be released or made available to the public unless agreed to by the Committee. Members may examine the Committee's executive session records, but may not make copies of, or take personal notes from, such records.

(F) *Public Inspection.*—The Committee shall keep a complete record of all Committee action including recorded votes. Information so available for public inspection shall include a description of each amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against each such amendment, motion, order, or proposition, as well as the names of those Members present but not voting. Such record shall be made available to the public at reasonable times within the Committee offices.

(G) *Recorded Votes on the Official Committee Website.*—The Chairman shall create a record of the votes on any question of agreeing to a bill, resolution, or amendment or ordering reported any bill or resolution on which a recorded vote is demanded in open session in the Full Committee. Such record shall be made available on the Committee's official website not later than three legislative days after adjournment of the markup at which such vote was taken, excluding days when the House is in session *pro forma*. Such record shall identify the offeror of the bill, resolution, or amendment, in addition to a description of the bill, resolution, or amendment, the name of each Member voting for and each Member voting against such bill, resolution, or amendment, and the names of the Members voting present.

(H) *Separate and Distinct.*—All Committee records and files must be kept separate and distinct from the office records of the Members serving as Chairman and Ranking Minority Member. Records and files of Members' personal offices shall not be considered records or files of the Committee.

(I) *Disposition of Committee Records.*—At the conclusion of each Congress, non-current records of the Committee shall be delivered to the Archivist of the United States in accordance with Rule VII of the Rules of the House.

(J) *Archived Records.*—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The Chairman shall consult with the Ranking Minority Member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

RULE XVII.—CHANGES TO COMMITTEE RULES.

These rules may be modified, amended, or repealed by the Full Committee provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX II

Membership Changes

January 2009

On January 4, 2009, Mr. Bennie G. Thompson of Mississippi was appointed as Chairman of the Committee on Homeland Security, and Mr. Peter T. King of New York was appointed as Ranking Member pursuant to H. Res. 8 and H. Res. 12, respectively. On January 9, 2009, pursuant to H. Res. 38, additional Minority Members were appointed to the Committee. On January 28, 2009, pursuant to H. Res. 96, additional Majority Members were appointed to the Committee.

COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

LORETTA SANCHEZ, California	PETER T. KING, New York
JANE HARMAN, California	LAMAR SMITH, Texas
PETER A. DEFazio, Oregon	MARK E. SOUDER, Indiana
ELEANOR HOLMES NORTON, District of Columbia	DANIEL E. LUNGREN, California
ZOE LOFGREN, California	MIKE ROGERS, Alabama
SHEILA JACKSON LEE, Texas	MICHAEL T. MCCAUL, Texas
HENRY CUELLAR, Texas	CHARLES W. DENT, Pennsylvania
CHRISTOPHER P. CARNEY, Pennsylvania	GUS M. BILIRAKIS, Florida
YVETTE D. CLARKE, New York	PAUL C. BROUN, Georgia
LAURA RICHARDSON, California	CANDICE S. MILLER, Michigan
ANN KIRKPATRICK, Arizona	PETE OLSON, Texas
BEN RAY LUJAN, New Mexico	ANH "JOSEPH" CAO, Louisiana
BILL PASCRELL, Jr., New Jersey	STEVE AUSTRIA, Ohio
EMMANUEL CLEAVER, Missouri	
AL GREEN, Texas	
JAMES A. HIMES, Connecticut	
MARY JO KILROY, Ohio	
ERIC J.J. MASSA, New York	
DINA TITUS, Nevada	
VACANCY	

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

LORETTA SANCHEZ, California, *Chairwoman*

JANE HARMAN, California	MARK E. SOUDER, Indiana
ZOE LOFGREN, California	MICHAEL T. MCCAUL, Texas
SHEILA JACKSON LEE, Texas	GUS M. BILIRAKIS, Florida
HENRY CUELLAR, Texas	MIKE ROGERS, Alabama
ANN KIRKPATRICK, Arizona	CANDICE S. MILLER, Michigan
BILL PASCRELL, Jr., New Jersey	PETER T. KING, New York
AL GREEN, Texas	<i>(Ex Officio)</i>
ERIC J.J. MASSA, New York	
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND
TERRORISM RISK ASSESSMENT

JANE HARMAN, California, *Chair*

CHRISTOPHER P. CARNEY, Pennsylvania	MICHAEL T. McCAUL, Texas
YEVETTE D. CLARKE, New York	CHARELS W. DENT, Pennsylvania
ANN KIRKPATRICK, Arizona	PAUL C. BROUN, Georgia
AL GREEN, Texas	MARK E. SOUDER, Indiana
JAMES A. HIMES, Connecticut	PETER T. KING, New York
VACANCY	<i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND INFRASTRUCTURE
PROTECTION

SHEILA JACKSON LEE, Texas, *Chairwoman*

PETER A. DEFazio, Oregon	CHARLES W. DENT, Pennsylvania
ELEANOR HOLMES NORTON, District of Columbia	DANIEL E. LUNGREN, California
ANN KIRKPATRICK, Arizona	PETE OLSON, Texas
BEN RAY LUJAN, New Mexico	CANDICE S. MILLER, Michigan
EMANUEL CLEAVER, Missouri	STEVE AUSTRIA, Ohio
JAMES A. HIMES, Connecticut	PETER T. KING, New York
ERIC J.J. MASSA, New York	<i>(Ex Officio)</i>
DINA TITUS, Nevada	
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,
AND RESPONSE

HENRY CUELLAR, Texas, *Chairman*

ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
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<i>(Ex Officio)</i>	

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

CHRISTOPHER P. CARNEY, Pennsylvania, *Chairman*

PETER A. DEFazio, Oregon	GUS M. BILIRAKIS, Florida
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AL GREEN, Texas	DANIEL E. LUNGREN, California
MARY JO KILROY, Ohio	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND
SCIENCE AND TECHNOLOGY

YVETTE D. CLARKE, New York, *Chairwoman*

LORETTA SANCHEZ, California
LAURA RICHARDSON, California
BEN RAY LUJAN, New Mexico
MARY JO KILROY, Ohio
BENNIE G. THOMPSON, Mississippi
(Ex Officio)

DANIEL E. LUNGREN, California
PAUL C. BROUN, Georgia
STEVE AUSTRIA, Ohio
PETER T. KING, New York
(Ex Officio)

November 19, 2009

On November 19, 2009, Mr. William L. Owens was appointed as a Member of the Majority to sit after Mr. Ben Ray Luján pursuant to H. Res. 236.

The Committee on Homeland Security Membership and Subcommittee Membership was as follows:

COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

LORETTA SANCHEZ, California	PETER T. KING, New York
JANE HARMAN, California	LAMAR SMITH, Texas
PETER A. DEFazio, Oregon	MARK E. SOUDER, Indiana
ELEANOR HOLMES NORTON, District of Columbia	DANIEL E. LUNGREN, California
ZOE LOFGREN, California	MIKE ROGERS, Alabama
SHEILA JACKSON LEE, Texas	MICHAEL T. MCCAUL, Texas
HENRY CUELLAR, Texas	CHARLES W. DENT, Pennsylvania
CHRISTOPHER P. CARNEY, Pennsylvania	GUS M. BILIRAKIS, Florida
YVETTE D. CLARKE, New York	PAUL C. BROUN, Georgia
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BEN RAY LUJAN, New Mexico	ANH "JOSEPH" CAO, Louisiana
WILLIAM L. OWENS, New York	STEVE AUSTRIA, Ohio
BILL PASCRELL, JR., New Jersey	
EMMANUEL CLEAVER, Missouri	
AL GREEN, Texas	
JAMES A. HIMES, Connecticut	
MARY JO KILROY, Ohio	
ERIC J.J. MASSA, New York	
DINA TITUS, Nevada	

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

LORETTA SANCHEZ, California, *Chairwoman*

JANE HARMAN, California	MARK E. SOUDER, Indiana
ZOE LOFGREN, California	MICHAEL T. MCCAUL, Texas
SHEILA JACKSON LEE, Texas	GUS M. BILIRAKIS, Florida
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BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

JANE HARMAN, California, *Chair*

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JAMES A. HIMES, Connecticut	<i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND INFRASTRUCTURE
PROTECTION

SHEILA JACKSON LEE, Texas, *Chairwoman*

PETER A. DEFazio, Oregon	CHARLES W. DENT, Pennsylvania
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ANN KIRKPATRICK, Arizona	PETE OLSON, Texas
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AND RESPONSE

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MARY JO KILROY, Ohio	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND
SCIENCE AND TECHNOLOGY

YVETTE D. CLARKE, New York, *Chairwoman*

LORETTA SANCHEZ, California	DANIEL E. LUNGREN, California
BEN RAY LUJAN, New Mexico	PAUL C. BROUN, Georgia
WILLIAM L. OWENS, New York	STEVE AUSTRIA, Ohio
MARY JO KILROY, Ohio	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

January 27, 2010

On January 22, 2010, Ms. Loretta Sanchez resigned as Chairwoman of the Subcommittee on Border, Maritime, and Global Counterterrorism. On January 27, 2010, Mr. Henry Cuellar was appointed as Chairman of the Subcommittee on Border, Maritime, and Global Counterterrorism; and Ms. Laura Richardson was appointed as Chairwoman of the Subcommittee on Emergency Communications, Preparedness, and Response.

The Committee on Homeland Security Membership and Subcommittee Membership was as follows:

COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

LORETTA SANCHEZ, California	PETER T. KING, New York
JANE HARMAN, California	LAMAR SMITH, Texas
PETER A. DEFazio, Oregon	MARK E. SOUDER, Indiana
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DINA TITUS, Nevada	

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

JANE HARMAN, California, *Chair*

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JAMES A. HIMES, Connecticut	<i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND INFRASTRUCTURE
PROTECTION

SHEILA JACKSON LEE, Texas, *Chairwoman*

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ELEANOR HOLMES NORTON, District of Columbia	DANIEL E. LUNGREN, California
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EMANUEL CLEAVER, Missouri	STEVE AUSTRIA, Ohio
JAMES A. HIMES, Connecticut	PETER T. KING, New York
ERIC J.J. MASSA, New York	(<i>Ex Officio</i>)
DINA TITUS, Nevada	
BENNIE G. THOMPSON, Mississippi	
(<i>Ex Officio</i>)	

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL
COUNTERTERRORISM

HENRY CUELLAR, Texas, *Chairman*

LORETTA SANCHEZ, California	MARK E. SOUDER, Indiana
JANE HARMAN, California	MICHAEL T. MCCAUL, Texas
ZOE LOFGREN, California	GUS M. BILIRAKIS, Florida
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ANN KIRKPATRICK, Arizona	CANDICE S. MILLER, Michigan
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AL GREEN, Texas	(<i>Ex Officio</i>)
ERIC J.J. MASSA, New York	
BENNIE G. THOMPSON, Mississippi	
(<i>Ex Officio</i>)	

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

CHRISTOPHER P. CARNEY, Pennsylvania, *Chairman*

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MARY JO KILROY, Ohio	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	(<i>Ex Officio</i>)
(<i>Ex Officio</i>)	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND
SCIENCE AND TECHNOLOGY

YVETTE D. CLARKE, New York, *Chairwoman*

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(<i>Ex Officio</i>)	

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,
AND RESPONSE

LAURA RICHARDSON, California, *Chairman*

ELEANOR HOLMES NORTON, District of
Columbia

HENRY CUELLAR, Texas

WILLIAM L. OWENS, New York

BILL PASCRELL, JR., New Jersey

EMANUEL CLEAVER, Missouri

DINA TITUS, Nevada

BENNIE G. THOMPSON, Mississippi

(Ex Officio)

MIKE ROGERS, Alabama

PETE OLSON, Texas

ANH "JOSEPH" CAO, Louisiana

MICHAEL T. MCCAUL, Texas

PETER T. KING, New York

(Ex Officio)

March 8, 2010

On March 8, 2010, Mr. Eric J.J. Massa resigned as a Member of the House of Representatives.

The Committee on Homeland Security Membership and Subcommittee Membership was as follows:

COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

LORETTA SANCHEZ, California	PETER T. KING, New York
JANE HARMAN, California	LAMAR SMITH, Texas
PETER A. DEFazio, Oregon	MARK E. SOUDER, Indiana
ELEANOR HOLMES NORTON, District of Columbia	DANIEL E. LUNGREN, California
ZOE LOFGREN, California	MIKE ROGERS, Alabama
SHEILA JACKSON LEE, Texas	MICHAEL T. McCAUL, Texas
HENRY CUELLAR, Texas	CHARLES W. DENT, Pennsylvania
CHRISTOPHER P. CARNEY, Pennsylvania	GUS M. BILIRAKIS, Florida
YVETTE D. CLARKE, New York	PAUL C. BROUN, Georgia
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VACANCY	

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

JANE HARMAN, California, *Chair*

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JAMES A. HIMES, Connecticut	<i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi	
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SUBCOMMITTEE ON TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION

SHEILA JACKSON LEE, Texas, *Chairwoman*

PETER A. DEFazio, Oregon	CHARLES W. DENT, Pennsylvania
ELEANOR HOLMES NORTON, District of Columbia	DANIEL E. LUNGREN, California
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BEN RAY LUJÁN, New Mexico	CANDICE S. MILLER, Michigan
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DINA TITUS, Nevada	<i>(Ex Officio)</i>
VACANCY	
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL
COUNTERTERRORISM

HENRY CUELLAR, Texas, *Chairman*

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VACANCY	
BENNIE G. THOMPSON, Mississippi	
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SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

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MARY JO KILROY, Ohio	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	(<i>Ex Officio</i>)
(<i>Ex Officio</i>)	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND
SCIENCE AND TECHNOLOGY

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MARY JO KILROY, Ohio	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	(<i>Ex Officio</i>)
(<i>Ex Officio</i>)	

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,
AND RESPONSE

LAURA RICHARDSON, California, *Chairman*

ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
HENRY CUELLAR, Texas	PETE OLSON, Texas
WILLIAM L. OWENS, New York	ANH "JOSEPH" CAO, Louisiana
BILL PASCRELL, JR., New Jersey	MICHAEL T. MCCAUL, Texas
EMANUEL CLEAVER, Missouri	PETER T. KING, New York
DINA TITUS, Nevada	(<i>Ex Officio</i>)
BENNIE G. THOMPSON, Mississippi	
(<i>Ex Officio</i>)	

May 6, 2010

On May 5, 2010, Mr. Ben Ray Luján, New Mexico resigned as a Member of the Committee on Homeland Security. On May 6, 2010, Mr. William L. Owens of New York was appointed to the Committee pursuant to H. Res. 1334 to rank after Ms. Dina Titus of Nevada.

The Committee on Homeland Security Membership and Subcommittee Membership was as follows:

COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

LORETTA SANCHEZ, California	PETER T. KING, New York
JANE HARMAN, California	LAMAR SMITH, Texas
PETER A. DEFAZIO, Oregon	MARK E. SOUDER, Indiana
ELEANOR HOLMES NORTON, District of Columbia	DANIEL E. LUNGREN, California
ZOE LOFGREN, California	MIKE ROGERS, Alabama
SHEILA JACKSON LEE, Texas	MICHAEL T. McCAUL, Texas
HENRY CUELLAR, Texas	CHARLES W. DENT, Pennsylvania
CHRISTOPHER P. CARNEY, Pennsylvania	GUS M. BILIRAKIS, Florida
YVETTE D. CLARKE, New York	PAUL C. BROUN, Georgia
LAURA RICHARDSON, California	CANDICE S. MILLER, Michigan
ANN KIRKPATRICK, Arizona	PETE OLSON, Texas
BILL PASCRELL, JR., New Jersey	ANH "JOSEPH" CAO, Louisiana
EMMANUEL CLEAVER, Missouri	STEVE AUSTRIA, Ohio
AL GREEN, Texas	
JAMES A. HIMES, Connecticut	
MARY JO KILROY, Ohio	
DINA TITUS, Nevada	
WILLIAM L. OWENS, New York	
VACANCY	
VACANCY	

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

JANE HARMAN, California, *Chair*

CHRISTOPHER P. CARNEY, Pennsylvania	MICHAEL T. McCAUL, Texas
YVETTE D. CLARKE, New York	CHARLES W. DENT, Pennsylvania
LAURA RICHARDSON, California	PAUL C. BROUN, Georgia
ANN KIRKPATRICK, Arizona	MARK E. SOUDER, Indiana
AL GREEN, Texas	PETER T. KING, New York
JAMES A. HIMES, Connecticut	<i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND INFRASTRUCTURE
PROTECTION

SHEILA JACKSON LEE, Texas, *Chairwoman*

PETER A. DEFazio, Oregon	CHARLES W. DENT, Pennsylvania
ELEANOR HOLMES NORTON, District of Columbia	DANIEL E. LUNGREN, California
ANN KIRKPATRICK, Arizona	PETE OLSON, Texas
EMANUEL CLEAVER, Missouri	CANDICE S. MILLER, Michigan
JAMES A. HIMES, Connecticut	STEVE AUSTRIA, Ohio
DINA TITUS, Nevada	PETER T. KING, New York
VACANCY	<i>(Ex Officio)</i>
VACANCY	
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL
COUNTERTERRORISM

HENRY CUELLAR, Texas, *Chairman*

LORETTA SANCHEZ, California	MARK E. SOUDER, Indiana
JANE HARMAN, California	MICHAEL T. MCCAUL, Texas
ZOE LOFGREN, California	GUS M. BILIRAKIS, Florida
SHEILA JACKSON LEE, Texas	MIKE ROGERS, Alabama
ANN KIRKPATRICK, Arizona	CANDICE S. MILLER, Michigan
BILL PASCRELL, JR., New Jersey	PETER T. KING, New York
AL GREEN, Texas	<i>(Ex Officio)</i>
VACANCY	
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

CHRISTOPHER P. CARNEY, Pennsylvania, *Chairman*

PETER A. DEFazio, Oregon	GUS M. BILIRAKIS, Florida
BILL PASCRELL, JR, New Jersey	ANH "JOSEPH" CAO, Louisiana
AL GREEN, Texas	DANIEL E. LUNGREN, California
MARY JO KILROY, Ohio	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND
SCIENCE AND TECHNOLOGY

YVETTE D. CLARKE, New York, *Chairwoman*

LORETTA SANCHEZ, California	DANIEL E. LUNGREN, California
MARY JO KILROY, Ohio	PAUL C. BROUN, Georgia
WILLIAM L. OWENS, New York	STEVE AUSTRIA, Ohio
VACANCY	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,
AND RESPONSE

LAURA RICHARDSON, California, *Chairman*

ELEANOR HOLMES NORTON, District of
Columbia

HENRY CUELLAR, Texas

BILL PASCRELL, JR., New Jersey

EMANUEL CLEAVER, Missouri

DINA TITUS, Nevada

WILLIAM L. OWENS, New York

BENNIE G. THOMPSON, Mississippi
(*Ex Officio*)

MIKE ROGERS, Alabama

PETE OLSON, Texas

ANH "JOSEPH" CAO, Louisiana

MICHAEL T. MCCAUL, Texas

PETER T. KING, New York
(*Ex Officio*)

May 17, 2010

On May 17, 2010, Mr. Mark E. Souder resigned as a Member of the House of Representatives. Subsequently, on May 27, 2010, additional changes were made to the Subcommittees.

The Committee on Homeland Security Membership and Subcommittee Membership was as follows:

COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

LORETTA SANCHEZ, California	PETER T. KING, New York
JANE HARMAN, California	LAMAR SMITH, Texas
PETER A. DEFAZIO, Oregon	DANIEL E. LUNGREN, California
ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
ZOE LOFGREN, California	MICHAEL T. MCCAUL, Texas
SHEILA JACKSON LEE, Texas	CHARLES W. DENT, Pennsylvania
HENRY CUELLAR, Texas	GUS M. BILIRAKIS, Florida
CHRISTOPHER P. CARNEY, Pennsylvania	PAUL C. BROWN, Georgia
YVETTE D. CLARKE, New York	CANDICE S. MILLER, Michigan
LAURA RICHARDSON, California	PETE OLSON, Texas
ANN KIRKPATRICK, Arizona	ANH "JOSEPH" CAO, Louisiana
BILL PASCRELL, JR., New Jersey	STEVE AUSTRIA, Ohio
EMMANUEL CLEAVER, Missouri	VACANCY
AL GREEN, Texas	
JAMES A. HIMES, Connecticut	
MARY JO KILROY, Ohio	
DINA TITUS, Nevada	
WILLIAM L. OWENS, New York	
VACANCY	
VACANCY	

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

JANE HARMAN, California, *Chair*

CHRISTOPHER P. CARNEY, Pennsylvania	MICHAEL T. MCCAUL, Texas
YEVETTE D. CLARKE, New York	CHARLES W. DENT, Pennsylvania
LAURA RICHARDSON, California	PAUL C. BROWN, Georgia
ANN KIRKPATRICK, Arizona	VACANCY
AL GREEN, Texas	PETER T. KING, New York
JAMES A. HIMES, Connecticut	<i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION

SHEILA JACKSON LEE, Texas, *Chairwoman*

PETER A. DEFAZIO, Oregon	CHARLES W. DENT, Pennsylvania
ELEANOR HOLMES NORTON, District of Columbia	DANIEL E. LUNGREN, California
ANN KIRKPATRICK, Arizona	PETE OLSON, Texas
EMMANUEL CLEAVER, Missouri	CANDICE S. MILLER, Michigan
JAMES A. HIMES, Connecticut	STEVE AUSTRIA, Ohio
DINA TITUS, Nevada	PETER T. KING, New York
VACANCY	<i>(Ex Officio)</i>
VACANCY	
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL
COUNTERTERRORISM

HENRY CUELLAR, Texas, *Chairman*

LORETTA SANCHEZ, California	CANDICE S. MILLER, Michigan
JANE HARMAN, California	MICHAEL T. MCCAUL, Texas
ZOE LOFGREN, California	GUS M. BILIRAKIS, Florida
SHEILA JACKSON LEE, Texas	MIKE ROGERS, Alabama
ANN KIRKPATRICK, Arizona	LAMAR SMITH, Texas
BILL PASCARELL, JR., New Jersey	PETER T. KING, New York
AL GREEN, Texas	(<i>Ex Officio</i>)
VACANCY	
BENNIE G. THOMPSON, Mississippi	
(<i>Ex Officio</i>)	

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

CHRISTOPHER P. CARNEY, Pennsylvania, *Chairman*

PETER A. DEFazio, Oregon	GUS M. BILIRAKIS, Florida
BILL PASCARELL, JR., New Jersey	ANH "JOSEPH" CAO, Louisiana
AL GREEN, Texas	DANIEL E. LUNGREN, California
MARY JO KILROY, Ohio	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	(<i>Ex Officio</i>)
(<i>Ex Officio</i>)	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND
SCIENCE AND TECHNOLOGY

YVETTE D. CLARKE, New York, *Chairwoman*

LORETTA SANCHEZ, California	DANIEL E. LUNGREN, California
MARY JO KILROY, Ohio	PAUL C. BROUN, Georgia
WILLIAM L. OWENS, New York	STEVE AUSTRIA, Ohio
VACANCY	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	(<i>Ex Officio</i>)
(<i>Ex Officio</i>)	

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,
AND RESPONSE

LAURA RICHARDSON, California, *Chairman*

ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
HENRY CUELLAR, Texas	PETE OLSON, Texas
BILL PASCARELL, JR., New Jersey	ANH "JOSEPH" CAO, Louisiana
EMANUEL CLEAVER, Missouri	MICHAEL T. MCCAUL, Texas
DINA TITUS, Nevada	PETER T. KING, New York
WILLIAM L. OWENS, New York	(<i>Ex Officio</i>)
BENNIE G. THOMPSON, Mississippi	
(<i>Ex Officio</i>)	

June 16, 2010

On June 16, 2010, Mr. Tom Graves was appointed to the Committee pursuant to H. Res. 1447.

The Committee on Homeland Security Membership and Subcommittee Membership was as follows:

COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

LORETTA SANCHEZ, California	PETER T. KING, New York
JANE HARMAN, California	LAMAR SMITH, Texas
PETER A. DEFazio, Oregon	DANIEL E. LUNGREN, California
ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
ZOE LOFGREN, California	MICHAEL T. McCAUL, Texas
SHEILA JACKSON LEE, Texas	CHARLES W. DENT, Pennsylvania
HENRY CUELLAR, Texas	GUS M. BILIRAKIS, Florida
CHRISTOPHER P. CARNEY, Pennsylvania	PAUL C. BROWN, Georgia
YVETTE D. CLARKE, New York	CANDICE S. MILLER, Michigan
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ANN KIRKPATRICK, Arizona	ANH "JOSEPH" CAO, Louisiana
BILL PASCRELL, JR., New Jersey	STEVE AUSTRIA, Ohio
EMMANUEL CLEAVER, Missouri	TOM GRAVES, Georgia
AL GREEN, Texas	
JAMES A. HIMES, Connecticut	
MARY JO KILROY, Ohio	
DINA TITUS, Nevada	
WILLIAM L. OWENS, New York	
VACANCY	
VACANCY	

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

JANE HARMAN, California, *Chair*

CHRISTOPHER P. CARNEY, Pennsylvania	MICHAEL T. McCAUL, Texas
YVETTE D. CLARKE, New York	CHARLES W. DENT, Pennsylvania
LAURA RICHARDSON, California	PAUL C. BROWN, Georgia
ANN KIRKPATRICK, Arizona	TOM GRAVES, Georgia
AL GREEN, Texas	PETER T. KING, New York
JAMES A. HIMES, Connecticut	<i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION

SHEILA JACKSON LEE, Texas, *Chairwoman*

PETER A. DEFazio, Oregon	CHARLES W. DENT, Pennsylvania
ELEANOR HOLMES NORTON, District of Columbia	DANIEL E. LUNGREN, California
ANN KIRKPATRICK, Arizona	PETE OLSON, Texas
EMMANUEL CLEAVER, Missouri	CANDICE S. MILLER, Michigan
JAMES A. HIMES, Connecticut	STEVE AUSTRIA, Ohio
DINA TITUS, Nevada	PETER T. KING, New York
VACANCY	<i>(Ex Officio)</i>
VACANCY	
BENNIE G. THOMPSON, Mississippi	
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL
COUNTERTERRORISM

HENRY CUELLAR, Texas, *Chairman*

LORETTA SANCHEZ, California	CANDICE S. MILLER, Michigan
JANE HARMAN, California	MICHAEL T. MCCAUL, Texas
ZOE LOFGREN, California	GUS M. BILIRAKIS, Florida
SHEILA JACKSON LEE, Texas	MIKE ROGERS, Alabama
ANN KIRKPATRICK, Arizona	LAMAR SMITH, Texas
BILL PASCARELL, JR., New Jersey	PETER T. KING, New York
AL GREEN, Texas	(<i>Ex Officio</i>)
VACANCY	
BENNIE G. THOMPSON, Mississippi	
(<i>Ex Officio</i>)	

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

CHRISTOPHER P. CARNEY, Pennsylvania, *Chairman*

PETER A. DEFazio, Oregon	GUS M. BILIRAKIS, Florida
BILL PASCARELL, JR., New Jersey	ANH "JOSEPH" CAO, Louisiana
AL GREEN, Texas	DANIEL E. LUNGREN, California
MARY JO KILROY, Ohio	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	(<i>Ex Officio</i>)
(<i>Ex Officio</i>)	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND
SCIENCE AND TECHNOLOGY

YVETTE D. CLARKE, New York, *Chairwoman*

LORETTA SANCHEZ, California	DANIEL E. LUNGREN, California
MARY JO KILROY, Ohio	PAUL C. BROUN, Georgia
WILLIAM L. OWENS, New York	STEVE AUSTRIA, Ohio
VACANCY	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	(<i>Ex Officio</i>)
(<i>Ex Officio</i>)	

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,
AND RESPONSE

LAURA RICHARDSON, California, *Chairman*

ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
HENRY CUELLAR, Texas	PETE OLSON, Texas
BILL PASCARELL, JR., New Jersey	ANH "JOSEPH" CAO, Louisiana
EMANUEL CLEAVER, Missouri	MICHAEL T. MCCAUL, Texas
DINA TITUS, Nevada	PETER T. KING, New York
WILLIAM L. OWENS, New York	(<i>Ex Officio</i>)
BENNIE G. THOMPSON, Mississippi	
(<i>Ex Officio</i>)	

APPENDIX III

List of Public Laws ^{10 11}

Public Law	Date Approved	Bill	Title
111-84	October 28, 2009	H.R. 2647	<i>“NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010”</i> To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.
111—140	February 16, 2010	H.R. 730	<i>“NUCLEAR FORENSICS AND ATTRIBUTION ACT”</i> To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.
111—145	March 2, 2010	H.R. 1299	<i>“UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009”</i> To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.
111—198	July 2, 2010	H.R. 5623	<i>“HOMEBUYER ASSISTANCE AND IMPROVEMENT ACT OF 2010”</i> To amend the Internal Revenue Code of 1986 to extend the home-buyer tax credit for the purchase of a principal residence before October 1, 2010, in the case of a written binding contract entered into with respect to such principal residence before May 1, 2010, and for other purposes.
111—245	September 30, 2010 ..	H.R. 3978	<i>“FIRST RESPONDER ANTI-TERRORISM TRAINING RESOURCES ACT”</i> To amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for a response to terrorism, and for other purposes.
111—252	October 5, 2010	H.R. 1517	To allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.
111—258	October 7, 2010	H.R. 553	<i>“Reducing Over-Classification Act”</i> To require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

¹⁰H.R. 4748 was presented to the President on December 28, 2010, and is expected to be signed into law. As of the date of the filing of this report, the measure has not been signed and a Public Law number has not been assigned.

¹¹S. 3243 was presented to the President on December 28, 2010, and is expected to be signed into law. As of the date of the filing of this report, the measure has not been signed and a Public Law number has not been assigned.

Public Law	Date Approved	Bill	Title
111--271	October, 12 2010	H.R. 3980	"Redundancy Elimination and Enhanced Performance for Preparedness Grants Act" To provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.
111--281	October 15, 2010	H.R. 3619	"Coast Guard Authorization Act of 2010" To authorize appropriations for the Coast Guard for fiscal year 2011, and for other purposes.
111--__ ..	December __, 2010 ...	H.R. 4748	"Northern Border Counternarcotics Strategy Act of 2010 " To amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes.
111--__ ..	December __, 2010 ...	S. 3243	"Anti-Border Corruption Act of 2010" To require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

APPENDIX IV

Status of Legislation Referred to the Committee

PUBLIC LAWS

H.R. 2647 ★¹² (H. Res. 572) (H.R. 2990) (H. Res. 808) (S. 1390).—To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes. Referred to Armed Services June 2, 2009. Reported amended June 18, 2009; Rept. 111-166. Union Calendar. Supplemental report filed June 23, 2009; Pt. II. Considered June 24, 2009. Passed House amended June 25, 2009; Roll No. 460: 389-22. Received in Senate and ordered placed on the calendar July 6, 2009. Passed Senate with amendment July 23, 2009. Senate insisted on its amendment and asked for a conference July 23, 2009. House disagreed to Senate amendment and agreed to a conference Oct. 6, 2009. Members of the Committee on Homeland Security were appointed as Conferees. Conference report filed in the House Oct. 7, 2009; Rept. 111-288. House agreed to conference report Oct. 8, 2009; Roll No. 770: 281-146; Conference report considered in Senate Oct. 20, 21, 2009. Senate agreed to conference report Oct. 22, 2009; Roll No. 327: 68-29. Presented to the President Oct. 26, 2009. Approved Oct. 28, 2009. **Public Law 111-84.**

H.R. 730.—To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes. Referred to Homeland Security and in addition to Foreign Affairs Jan. 27, 2009. Rules suspended. Passed House Mar. 24, 2009; Roll No. 148: 402-16. Received in Senate and referred to Homeland Security and Governmental Affairs Mar. 26, 2009. Reported with amendment Dec. 17, 2009; no written report. Passed Senate with amendment Dec. 23, 2009. House agreed to Senate amendment under suspension of the rules Jan. 21, 2010; Roll No. 16: 397-10. Presented to the President Feb. 4, 2010. Approved Feb. 16, 2010. **Public Law 111-140.**

H.R. 1299 †¹³ (H. Res. 896, H.R. 2935).—To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes. Referred

¹² ★ indicates legislation not referred but to which Members of the Committee were appointed as Conferees.

¹³ † indicates legislation which included the text of legislation which was referred to the Committee

to House Administration Mar. 4, 2009. Reported Mar. 30, 2009; Rept. 111-66. Union Calendar. Rules suspended. Passed House Mar. 31, 2009; Roll No. 174: 416-1. Received in Senate and referred to Rules and Administration Apr. 1, 2009. Committee discharged. Passed Senate with amendment Oct. 29, 2009. House agreed to Senate amendment with an amendment pursuant to H. Res. 896 Nov. 6, 2009. Senate agreed to House amendment to Senate amendment Feb. 25, 2010. Roll No. 28: 78-18. Presented to the President Mar. 2, 2010. Approved Mar. 4, 2010. **Public Law 111-145.** (Note: H.R. 1299, as passed by the House, included the text of H.R. 2935, pursuant to H.Res. 896.)

H.R. 5623.—To amend the Internal Revenue Code of 1986 to extend the homebuyer tax credit for the purchase of a principal residence before October 1, 2010, in the case of a written binding contract entered into with respect to such principal residence before May 1, 2010, and for other purposes. Referred to Ways and Means and in addition to the Budget, Homeland Security, and Energy and Commerce June 29, 2010. Rules suspended. Passed House amended June 29, 2010; Roll No. 401: 409-5. Received in Senate June 29, 2010. Ordered placed on the calendar June 30, 2010. Passed Senate June 30, 2010. Presented to the President July 1, 2010. Approved July 2, 2010. **Public Law 111-198.**

H.R. 3978.—To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes. Referred to Homeland Security. Ordered reported to the House Nov. 17, 2009. Reported Dec. 15, 2009; Rept. 111-376. Union Calendar. Rules suspended. Passed House Dec. 15, 2009; Roll No. 973: 413-1. Referred to Senate Homeland Security and Governmental Affairs Dec. 16 2009. Passed Senate with amendment Aug., 5, 2010. House agreed to Senate amendments under suspension of the rules Sept. 15, 2010. Presented to the President Sept. 22, 2010. Approved Sept. 30, 2010. **Public Law 111-245.**

H.R. 1517.—To allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service. Referred to Homeland Security; Oversight and Government Reform. Ordered reported to the House Nov. 17, 2009. Reported amended from Homeland Security Dec. 14, 2009; Rept. 111-373, Pt. I. Oversight and Government Reform discharged. Dec. 14, 2009. Union Calendar. Rules suspended. Passed House amended Dec. 15, 2009; Roll No. 972: 414-1. Referred to Senate Homeland Security and Governmental Affairs Dec. 16 2009. Reported from Senate Homeland Security and Governmental Affairs Aug. 5, 2010; Rept. 111-248. Passed Senate with amendment Aug. 5, 2010. House agreed to Senate amendment under suspension of the rules Sept. 23, 2010. Presented to the President Sept. 28, 2010. Approved Oct. 5, 2010. **Public Law 111-252.**

H.R. 553.—To require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassi-

fied homeland security and other information, and for other purposes. Referred to Homeland Security Jan. 15, 2009. Rules suspended. Passed House Feb. 3, 2009. Received in Senate and referred to Homeland Security and Governmental Affairs Feb. 4, 2009. Ordered reported to the Senate, amended, Nov. 4, 2009. Reported with amendment May 27 (Legislative day of May 26), 2010; Rept. 111-200. Passed Senate with amendment Sept. 27, 2010. House agreed to Senate amendment under suspension of the rules Sept. 28, 2010. Presented to President Sep. 30, 2010. Approved Oct. 7, 2010. **Public Law 111-258.**

H.R. 3980.—To provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes. Referred to Homeland Security Nov. 2, 2009. Reported Dec. 1, 2009; Rept. 111-346. Union Calendar. Rules suspended. Passed House amended Dec. 2, 2009; Roll No. 922: 414-0. Received in Senate and referred to Homeland Security and Governmental Affairs Dec. 3, 2009. Reported with amendment Sept. 16, 2010; Rept. 111-291. Passed Senate with amendment Sept. 22, 2010. House agreed to Senate amendment under suspension of the rules Sept. 28, 2010. Presented to President Sept. 30, 2010. Approved Oct. 12, 2010. **Public Law 111-271.**

H.R. 3619 (H. Res. 853) (S. 1194).—To authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes. Referred to Transportation and Infrastructure Sept. 22, 2009. Reported amended Oct. 16, 2009; Rept. 111-303, Pt. I. Referred to Homeland Security Oct. 16, 2009 for a period ending not later than Oct. 16, 2009. Homeland Security discharged Oct. 16, 2009. Union Calendar. Considered Oct. 22, 2009. Passed House amended Oct. 23, 2009; Roll No. 813: 385-11. Received in Senate Oct. 26, 2009. Ordered placed on the calendar Nov. 2, 2009. Passed Senate with amendment May 7, 2010. House agreed to Senate amendment with amendments pursuant to H. Res. 1665 Sept. 28, 2010. Senate concurred in House amendment with amendments by Unanimous Consent Sept. 30, 2010. House agreed to Senate amendments to the House amendment to the Senate amendment without objection Sept. 30, 2010. Presented to President Oct. 4, 2010. Approved Oct. 5, 2010. **Public Law 111-281.**

H.R. 4748.—To amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counter-narcotics strategy, and for other purposes. Referred to the Judiciary and in addition to Homeland Security Mar. 3, 2010. Rules suspended. Passed House amended July 27, 2010; Roll No. 475: 413-0. Received in Senate and referred to the Judiciary July 28, 2010. Senate discharged Judiciary Dec. 20, 2010. Passed Senate with amendment Dec. 20, 2010. House concurred in Senate amendment under suspension of the rules Dec. 21, 2010. Presented to President Dec. 28, 2010. Approved Dec. __, 2010. **Public Law 111-__.**¹⁴

S. 3243.—To require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic

¹⁴Not signed into law by the date of the filing of this report.

background reinvestigations of certain law enforcement personnel, and for other purposes. Referred to Homeland Security and Governmental Affairs Apr. 21, 2010. Reported amended Sept. 27, 2010; Rept. 111-338. Passed Senate amended Sept. 28, 2010. Received in House and referred to Homeland Security Sept. 28, 2010. Rules suspended. Passed House Dec. 21, 2010. Presented to President Dec. 28, 2010. Approved Dec. __, 2010. **Public Law 111-__**.¹⁵

LEGISLATION IN SENATE

H.R. 549.—To amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes. Referred to Homeland Security Jan. 15, 2009. Rules suspended. Passed House amended Feb. 3, 2009. Received in Senate and referred to Homeland Security and Governmental Affairs Feb. 4, 2009.

H.R. 559.—To amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes. Referred to Homeland Security Jan. 15, 2009. Rules suspended. Passed House Feb. 3, 2009; Roll No. 49: 413-3. Received in Senate and referred to Commerce, Science and Transportation Feb. 4, 2009.

H.R. 1029.—To amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes. Referred to the Judiciary and in addition to Homeland Security Feb. 12, 2009. Rules suspended. Passed House amended Mar. 31, 2009. Received in Senate and referred to the Judiciary Apr. 1, 2009.

H.R. 1148.—To require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security. Referred to Homeland Security Feb. 24, 2009. Rules suspended. Passed House Mar. 24, 2009. Received in Senate and referred to Commerce, Science and Transportation Mar. 26, 2009.

H.R. 1178.—To direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes. Referred to Transportation and Infrastructure and in addition to Homeland Security Feb. 25, 2009. Reported amended from Transportation and Infrastructure May 4, 2009; Rept. 111-93, Pt. I. Referral to Homeland Security extended May 4, 2009 for a period ending not later than June 3, 2009. Rules suspended. Passed House amended May 12, 2009. Received in Senate and referred to Homeland Security and Governmental Affairs May 13, 2009.

H.R. 1617.—To amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes. Referred to Homeland Security Mar. 19, 2009. Rules suspended. Passed House

¹⁵Not signed into law by the date of the filing of this report.

Mar. 24, 2009; Roll No. 147: 412-3. Received in Senate and referred to Homeland Security and Governmental Affairs Mar. 26, 2009.

H.R. 2200. (H. Res. 474).—To authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes. Referred to Homeland Security Apr. 30, 2009. Reported amended May 19, 2009; Rept. 111-123. Union Calendar. Passed House amended June 4, 2009; Roll No. 307: 397-25. Received in Senate and referred to Commerce, Science and Transportation June 8, 2009.

H.R. 2611.—To amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes. Referred to Homeland Security May 21, 2009. Reported amended Jan. 12, 2010; Rept. 111-389. Union Calendar. Rules suspended. Passed House amended Jan. 20, 2010. Received in Senate and referred to Homeland Security and Governmental Affairs Jan. 21, 2010.

H.R. 2868 (H. Res. 885).—To amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes. Referred to Homeland Security and in addition to Energy and Commerce June 15, 2009. Reported amended from Homeland Security July 13, 2009; Rept. 111-205, Pt. I. Referral to Energy and Commerce extended July 13, 2009 for a period ending not later than July 31, 2009. Referred to the Judiciary July 13, 2009 for a period ending not later than July 31, 2009. Referral to Energy and Commerce and the Judiciary extended July 31, 2009 for a period ending not later than Sept. 30, 2009. Referral to Energy and Commerce and the Judiciary extended Sept. 30, 2009 for a period ending not later than Oct. 23, 2009. Reported amended from Energy and Commerce Oct. 23, 2009; Pt. II. The Judiciary discharged. Oct. 23, 2009. Union Calendar. Considered Nov. 5, 2009. Passed House amended Nov. 6, 2009; Roll No. 875: 230-193. Received in Senate and referred to Homeland Security and Governmental Affairs Nov. 9, 2009.

H.R. 3791 (H. Res. 909).—To amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes. Referred to Science and Technology Oct. 13, 2009. Reported amended Nov. 7, 2009; Rept. 111-333, Pt. I. Referred to Homeland Security Nov. 7, 2009 for a period ending not later than Nov. 7, 2009. Homeland Security discharged Nov. 7, 2009. Union Calendar. Passed House amended Nov. 17, 2009; Roll No. 901: 395-31. Received in Senate and referred to Homeland Security and Governmental Affairs Nov. 19, 2009.

H.R. 3963.—To provide specialized training to Federal air marshals. Referred to Homeland Security Oct. 29, 2009. Reported Dec. 1, 2009; Rept. 111-345. Union Calendar. Rules suspended. Passed House Dec. 2, 2009. Received in Senate and referred to Commerce, Science and Transportation Dec. 3, 2009.

H.R. 4842.—To authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes. Referred to House Homeland Security. Ordered reported to the House Apr. 15, 2010. Reported amended May 18, 2010; Rept. 111-486, Pt. I. Re-

ferred to Science and Technology May 18, 2010 for a period ending not later than June 18, 2010. Referral extended June 18, 2010 for a period ending not later than June 25, 2010. Science and Technology discharged June 25, 2010. Union Calendar. Rules suspended. Passed House amended July 20, 2010. Received in Senate and referred to Homeland Security and Governmental Affairs July 21, 2010.

LEGISLATION PASSED THE HOUSE

H. Res. 14.—Recognizing the importance of the Border Patrol in combating human smuggling and commending the Department of Justice for increasing the rate of human smuggler prosecutions. Referred to the Judiciary and in addition to Homeland Security Jan. 6, 2009. Considered under suspension of rules May 6, 2009. Rules suspended. Passed House amended May 7, 2009.

H. Res. 28.—Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines. Referred to Homeland Security Jan. 7, 2009. Reported amended Dec. 1, 2009; Rept. 111-347. House Calendar. Considered under suspension of rules Dec. 2, 2009. Rules suspended. Passed House amended Dec. 3, 2009; Roll No. 926: 417-3.

H. Res. 195.—Recognizing and honoring the employees of the Department of Homeland Security on its sixth anniversary for their continuous efforts to keep the Nation safe. Referred to Homeland Security Feb. 26, 2009. Rules suspended. Passed House Mar. 4, 2009; Roll No. 95: 418-0.

H. Res. 201.—Recognizing Beverly Eckert's service to the Nation and particularly to the survivors and families of the September 11, 2001, attacks. Referred to Homeland Security Mar. 2, 2009. Rules suspended. Passed House Mar. 4, 2009; Roll No. 94: 419-0.

H. Res. 498.—Honoring and congratulating the U.S. Border Patrol on its 85th anniversary. Referred to Homeland Security June 2, 2009. Rules suspended. Passed House June 9, 2009.

H. Res. 681.—Expressing condolences to the family and loved ones of Agent Robert Rosas and standing in solidarity with the brave men and women of the United States Border Patrol as they remember the service and sacrifice of Agent Rosas and continue their mission to preserve and defend our borders. Referred to Homeland Security July 27, 2009. Committee discharged. Passed House July 29, 2009.

H. Res. 722.—Expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001. Referred to Oversight and Government Reform and in addition to Foreign Affairs, Armed Services, Transportation and Infrastructure, the Judiciary, Homeland Security, and Intelligence Sept. 8, 2009. Rules suspended. Passed House Sept. 9, 2009; Roll No. 693: 416-0.

H. Res. 731.—Expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism. Referred to Homeland Security Sept. 10, 2009. Considered under suspension of rules Sept. 30, 2009. Rules suspended. Passed House Oct. 1, 2009.

H. Res. 1320.—Expressing support for the vigilance and prompt response of the citizens of New York City, the New York Police Department, the New York Police Department Bomb Squad, the Fire Department of New York, other first responders, the Federal Bureau of Investigation, United States Customs and Border Protection, the United States Attorney's Office for the Southern District of New York, the Department of Homeland Security, the Department of Justice, the New York Joint Terrorism Task Force, the Bridgeport Police Department, Detective Bureau, Patrol Division, and other law enforcement agencies in Connecticut to the attempted terrorist attack in Times Square on May 1, 2010, their exceptional professionalism and investigative work following the attempted attack, and their consistent commitment to preparedness for and collective response to terrorism. Referred to Homeland Security May 4, 2010. Rules suspended. Passed House amended May 5, 2010; Roll No. 246: 418-0.

LEGISLATION PENDING IN THE HOUSE

H.R. 3376.—To amend title 46, United States Code, to ensure the traditional right of self-defense of United States mariners against acts of piracy, and for other purposes. Referred to Transportation and Infrastructure July 29, 2009. Reported from Transportation and Infrastructure Dec. 19, 2009; Rept. 111-386, Pt. I. Referred to the Judiciary and Homeland Security Dec. 19, 2009 for a period ending not later than Mar. 25, 2010. Referral to the Judiciary and Homeland Security extended Mar. 25, 2010 for a period ending not later than May 28, 2010. Referral to the Judiciary and Homeland Security extended May 28, 2010 for a period ending not later than Aug. 6, 2010. Referral to the Judiciary and Homeland Security extended Aug. 6, 2010 for a period ending not later than Sept. 30, 2010. Referral to the Judiciary and Homeland Security extended Sep. 30, 2010 for a period an extension for further consideration ending not later than Dec. 3, 2010. Referral to the Judiciary and Homeland Security extended Dec. 3, 2010 for a period an extension for further consideration ending not later than Dec. 17, 2010. Referral to the Judiciary and Homeland Security extended Dec. 17, 2010 for a period an extension for further consideration ending not later than Dec. 21, 2010. Referral to the Judiciary and Homeland Security extended Dec. 21, 2010 for a period an extension for further consideration ending not later than Dec. 22, 2010. Judiciary and Homeland discharged Dec. 22, 2010.

H.R. 1174.—To establish the Federal Emergency Management Agency as a cabinet-level independent agency in the executive branch, and for other purposes. Referred to Transportation and In-

frastructure and in addition to Homeland Security Feb. 25, 2009. Reported amended from Transportation and Infrastructure Apr. 13, 2010; Rept. 111-459, Pt. I. Referral to Homeland Security extended Apr. 13, 2010 for a period ending not later than Sept. 30, 2010. Referral to Homeland Security extended Apr. 13, 2010 for a period ending not later than Sept. 30, 2010. Referral to Homeland Security extended Sept. 30, 2010 for a period ending not later than Dec. 3, 2010. Referral to Homeland Security extended Dec. 3, 2010 for a period ending not later than Dec. 17, 2010. Referral to Homeland Security extended Dec. 17, 2010 for a period ending not later than Dec. 21, 2010. Referral to Homeland Security extended Dec. 21, 2010 for a period ending not later than Dec. 22, 2010. Homeland Security discharged Dec. 22, 2010.

LEGISLATION REPORTED TO THE HOUSE

H.R. 1881.—To enhance the transportation security functions of the Department of Homeland Security by providing for an enhanced personnel system for employees of the Transportation Security Administration, and for other purposes. Referred to Homeland Security and in addition to Oversight and Government Reform Apr. 2, 2009. Reported from Homeland Security Sept. 29, 2009; Rept. 111-273, Pt. I. Reported from Oversight and Government Reform Sept. 29, 2009; Pt. II.

H.R. 3239.—To require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Mérida Initiative on the border security of the United States, and for other purposes. Referred to Homeland Security and in addition to Foreign Affairs July 16, 2009. Reported amended from Homeland Security Mar. 9, 2010; Rept. 111-429, Pt. I. Foreign Affairs discharged Mar. 9, 2010.

H.R. 3837.—To amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes. Referred to House Homeland Security. Ordered reported to the House Nov. 17, 2009. Reported amended July 22, 2010; Rept. 111-558.

H.R. 5105 (S. 3263).—To establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes. Referred to House Homeland Security, Agriculture Apr. 21, 2010. Ordered to be reported Jun. 23, 2010. Reported, amended, November 30, 2010; Rept. 111-668, Pt. I. Referral to Agriculture extended Nov. 30, 2010 for a period ending not later than Dec. 10, 2010. Referral to Agriculture extended Dec. 10, 2010 for a period ending not later than Dec. 17, 2010. Referral to Agriculture extended Dec. 17, 2010 for a period ending not later than Dec. 21, 2010. Referral to Agriculture extended Dec. 21, 2010 for a period ending not later than Dec. 22, 2010. Agriculture discharged Dec. 22, 2010.

H.R. 5498.—To enhance homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes. Referred to House Homeland Security, Energy and Commerce, Agriculture, Transportation and Infrastructure, Foreign Affairs, and Intelligence (Permanent Select) Jun. 10, 2010. Ordered

to be reported Jun. 23, 2010. Reported amended from Homeland Security Nov. 18, 2010; Rept. 111-659, Pt. I. Agriculture, Transportation and Infrastructure, Foreign Affairs, and Intelligence discharged Nov. 18, 2010. Referral to Energy and Commerce extended Nov. 18, 2010 for a period ending not later than Dec. 3, 2010. Referral to Energy and Commerce extended Dec. 3, 2010 for a period ending not later than Dec. 17, 2010. Referral to Energy and Commerce extended Dec. 17, 2010 for a period ending not later than Dec. 21, 2010. Referral to Energy and Commerce extended Dec. 21, 2010 for a period ending not later than Dec. 22, 2010. Energy and Commerce discharged Dec. 22, 2010.

H.R. 5562.—To amend the Homeland Security Act of 2002 to prohibit requiring the use of a specified percentage of a grant under the Urban Area Security Initiative and State Homeland Security Grant Program for specific purposes, and for other purposes. Referred to House Homeland Security, Jun. 21, 2010. Ordered to be reported Jun. 23, 2010. Reported Nov. 30, 2010; H. Rept. 111-663.

H. Res. 404.—Directing the Secretary of Homeland Security to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of documents relating to the Department of Homeland Security Intelligence Assessment titled, “Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment”. Referred to Homeland Security May 6, 2009. Reported amended June 4, 2009; Rept. 111-134.

H. Res. 922.—Directing the Secretary of Homeland Security to transmit to the House of Representatives all information in the possession of the Department of Homeland Security relating to the Department’s planning, information sharing, and coordination with any state or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009. Referred to Homeland Security Nov. 19, 2009. Reported amended Dec. 15, 2009; Rept. 111-377.

H. Res. 980.—Of inquiry directing the Secretary of Homeland Security to transmit to the House of Representatives a copy of the Transportation Security Administration’s Aviation Security Screening Management Standard Operating Procedures manual in effect on December 5, 2009, and any subsequent revisions of such manual in effect prior to the adoption of this resolution. Referred to Homeland Security Dec. 16, 2009. Reported adversely Jan. 27, 2010; Rept. 111-403.

H. Res. 1610 (H. Res. 722).—Expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001. Referred to Oversight and Government Reform and in addition to Foreign Affairs, Armed Services, Transportation and Infrastructure, the Judiciary, Homeland Security, and Intelligence Sept. 14, 2010. Considered under suspension of rules Sept. 14, 2010. Rules suspended. Passed House Sept. 15, 2010; Roll No. 525: 410-0.

H. Res. 1618.—Urging the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Prepared-

ness Month, and for other purposes. Referred to Homeland Security Sept. 14, 2010. Rules suspended. Passed House Sept. 23, 2010.

LEGISLATION PENDING AT FULL COMMITTEE

H.R. 1726.—To require the Secretary of Homeland Security to issue a rule with respect to border security searches of electronic devices, and for other purposes. Referred to Homeland Security Mar. 26, 2009. Reported to the Full Committee from the Subcommittee on Border, Maritime, and Global Counterterrorism, Jul. 22, 2009.

APPENDIX V

Committee Legislative Reports

H.Rpt. 111–123	H.R. 2200	<i>Transportation Security Administration Authorization Act.</i> To authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes. Filed May 19, 2009.
H.Rpt. 111–134	H. Res. 404	Directing the Secretary of Homeland Security to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of documents relating to the Department of Homeland Security Intelligence Assessment titled, "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment". Filed June 4, 2009.
H.Rpt. 111–205, Pt. I	H.R. 2868	<i>Chemical Facility Anti-Terrorism Act of 2009.</i> To amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes. Filed July 13, 2009.
H.Rpt. 111–273, Pt. I	H.R. 1881	<i>Transportation Security Workforce Enhancement Act of 2009.</i> To enhance the transportation security functions of the Department of Homeland Security by providing for an enhanced personnel system for employees of the Transportation Security Administration, and for other purposes. Filed September 29, 2009.
H.Rpt. 111–345	H.R. 3963	<i>Criminal Investigative Training Restoration Act.</i> To provide specialized training to Federal air marshals. Filed December 1, 2009.
H.Rpt. 111–346	H.R. 3980	<i>Identifying Redundancies and Developing Performance Metrics Act.</i> To provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes. Filed December 1, 2009.

H.Rpt. 111-347	H. Res. 28	Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines. Filed December 1, 2009.
H.Rpt. 111-373	H.R. 1517	To allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service. December 14, 2009.
H.Rpt. 111-376	H.R. 3798	<i>First Responder Anti-Terrorism Training Resources Act.</i> To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes. December 15, 2009
H.Rpt. 111-377	H. Res. 922	Directing the Secretary of Homeland Security to transmit to the House of Representatives all information in the possession of the Department of Homeland Security relating to the Department's planning, information sharing, and coordination with any state or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009. December 15, 2009.
H.Rpt. 111-398	H.R. 2611	To amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes. January 12, 2010.
H.Rpt. 111-403	H. Res. 980	Of inquiry directing the Secretary of Homeland Security to transmit to the House of Representatives a copy of the Transportation Security Administration's Aviation Security Screening Management Standard Operating Procedures manual in effect on December 5, 2009, and any subsequent revisions of such manual in effect prior to the adoption of this resolution. January 27, 2010.
H. Rpt. 111-429, Pt. I	H.R. 3239	To require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Mérida Initiative on the border security of the United States, and for other purposes. March 8, 2010

H.Rpt. 111–486, Pt. I	H.R. 4842	<i>“Homeland Security Science and Technology Authorization Act of 2010”</i> To authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes. May 18, 2010
H. Rpt. 111–558	H.R. 3837	To amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes. July 22, 2010
H. Rpt. 111–659, Pt. I	H.R. 5498	<i>“WMD Prevention and Preparedness Act of 2010”</i> To enhance homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes. November 18, 2010
H. Rpt. 111–663	H.R. 5562	<i>“Homeland Security Grant Management Improvement Act”</i> To amend the Homeland Security Act of 2002 to prohibit requiring the use of a specified percentage of a grant under the Urban Area Security Initiative and State Homeland Security Grant Program for specific purposes, and for other purposes. November 30, 2010
H. Rpt. 111–668, Pt. I	H.R. 5105	To establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes. November 30, 2010

APPENDIX VI

Executive Communications, Memorials, Petitions and Presidential Messages

EXECUTIVE COMMUNICATIONS

Executive Communication 549

February 10, 2009—A letter from Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's first quarterly report for fiscal year 2009 from the Office of Security and Privacy, pursuant to Pub. L. 110-53 121 Stat. 266, 360.

Executive Communication 550

February 10, 2009—A letter from Secretary, Department of Homeland Security, transmitting the Department's Annual Report from the Office for Civil Rights and Civil Liberties, pursuant to 42 U.S.C. 2000ee-1.

Executive Communication 639

February 23, 2009—A letter from Acting Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting an Addendum to the United States Department of Homeland Security Other Transaction Authority Report to Congress Fiscal Years 2004 - 2007, pursuant to Pub. L. 107-296, § 831(a)(1).

Executive Communication 753

March 2, 2009—A letter from Director, Office of Counternarcotics Enforcement, Department of Homeland Security, transmitting the Department's biennial Southwest Border Counternarcotics Strategy for calendar year 2008.

Executive Communication 892

March 16, 2009—A letter from Acting Secretary of Health and Human Services, Department of Homeland Security, transmitting notification that the Office of Management and Budget has approved the Department's recommendation that 1.7 million courses of smallpox antivirals be procured for the Strategic National Stockpile (SNS) using the Special Reserve Fund, as authorized by the Project BioShield Act of 2004.

Executive Communication 1098

March 30, 2009—Letter from Auditor, District of Columbia, transmitting a report entitled, "Implementation of Omnibus Homeland Security Act: D.C. Government Needs to Sharpen Its Focus on Homeland Defense".

Executive Communication 1177

April 1, 2009—Letter from Assistant Secretary, Department of Homeland Security, transmitting the Department's report entitled, "United States Department of Homeland Security Other Transaction Authority Report to Congress Fiscal Year 2008", pursuant to Pub. L. 107-296, § 831(a)(1), as amended.

Executive Communication 1290

April 21, 2009—Letter from Acting Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the Department's report for the Office of Civil Rights and Civil Liberties for the First Quarter of Fiscal Year 2009, pursuant to 6 U.S.C. 345(b).

Executive Communication 1651

May 6, 2009—Letter from Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment on FEMA-1822-DR, pursuant to Pub. L. 110-239, § 539.

Executive Communication 1652

May 6, 2009—Letter from Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1827-DR, pursuant to Pub. L. 110-329, { 539.

Executive Communication 1653

May 6, 2009—Letter from Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1824-DR, pursuant to Pub. L. 110-329, { 539.

Executive Communication 1654

May 6, 2009—Letter from Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information for FEMA-1828-DR, pursuant to Pub. L. 110-329, { 539.

Executive Communication 1655

May 6, 2009—Letter from Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information for FEMA-1821-DR, pursuant to Pub. L. 110-329, { 539.

Executive Communication 1656

May 6, 2009—Letter from Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information for FEMA-1825-DR, pursuant to Pub. L. 110-329, { 539.

Executive Communication 1657

May 6, 2009—Letter from Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1826-DR, pursuant to Pub. L. 110-329, { 539.

Executive Communication 1883

May 18, 2009—Letter from Deputy Chief Counsel, Regulations, Department of Homeland Security, transmitting the Department's final rule - Rail Transportation Security [Docket No.: TSA-2006-26514; Amendment nos. 1520-6, 1580-1] (RIN: 1652-AA51) Received April 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A).

Executive Communication 2141

June 12, 2009—Letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's report entitled, "Privacy Office Second Quarter Fiscal Year 2009 Report to Congress", pursuant to Public Law 110-53; to the Committee on Homeland Security.

Executive Communication 2242

June 16, 2009—Letter from Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1832-DR, pursuant to Pub. L. 110-329, { 539.

Executive Communication 2243

June 16, 2009—Letter from Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1829-DR, pursuant to Pub. L. 110-329, { 539.

Executive Communication 2244

June 16, 2009—Letter from Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1830-DR, pursuant to Pub. L. 110-329, { 539.

Executive Communication 2399

June 23, 2009—Letter from Acting Administrator, Department of Homeland Security, transmitting a draft bill "to authorize the Transportation Security Administration to adjust the fee imposed on passengers of air carriers and foreign air carriers to pay the costs of aviation security, and for other purposes".

Executive Communication 2403

June 23, 2009—Letter from Director, Executive Office of the President, Office of National Drug Policy, transmitting the Office's 2009 National Southwest Border Counternarcotics Strategy, pursuant to Pub. L. 109-469, { 1110.

Executive Communication 2594

July 10, 2009—Letter from Deputy, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule - False

Statements Regarding Security Background Checks [Docket No.: TSA-2008-0011] (RIN: 1625-AA65) Received June 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A).

Executive Communication 2702

July 16, 2009—Letter from Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1833-DR for the State of Georgia, pursuant to Pub. L. 110-329, { 539.

Executive Communication 2703

July 16, 2009—Letter from Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1836-DR for the State of Alabama, pursuant to Pub. L. 110-329, { 539.

Executive Communication 2704

July 16, 2009—Letter from Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1834-DR for the State of Arkansas, pursuant to Pub. L. 110-329, { 539.

Executive Communication 2705

July 16, 2009—Letter from Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1835-DR for the State of Alabama, pursuant to Pub. L. 110-329, { 539.

Executive Communication 2726

July 17, 2009—Letter from Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1831-DR for the State of Florida, pursuant to Pub. L. 110-329, { 539.

Executive Communication 2777

July 22, 2009—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1840-DR for the State of Florida, pursuant to Pub. L. 110-329, { 539.

Executive Communication 2865

July 28, 2009—Letter from Deputy Chief Counsel, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule - Revision of Enforcement Procedures [Docket No.: TSA-2009-0013] (RIN: 1652-AA62) Received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A).

Executive Communication 2866

July 28, 2009—Letter from Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Roswell International Air Center will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d).

Executive Communication 2936

July 29, 2009—Letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's third quarterly report for fiscal year 2009 from the Office of Security and Privacy, pursuant to Public Law 110-53, section 803; to the Committee on Homeland Security.

Executive Communication 3200

September 8, 2009—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1842-DR for the state of Alabama, pursuant to Pub. L. 110-329, { 539.

Executive Communication 3201

September 8, 2009—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1841-DR for the Commonwealth of Kentucky, pursuant to Pub. L. 110-329 { 539.

Executive Communication 3382

September 15, 2009—Letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information for the state of Texas; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

Executive Communication 3383

September 15, 2009—Letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1851-DR for the State of Tennessee, pursuant to Public Law 110-239, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

Executive Communication 3453

September 16, 2009—Letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1849-DR for the State of Kansas; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

Executive Communication 3454

September 16, 2009—Letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1850-DR for the State of Illinois; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

Executive Communication 3455

September 16, 2009—Letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1847-DR for the State of Missouri; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

Executive Communication 3456

September 16, 2009—Letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1848-DR for the State of Kansas; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

Executive Communication 3457

September 16, 2009—Letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1845-DR for the State of Arkansas; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

Executive Communication 3458

September 16, 2009—Letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1843-DR for the State of Alaska; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

Executive Communication 3771

September 23, 2009—Letter from Deputy Chief Counsel, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's "Major" final rule - Air Cargo Screening [Docket No.: TSA-2009-0018; Amendment Nos. 1515-1, 1520-8, 1522-New, 1540-10, 1544-9, 1546-5, 1548-5, 1549-New] (RIN: 1625-AA64) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A).

Executive Communication 4031

October 7, 2009—Letter from Acting Administrator, Transportation Security Administration Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at 7 Montana airports will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers and that the screening company is owned and controlled by citizens of the United States, pursuant to 49 U.S.C. 44920(d).

Executive Communication 4158

October 16, 2009—Letter from Chief Privacy Officer, Department of Homeland Security, transmitting a report entitled, "Privacy Office Annual Report to Congress".

Executive Communication 4190

October 20, 2009—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1852-DR for the State of Maine.

Executive Communication 4191

October 20, 2009—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1853-DR for the State of Nebraska.

Executive Communication 4221

October 21, 2009—Letter from Director, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1855-DR for the Commonwealth of Kentucky.

Executive Communication 4266

October 23, 2009—Letter from Chief Privacy Officer, Department of Homeland Security, transmitting the Department's fourth quarterly report for fiscal year 2009 from the Office of Security and Privacy, pursuant to Pub. L. 110-53, § 803.

Executive Communication 4832

December 2, 2009—Letter from Administrator, FEMA, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1857-DR for the State of New York.

Executive Communication 4833

December 2, 2009—Letter from Administrator, FEMA, transmitting the Department's report on the denial of appeal for disaster assistance for the State of Oklahoma.

Executive Communication 4834

December 2, 2009—Letter from Administrator, FEMA, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1856-DR for the State of Tennessee.

Executive Communication 4835

December 2, 2009—Letter from Administrator, FEMA, transmitting the Department's report on the denial of appeal for assistance for the State of Pennsylvania.

Executive Communication 4976

December 9, 2009—Letter from the Administrator, FEMA, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1860-DR for the State of Kansas; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Homeland Security.

Executive Communication 4977

December 9, 2009—Letter from the Administrator, FEMA, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1859-DR for the Territory of American Samoa; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Homeland Security.

Executive Communication 4978

December 9, 2009—Letter from the Administrator, FEMA, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1858-DR for the State of Georgia; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Homeland Security.

Executive Communication 5456

January 12, 2010—Letter from Deputy, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule - False Statements Regarding Security Background Checks [Docket No.: TSA-2008-0011] (RIN: 1652-AA65) Received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A).

Executive Communication 5852

January 27, 2010—Letter from Deputy Chief Privacy Officer, Department of Homeland Security, transmitting the Department's Privacy Office's report entitled, "2009 Data Mining Report to Congress", pursuant to Pub. L. 110-53 (121 Stat. 266).

Executive Communication 6125

February 22, 2010—Letter from Administrator, FEMA, Department Homeland of Security, transmitting the Department's report on the denial of appeal for disaster assistance for the State of California.

Executive Communication 6126

February 22, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the denial of appeal for disaster assistance for the State of Indiana.

Executive Communication 6127

February 22, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the denial of appeal for disaster assistance for the Sovereign Tribal Nation of the Havasupai Tribe.

Executive Communication 6128

February 22, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1861-DR for the State of Arkansas.

Executive Communication 6229

February 24, 2010—Letter from Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's report entitled, "United States Department of Homeland Security Other Transaction Authority Report to Congress Fiscal Year 2009", pursuant to Pub. L. 107-296, § 831(a)(1), as amended.

Executive Communication 6347

March 2, 2010—Letter from Grants Management Officer, DHS Office of Grants Policy & Oversight, Department of Homeland Security, transmitting the Department's final rule - Department of Homeland Security Implementation of OMB Guidance on Nonprocurement Debarment and Suspension [Docket No.: DHS-2007-0006] (RIN: 1601-AA46) Received January 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A).

Executive Communication 6348

March 2, 2010—Letter from Acting Director, Infrastructure Security Compliance Division, Department of Homeland Security, transmitting the Department's final rule - Appendix to Chemical Facility Anti-Terrorism Standards [DHS-2006-0073] (RIN: 1601-AA41) Received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A).

Executive Communication 6351

March 2, 2010—Letter from Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1863-DR for the State of Louisiana.

Executive Communication 6391

March 3, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1862-DR for the Commonwealth of Virginia.

Executive Communication 6542

March 11, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1865-DR for the State of Alaska.

Executive Communication 6543

March 11, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1867-DR for the State of New Jersey.

Executive Communication 6544

March 11, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1868-DR for the State of Kansas.

Executive Communication 6545

March 11, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1864-DR for the State of Nebraska.

Executive Communication 6546

March 11, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1870-DR for the State of Alabama.

Executive Communication 6547

March 11, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1869-DR for the State of New York.

Executive Communication 6548

March 11, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1866-DR for the State of Alabama.

Executive Communication 6990

April 13, 2010—Letter from Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule - Name Change of Two DHS Components [CBP Dec. 10-13] received March 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A).

Executive Communication 6994

April 13, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1871-DR for the State of North Carolina.

Executive Communication 7020

April 14, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1872-DR for the State of Arkansas.

Executive Communication 7021

April 14, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1873-DR for the State of New Jersey.

Executive Communication 7225

April 27, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1874-DR for the Commonwealth of Virginia.

Executive Communication 7226

April 27, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1875-DR for the State of Maryland.

Executive Communication 7383

May 6, 2010—Letter from, the President of the United States, transmitting a report consistent with the requirements of the National Defense Authorization Act for FY 2009.

Executive Communication 7431

May 11, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1878-DR for the State of Nebraska.

Executive Communication 7488

May 13, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1876-DR for the State of Oklahoma.

Executive Communication 7489

May 13, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1877-DR for the State of Iowa.

Executive Communication 7644

May 25, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1883-DR for the State of Oklahoma.

Executive Communication 7645

May 25, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1884-DR for the State of California.

Executive Communication 7646

May 25, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1889-DR for the State of North Dakota.

Executive Communication 7647

May 25, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1880-DR for the State of Iowa.

Executive Communication 7648

May 25, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1881-DR for the State of West Virginia.

Executive Communication 7661

May 26, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1882-DR for the District of Columbia.

Executive Communication 7662

May 26, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1886-DR for the State of South Dakota.

Executive Communication 7663

May 26, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1887-DR for the State of South Dakota.

Executive Communication 7664

May 26, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1885-DR for the State of Kansas.

Executive Communication 7690

May 27, 2010—Letter from Chief Privacy Officer, Department of Homeland Security, transmitting the Department's second quarter report for fiscal year 2010 from the Office of Security and Privacy, pursuant to Pub. L. 110-53, § 803.

Executive Communication 7808

June 8, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1889-DR for the State of New Jersey.

Executive Communication 7809

June 8, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1892-DR for the State of New Hampshire.

Executive Communication 7810

June 8, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1893-DR for the State of West Virginia.

Executive Communication 7811

June 8, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1891-DR for the State of Maine.

Executive Communication 7812

June 8, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1890-DR for the District of Columbia.

Executive Communication 7813

June 8, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1888-DR for the State of Arizona.

Executive Communication 7849

June 9, 2010—Letter from Director, Office of National Drug Control Policy, transmitting 2010 National Drug Control Strategy, pursuant to 21 U.S.C. 1504.

Executive Communication 7975

June 17, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1897-DR for the State of New Jersey.

Executive Communication 7976

June 17, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1896-DR for the State of Delaware.

Executive Communication 7993

June 21, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1894-DR for the State of Rhode Island.

Executive Communication 7994

June 21, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1898-DR for the Commonwealth of Pennsylvania.

Executive Communication 7995

June 21, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1899-DR for the State of New York.

Executive Communication 7996

June 21, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1895-DR for the Commonwealth of Massachusetts.

Executive Communication 8120

June 25, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1902-DR for the State of Nebraska.

Executive Communication 8121

June 25, 2010—Letter from Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1900-DR for the State of Minnesota.

Executive Communication 8176

June 29, 2010—Letter from Acting Director, Acquisition Policy and Legislation Branch, Department of Homeland Security, transmitting the Department's final rule - Revision of Department of Homeland Security Acquisition Regulation; Restrictions on Foreign Acquisition (HSAR Case 2009-004 [Docket No.: DHS-2009-0081] (RIN: 1601-AA57) received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A).

Executive Communication 8524

July 22, 2010—Letter from Acting Director, Acquisition Policy and Legislation Branch, Department of Homeland Security, transmitting the Department's final rule - Homeland Security Acquisition Regulation; Lead System Integrators [HSAR Case 2009-003] [Docket No.: DHS-2009-0006] (RIN: 1601-AA49), pursuant to 5 U.S.C. 801(a)(1)(A).

Executive Communication 9360

September 14, 2010—Letter from Chief Privacy Officer, Department of Homeland Security, transmitting the Department's third quarter report for fiscal year 2010 from the Office of Security and Privacy, pursuant to Pub. L. 110-53, § 803.

Executive Communication 9372

September 14, 2010—Letter from Director, Office of National Drug Control Policy, transmitting a letter regarding the Office's 2011 National Southwest Border Counternarcotics Strategy.

Executive Communication 10311

November 15, 2010—Letter from the Chief Privacy Officer, Department of Homeland Security, transmitting a report entitled, “DHS Privacy Office 2010 Annual Report to Congress”, pursuant to Public Law 107-296, section 222; to the Committee on Homeland Security.

Executive Communication 10312

November 15, 2010—Letter from the Deputy Chief Counsel, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule -- Revision of Enforcement Procedures [Docket No.: TSA-2009-0013] (RIN: 1625-AA62) received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

Executive Communication 10528

November 30, 2010—Letter from Chief Privacy Officer, Department of Homeland Security, transmitting the Department's fourth quarter report for fiscal year 2010 from the Office of Security and Privacy.

Executive Communication 10791

December 9, 2010—Letter from Director, Office of National Drug Control Policy, transmitting the report entitled the National Southwest Border Counternarcotics Strategy Implementation Update.

Executive Communication 10954

December 15, 2010—Letter from the Secretary, Department of Transportation, transmitting a report entitled “The Transportation of Hazardous Materials: Insurance, Security, and Safety Costs”; jointly to the Committees on Transportation and Infrastructure and Homeland Security.

Executive Communication 11252

December 22, 2010—Letter from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the Department's report for the Office of Civil Rights and Civil Liberties for the Fiscal Year 2009 and the Fourth Quarter of 2009, pursuant to 6 U.S.C. 345(b); jointly to the Committees on the Judiciary and Homeland Security.

MEMORIALS

Memorial 35

April 22, 2009—Memorial of the House of Representatives of Michigan, relative to House Resolution No. 11 to memorialize the President, the Congress, and the Department of Homeland Security of the United States to change requirements, agreements, and memorandums of understanding relating to the creation of enhanced drivers licenses.

Memorial 66

June 8, 2009—Memorial of the 52nd Legislature of Oklahoma, relative to Senate Resolution No. 42 disagreeing with President Obama's Administration's characterization of returning military veterans and other supporters of traditional American values.

Memorial 112

July 15, 2009—Memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 82 memorializing the Congress of the United States to enact legislation and appropriate monies in order to provide additional homeland security funding for state maritime enforcement agencies.

Memorial 113

July 15, 2009—Memorial of the House of Representatives of the State of Oklahoma, relative to House Resolution No. 1043 disapproving the United States Department of Homeland Security's assessment report concerning Rightwing Extremism.

Memorial 188

September 15, 2009—Memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 10 urging the Congress of the United States to provide emergency funding and resources to begin immediately addressing in-

creasing delays at United States ports of entry on the Texas-Mexico border; to the Committee on Homeland Security.

Memorial 189

September 15, 2009—Memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 79 urging the United States Congress to refine Department of Homeland Security policy to consider risk levels as well as population size in assessing the financial needs of first responders in border communities along the international boundary created by the Rio Grand; to the Committee on Homeland Security.

Memorial 215

October 22, 2009—Memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 6 memorializing the President and the Congress of the United States, and the Department of Homeland Security to change requirements, agreements, and memorandums of understanding relating to the creation of Enhanced Drivers Licenses.

PETITIONS

PRESIDENTIAL MESSAGES

Presidential Message 5

January 15, 2009—A communication from the President of the United States, transmitting the Administration's 2009 National Drug Control Strategy, pursuant to 21 U.S.C. 1504.

Presidential Message 60

May 12, 2010—A communication from the President of the United States, transmitting the Administration's 2010 National Drug Control Strategy, pursuant to 21 U.S.C. 1504.

APPENDIX VII

Committee Staff

MAJORITY STAFF

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<i>Justin A. Jackson</i>	<i>Jinho Suo</i>
<i>Allen Jordan</i>	<i>Nicole Tisdale</i>
<i>Keia Johnson</i>	<i>George Waddington</i>
<i>Nicholas D. Johnson</i>	<i>Victoria V. Washington</i>
	<i>Roderick Williams</i>

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<i>Kevin Carroll</i>	<i>Chris Mulrain</i>
<i>Peter Cavallaro</i>	<i>Cara Ann O'Brien</i>
<i>Dennis D'Aquila</i>	<i>Hunter O'Brien</i>
<i>William DeHaven</i>	<i>Joan O'Hara</i>
<i>Joseph Dunford</i>	<i>James Pannell</i>
<i>Kristopher Ensley</i>	<i>Corey Parton</i>
<i>Adam Gittleman</i>	<i>Kendall Pauley</i>
<i>John Grennan</i>	<i>Sara Rafferty</i>
<i>Megan Haff</i>	<i>Zachary Robbins</i>
<i>Richard W. Hagner</i>	<i>Patrick Ryan</i>
<i>Jamil Hasan</i>	<i>Nick Sadoti</i>
<i>Joseph A. Hovanic</i>	<i>Andrea Shadick</i>
<i>Steven Holian</i>	<i>Alex Smith</i>
<i>Thomas J. Kehoe</i>	<i>Ian Tuznik</i>
<i>Amanda Kerins</i>	<i>Brent Willig</i>
<i>Michael Kiko</i>	<i>Ryan Woodward</i>
<i>Caroline Kozlowski</i>	<i>Joseph Workman</i>
<i>Rebekah Klarr</i>	<i>Andrew Zang</i>
<i>Zachary Kroko</i>	<i>Robert Zmuda</i>
<i>James F. McDavitt</i>	

APPENDIX VIII

Witnesses

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ACHESON, DR. DAVID, Assistant Commissioner, Food Protection, Food and Drug Administration.

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ADLER, JON, National President, Federal Law Enforcement Officers Association.

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AGUILAR, DAVID, Chief, Border Patrol, Customs and Border Protection, Department of Homeland Security.

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ALLEN, THAD W., (Adm.) Commandant, U.S. Coast Guard, Department of Homeland Security.

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ALOISE, GENE, Director, Natural Resources and Environment, Government Accountability Office.

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ALOMARI, OMAR, Community Engagement Officer, Ohio Department of Public Safety.

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AMADOR, ANGELO, Director of Immigration Policy, U.S. Chamber of Commerce.

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- AYALA, JANICE, Deputy Assistant Director, Office of Investigations, Immigration and Customs Enforcement, Department of Homeland Security.
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- BARCLAY, CHARLES, President, American Association of Airport Executives.
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- DURBIN, MARTY, Vice President, Federal Affairs, American Chemistry Council.
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- EDMONSON, MICHAEL D., (COL) Deputy Secretary, Superintendent of State Police, Public Safety Services, Louisiana Department of Public Safety & Corrections, Baton Rouge, Louisiana.
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- FAIR, C. CHRISTINE, Senior Political Scientist, RAND Corporation.
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FURLANI, CITA, Director, Information Technology Laboratory, National Institute of Standards and Technology.

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- HART, CLYDE J., Senior Vice President, Government Affairs and Policy, American Bus Association.
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- ROTH, MARCIE, Senior Advisor on Disability Issues, Federal Emergency Management Agency, Department of Homeland Security.
- ECP&R, Jun. 15, 2010, "Caring for Special Needs during Disasters: What's being done for Vulnerable Populations?"

- ROTHE-SMITH, DIANA, Executive Director, National Voluntary Organizations Active in Disasters.
- ECP&R, Jun. 15, 2010, "Caring for Special Needs during Disasters: What's being done for Vulnerable Populations?"
- RUFE, ROGER T., JR., Vice Admiral (USCG Ret), Director, Office of Operations Coordination, Department of Homeland Security.
- BM&GC, Mar. 12, 2009, "Border Violence: An Examination of DHS Strategies and Resources."
- RUSSELL, STEPHEN, Chairman and CEO, Celadon Group, Inc., *testifying on behalf of the American Trucking Associations*.
- BM&GC, Oct. 22, 2009, "Cargo Security at Land Ports of Entry: Are We Meeting the Challenge?"
- RUSSELL, TONY, Regional Administrator, FEMA Region 6, Department of Homeland Security.
- ETC&S&T, Mar. 16, 2010, "Ensuring Strong FEMA Regional Offices: An Examination of Resources and Responsibilities."
- RUSO, ROBERT, Director, Payment Card Industry Data Security Standards Council.
- ETC&S&T, Mar. 31, 2009, "Do the Payment Card Industry Data Standards Reduce Cybercrime?"

- S -

- SALAH, MICHAEL, Private Citizen.
- FULL, Jan. 20, 2010, "The United States Secret Service and Presidential Protection: An Examination of a System Failure."
- SALAH, TAREQ, Private Citizen.
- FULL, Jan. 20, 2010, "The United States Secret Service and Presidential Protection: An Examination of a System Failure."
- SAMMON, JOHN, Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration, Department of Homeland Security.
- TS&IP, Jul. 15, 2009, "General Aviation Security: Assessing Risks and the Road Ahead."
 - TS&IP, Sep. 30, 2009, "The Future of the Registered Traveler Program."
 - TS&IP, Jun. 30, 2010, "100% Air Cargo Screening: Remaining Steps to Secure Passenger Aircraft."
- SCHAFFER, GREG, Assistant Secretary, Cybersecurity and Communications, Department of Homeland Security.
- FULL, Jun. 16, 2010, "Cybersecurity: DHS' Role, Federal Efforts and National Policy."
 - ECP&R, Jul. 22, 2010, "Interoperable Emergency Communications: Does the National Broadband Plan Meet the Needs of First Responders?"
- SCHENKEL, GARY W., Director, Federal Protective Service, National Protection and Programs Directorate, Department of Homeland Security.
- FULL, Apr. 14, 2010, "Federal Protective Service: Would Federalization of Guards Improve Security at Critical Facilities?"
- SCHLANGER, MARGO, Officer for Civil Rights and Civil Liberties, Department of Homeland Security.
- IIS&TRA, Mar. 17, 2010, "Working with Communities to Disrupt Terror Plots."
- SCHRIRO, DR. DORA, Commissioner, New York City Department of Correction.
- BM&GC, Dec. 3, 2009, "Moving Toward More Effective Immigration Detention Management."
- SCOVILL, CALVIN L., III, Inspector General, Department of Transportation.

- SERINO, RICHARD, Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.
- ETC&S&T, Oct. 27, 2009, "Real-Time Assessment of the Federal Response to Pandemic Influenza."
- SHEELY, KENNETH, Associate Assistant Deputy Administrator for Global Threat Reduction, National Nuclear Security Administration, Department of Energy.
- ETC&S&T, Sep. 14, 2009, "Status Report on Federal and Local Efforts to Secure Radiological Sources."
- SHERRY, PEGGY, Acting Chief Financial Office, Department of Homeland Security.
- MI&O, Oct. 29, 2009, "Creating 'One DHS' Part I: Standardizing Department of Homeland Security Financial Management."
- SILVER, MARIKO, Deputy Assistant Secretary for Policy/Acting Assistant Secretary for International Affairs, Department of Homeland Security.
- BM&GC and the Committee on Foreign Affairs' Subcommittee on Western Hemisphere, May 27, 2010, "U.S.-Mexico Security Cooperation: Next Steps for the Mérida Initiative."
- SKIENDZIELEWSKI, JOHN J., MD, Director, Emergency Medicine Services, Geisinger Medical Center, Danville, Pennsylvania.
- MI&O, Jan. 25, 2010, in Danville, PA, "Is the Medical Community Ready if Disaster or Terrorism Strikes: Closing the Gap in Medical Surge Capacity."
- SKINNER, RICHARD L., Inspector General, Department of Homeland Security.
- ECP&R, Mar. 17, 2009, "PKEMRA Implementation of FEMA'S Preparedness and Response Mission."
 - FULL, Jul. 8, 2009, "FEMA Housing: An Examination of Current Problems and Innovative Solutions."
 - FULL, Mar. 25, 2010, "Visa Overstays: Can They be Eliminated?"
 - FULL, Jun. 16, 2010, "Cybersecurity: DHS' Role, Federal Efforts and National Policy."
 - FULL, Sep. 22, 2010, "DHS Planning and Response: Preliminary Lessons from Deepwater Horizon."
- SMITH, DR. DAVID C., Assistant Director, Division of Animal Industry, New York State Department of Agriculture and Markets.
- ETC&S&T Jt. with the Subcommittee on Livestock, Dairy, and Poultry of the Committee on Agriculture, May 5, 2009, "Review of the National Animal Identification System."
- SMITH, ERIC, Assistant Administrator, Logistics Management Directorate, Federal Emergency Management Agency, Department of Homeland Security.
- ECP&R, Sep. 29, 2010, "Emergency Logistics Management: Transforming the Delivery of Disaster Relief for the 21st Century."
- SMITH, JEFFREY H., STEERING COMMITTEE, MARKLE FOUNDATION.
- IIS&TRA, Jul. 30, 2009, "Beyond ISE Implementation: Exploring the Way Forward for Information Sharing."
- SMITH, WENDY, Assistant City Manager, McAllen, Texas.
- ECP&R, Oct. 1, 2009, "Preparedness: State of Citizen and Community Preparedness."
- SNYDER, JAMES, Deputy Assistant Secretary, Infrastructure Protection, Department of Homeland Security.
- TS&IP, Mar. 11, 2009, "The Mumbai Attacks: A Wake-Up Call for America's Private Sector."
- SOLER, FERNANDO, Owner, S.O.S. Global Express.
- TS&IP, Jun. 30, 2010, "100% Air Cargo Screening: Remaining Steps to Secure Passenger Aircraft."
- SPENCE, DR. CARMEN J., Deputy Assistant Secretary of the Army-Elimination of Chemical Weapons, United States Army, Department of Defense.

- ECP&R, Jun. 15, 2010, "Caring for Special Needs during Disasters: What's being done for Vulnerable Populations?"
- SPRINGER, CHRISTINE GIBBS, Dr, National Academy of Public Administration.
- ETC&S&T, Mar. 16, 2010, "Ensuring Strong FEMA Regional Offices: An Examination of Resources and Responsibilities."
- STANA, RICHARD, Director, Homeland Security and Justice Issues, Government Accountability Office.
- FULL, Mar. 4, 2009, "Examining 287(g): The Role of State and Local Law Enforcement in Immigration Law."
- BM&GC, Sep. 17, 2009, "The Secure Border Initiative: SBInet Three Years Later."
- BM&GC, July 22, 2010, "Enhancing DHS' Efforts to Disrupt Alien Smuggling Across Our Borders."
- STEINHARDT, BERNICE, DIRECTOR, STRATEGIC ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE.
- FULL, Jul. 29, 2009, "Beyond Readiness: An Examination of the Current Status and Future Outlook of the National Response to Pandemic Influenza."
- STEIR, Max, President and CEO, Partnership for Public Service.
- MI&O, Mar. 5, 2009, "Putting People First: A Way Forward for the Homeland Security Workforce."
- STERN, WARREN M., Director, Domestic Nuclear Detection Office, Department of Homeland Security.
- ETC&S&T, Sep. 30, 2010, "The Domestic Nuclear Detection Office: Can It Overcome Past Problems and Chart a New Direction?"
- SULLIVAN, MARK, Director, U.S. Secret Service, Department of Homeland Security.
- FULL, Oct. 14, 2009, "Diversity at The Department of Homeland Security: Continuing Challenges and New Opportunities."
- FULL, Dec. 3, 2009, FULL, "The United States Secret Service and Presidential Protection: An Examination of a System Failure."

- T -

- TAFFARO, CRAIG PAUL, JR., President, St. Bernard Parish, Louisiana.
- FULL, Sep. 22, 2010, "DHS Planning and Response: Preliminary Lessons from Deepwater Horizon."
- TALENT, JIM, Former Commission Vice-Chairman of the Commission for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.
- FULL, Apr. 21, 2010, "Viewpoints on Homeland Security: A Discussion with the WMD Commissioners."
- TAYLOR, JAMES L., Deputy Inspector General, Department of Homeland Security.
- MI&O, Oct. 29, 2009, "Creating 'One DHS' Part I: Standardizing Department of Homeland Security Financial Management."
- THOMAS, LYDA ANN, Mayor, City of Galveston, Texas.
- ECP&R, Mar. 3, 2009, "FEMA's Gulf Coast Rebuilding Efforts: The Path Forward."
- TIERNEY, MARYANN, Deputy Managing Director, Office of Emergency Management, City of Philadelphia.
- ECP&R, Jun. 29, 2010, "The Future of FEMA's Grant Programs Directorate."
- TOWNLEY, ALISON, Principal, Henry Incorporated.
- TS&IP, Sep. 30, 2009, "The Future of the Registered Traveler Program."
- TOWNSEND, FRANCES FRAGOS, Former Homeland Security and Counterterrorism Advisor to the President.

- FULL, Apr. 2, 2009, "Homeland Security Policymaking: HSC at a Crossroads and Presidential Study Directive 1."
- TROUPE, MARY, Executive Director, Mississippi Coalition of Citizens with Disabilities.
- ECP&R, Mar. 17, 2009, "PKEMRA Implementation of FEMA'S Preparedness and Response Mission."

- U -

- V -

- VAN TINE, MARK, President and CEO, Jeppessen, Inc.
- TS&IP, Jul. 15, 2009, "General Aviation Security: Assessing Risks and the Road Ahead."

- W -

- WAGNER, CARYN A., Under Secretary, Office of Intelligence and Analysis, Department of Homeland Security.
- IIS&TRA, May 12, 2010, "A DHS Intelligence Enterprise: Still Just a Vision or Reality?"
 - IIS&TRA, Sep. 29, 2010, "Is the Office of Intelligence and Analysis Adequately Connected to the Broader Homeland Communities?"
- WAINSTEIN, KENNETH L., Former Homeland Security and Counterterrorism Advisor to the President.
- FULL, Apr. 2, 2009, "Homeland Security Policymaking: HSC at a Crossroads and Presidential Study Directive 1."
- WALKE, JAMES, Acting Assistant Administrator, FEMA's Disaster Assistance Directorate, Department of Homeland Security.
- ECP&R, Mar. 3, 2009, "FEMA's Gulf Coast Rebuilding Efforts: The Path Forward."
- WEINE, DR. STEVAN, Professor of Psychiatry, University of Illinois at Chicago.
- IIS&TRA, Dec. 15, 2009, "Violent Extremism: How Are People Moved from Constitutionally-Protected Thought to Acts of Terrorism?"
- WIESE, JEFFREY, Associate Administrator for Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation.
- MI&O, Apr. 19, 2010, field hearing Plant City, Florida, "Unclogging Pipeline Security: Are the Lines of Responsibility Clear?"
- WILSHUSEN, GREGORY, Director, Information Technology, Government Accountability Office.
- FULL, Jun. 16, 2010, "Cybersecurity: DHS' Role, Federal Efforts and National Policy."
- WINKOWSKI, THOMAS, S., Assistant Commissioner, Office of Field Operations, Customs and Border Protection.
- BM&GC, May 7, 2009, "Implementing the Western Hemisphere Travel Initiative at Land and Sea Ports: Are We Ready?"
 - BM&GC, Mar. 11, 2010, "Visa Security and Passenger Pre-Screening Efforts in the Wake of Flight 253."
- WRIGHT, DAVID L., President, American Federation of Government Employees - Local 918.
- FULL, Nov. 17, 2009, "Federal Protective Service: Will Continuing Challenges Weaken Transition and Impede Progress?"
- WRIGHT, DAVID L., President, National FPS Union.
- FULL, Apr. 14, 2010, "Federal Protective Service: Would Federalization of Guards Improve Security at Critical Facilities?"

- **X** -

- **Y** -

YORAN, AMIT, Chairman and CEO, NetWitness Corporation.

- ETC&S&T, Mar. 10, 2009, "Reviewing the Federal Cybersecurity Mission."

- **Z** -

ZIELINSKI, HARALD, Head of Security and Environmental Management, Lufthansa Airlines Cargo.

- TS&IP, Jun. 30, 2010, "100% Air Cargo Screening: Remaining Steps to Secure Passenger Aircraft."

ZOGBY, JAMES J., PhD., President, Arab American Institute.

- IIS&TRA, Dec. 15, 2009, "Violent Extremism: How Are People Moved from Constitutionally-Protected Thought to Acts of Terrorism?"

APPENDIX IX

Printed Hearings

Number	Title	Date
111-1	“DHS: The Path Forward.” Full Committee	February 25, 2009
111-2	“FEMA’s Gulf Coast Rebuilding Efforts: The Path Forward.” Subcommittee on Emergency Communications, Preparedness and Response	March 3, 2009
111-3	“Examining 2879g0: The Role of State and Local Law Enforcement in Immigration Law.” Full Committee	March 4, 2009
111-4	“Putting People First: A Way Forward for the Homeland Security Workforce.” Subcommittee on Management, Investigations, and Oversight	March 5, 2009
111-5	“Reviewing the Federal Cybersecurity Mission.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	March 10, 2009
111-6	“The Mumbai Attacks: A Wake-Up Call for America’s Private Sector.” Subcommittee on Transportation Security and Infrastructure Protection	March 11, 2009
111-7	“Border Violence: An Examination of DHS Strategies and Resources.” Subcommittee on Border, Maritime, and Global Counterterrorism	March 12, 2009
111-8	“PKEMRA Implementation: An Examination of FEMA’s Preparedness and Response Mission.” Subcommittee on Emergency Communications, Preparedness, and Response	March 17, 2009
111-9	“Homeland Security Intelligence: Its Relevance and Limitations.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	March 18, 2009
111-10	“100% Air Cargo Screening: Can We Secure America’s Skies?” Subcommittee on Transportation Security and Infrastructure Protection	March 18, 2009
111-11	“Human Trafficking: Recent Trends” Subcommittee on Border, Maritime, and Global Counterterrorism	March 19, 2009
111-12	“Consolidating DHS: An Update on the St. Elizabeth’s Project.” Subcommittee on Management, Investigations, and Oversight	March 26, 2009

Number	Title	Date
111-13	“Examining Preparedness and Coordination Efforts of First Responders Along the Southwest Border.” Subcommittee on Emergency Communications, Preparedness, and Response	March 31, 2009
111-14	“Do the Payment Card Industry Data Standards Reduce Cybercrime?” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	March 31, 2009
111-15	“The Future of Fusion Centers: Potential Promise and Dangers.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	April 1, 2009
111-16	“Homeland Security Policymaking: HSC at a Crossroads and Presidential Study Directive 1.” Full Committee	April 2, 2009
111-17	“Review of the National Animal Identification System.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Livestock, Dairy, and Poultry of the Committee on Agriculture	May 5, 2009
111-18	“Implementing the Western Hemisphere Travel Initiative at Land and Sea Ports: Are We Ready?” Subcommittee on Border, Maritime, and Global Counterterrorism	May 7, 2009
111-19	“The President’s FY 2010 Budget Request for the Department of Homeland Security.” Full Committee	May 13, 2009
111-20	“The FY 2010 Budget for Departmental Management and Operations at DHS” Subcommittee on Management, Investigations, and Oversight	June 4, 2009
111-21	“The FY 2010 Budget for the Federal Emergency Management Agency.” Subcommittee on Emergency Communications, Preparedness, and Response	June 9, 2009
111-22	“The FY 2010 Budget for the Directorate for Science & Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	June 9, 2009
111-23	“The FY 2010 Budget for the National Protection and Programs Directorate and the Transportation Security Administration.” Subcommittee on Transportation Security and Infrastructure Protection	June 10, 2009
111-24	“The FY 2010 Budget for Immigration and Customs Enforcement, Customs and Border Protection, and the U.S. Coast Guard.” Subcommittee on Border, Maritime, and Global Counterterrorism	June 11, 2009

Number	Title	Date
111-25	H.R. 2868, the “Chemical Facility Anti-Terrorism Act of 2009.” Full Committee	June 16, 2009
111-26	“FY2010 Budget for the Office of Intelligence and Analysis of the Department of Homeland Security.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	June 24, 2009.
111-27	“FEMA Housing: An Examination of Current Problems and Innovative Solutions.” Full Committee	July 8, 2009
111-28	“General Aviation Security: Assessing Risks and the Road Ahead.” Subcommittee on Transportation Security and Infrastructure Protection	July 15, 2009
111-29	“Combating Border Violence: The Role of Inter-agency Coordination in Investigations.” Subcommittee on Border, Maritime, and Global Counterterrorism	July 16, 2009
111-30	“Securing the Modern Electric Grid from Physical and Cyber Attacks.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	July 21, 2009
111-31	“Protecting the Protectors: Examining the Personnel Challenges Facing the Federal Air Marshal Service.” Subcommittee on Management, Investigations, and Oversight	July 23, 2009
111-32	“Beyond Readiness: An Examination of the Current Status and Future Outlook of the National Response to Pandemic Influenza.” Full Committee	July 29, 2009
111-33	“Beyond ISE Implementation: Exploring the Way Forward for Information Sharing.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	July 30, 2009
111-34	“Status Report on Federal and Local Efforts to Secure Radiological Sources.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	September 14, 2009 (Brooklyn, NY)
111-35	“The Secure Border Initiative: <i>SBI</i> net Three Years Later.” Subcommittee on Border, Maritime, and Global Counterterrorism	September 17, 2009
111-36	“I&A Reconceived: Defining a Homeland Security Intelligence Role.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	September 24, 2009
111-37	“The Future of the Registered Traveler Program.” Subcommittee on Transportation Security and Infrastructure Protection	September 30, 2009

Number	Title	Date
111-38	“Preparedness:” “State of Citizen and Community Preparedness.”	October 1, 2009
	“What Has \$29 Billion in Homeland Security Grants Bought and How Do We Know?” Subcommittee on Emergency Communications, Preparedness, and Response	October 27, 2009
111-39	“Diversity at The Department of Homeland Security: Continuing Challenges and New Opportunities.” Full Committee	October 14, 2009
111-40	“Cargo Security at Land Ports of Entry: Are We Meeting the Challenge?” Subcommittee on Border, Maritime, and Global Counterterrorism	October 22, 2009
111-41	“Real-Time Assessment of the Federal Response to Pandemic Influenza.” Subcommittee on Emerging Threats, Cybersecurity, and Science, and Technology	October 27, 2009
111-42	“Creating ‘One DHS’” Part 1 - Standardizing Department of Homeland Security Financial Management.” Subcommittee on Management, Investigations, and Oversight	October 29, 2009
111-43	“Federal Protective Service: Will Continuing Challenges Weaken Transition and Impede Progress?” Full Committee	November 18, 2009
111-44	“Is the Flying Public Protected? An Assessment of Security at Foreign Repair Stations.” Subcommittee on Transportation Security and Infrastructure Protection	November 18, 2009
111-45	“Reassessing the Evolving al-Qa’ida Threat to the Homeland.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	November 19, 2009
111-46	“The United States Secret Service and Presidential Protection: An Examination of a System Failure.” Full Committee	December 3, 2009 January 20, 2010
111-47	“Moving Toward More Effective Immigration Detention Management.” Subcommittee on Border, Maritime, and Global Counterterrorism	December 10, 2009
111-48	“Violent Extremism: How Are People Moved from Constitutionally-Protected Thought to Acts of Terrorism?” Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment	December 15, 2009
111-49	“Has the TSA Breach Jeopardized National Security? An Examination of What Happened and Why.” Subcommittee on Transportation Security and Infrastructure Protection	December 16, 2009

Number	Title	Date
111-50	“Is the Medical Community Ready if Disaster or Terrorism Strikes: Closing the Gap in Medical Surge Capacity.” Subcommittee on Management, Investigations, and Oversight	January 25, 2010 (Danville, PA)
111-51	“Flight 253: Learning Lessons from an Averted Tragedy.” Full Committee	January 27, 2010
111-52	“Furthering the Mission or Having Fun: Lax Travel Policies Cost DHS Millions.” Subcommittee on Management, Investigations, and Oversight	February 4, 2010
111-53	“The President’s FY 2011 Budget Request for the Department of Homeland Security.” Full Committee	February 25, 2010
111-54	“The Department of Homeland Security’s Science and Technology Directorate.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	March 3, 2010
111-55	“Visa Security and Passenger Pre-Screening Efforts in the Wake of Flight 253.” Subcommittee on Border, Maritime, and Global Counterterrorism	March 11, 2010
111-56	“Ensuring Strong FEMA Regional Offices: An Examination of Resources and Responsibilities.” Subcommittee on Emergency Communications, Preparedness, and Response	March 16, 2010
111-57	“An Assessment of Checkpoint Security: Are Our Airports Keeping Passengers Safe?” Subcommittee on Transportation Security and Infrastructure Protection	March 17, 2010
111-58	“Working with Communities to Disrupt Terror Plots.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	March 17, 2010
111-59	“SBI ^{net} : Does it Pass the Border Security Test?” Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight	March 18, 2010
111-60	“Visa Overstays: Can They be Eliminated?” Full Committee	March 25, 2010
111-61	“Federal Protective Service: Would Federalization of Guards Improve Security at Critical Facilities?” Full Committee	April 14, 2010
111-62	“Unclogging Pipeline Security: Are the Lines of Responsibility Clear?” Subcommittee on Management, Investigations and Oversight	April 19, 2010 (Plant City, FL)
111-63	“Viewpoints on Homeland Security” “A Discussion with the WMD Commissioners.” “A Discussion with the 9/11 Commissioners.” Full Committee	April 21, 2010 May 19, 2010

Number	Title	Date
111-64	"FEMA's FY 2011 Priorities and Beyond: Aligning Budget, Mission, and Vision." Subcommittee on Emergency Communications, Preparedness, and Response	April 27, 2010
111-65	"Laying the Framework for the Task Ahead: An Examination of the Department of Homeland Security's Quadrennial Homeland Security Review." Subcommittee on Management, Investigations, and Oversight	April 29, 2010
111-66	"A DHS Intelligence Enterprise: Still Just a Vision or Reality?" Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment	May 12, 2010
111-67	"Internet Terror Recruitment and Tradecraft: How Can We Address an Evolving Tool While Protecting Free Speech?" Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	May 26, 2010
111-68	"U.S.-Mexico Security Cooperation: Next Steps for the Mérida Initiative." Subcommittee on Border, Maritime, and Global Counterterrorism and the Committee on Foreign Affairs Subcommittee on Western Hemisphere	May 27, 2010
111-69	"Caring for Special Needs during Disasters: What's being done for Vulnerable Populations?" Subcommittee on Emergency Communications, Preparedness, and Response	June 15, 2010
111-70	H.R. 5498, the "WMD Prevention and Preparedness Act of 2010." Subcommittee on Emergency Communications, Preparedness, and Response.	June 15, 2010
111-71	"Cybersecurity: DHS' Role, Federal Efforts and National Policy." Full Committee	June 16, 2010
111-72	"The Future of FEMA's Grant Programs Directorate." Subcommittee on Emergency Communications, Preparedness, and Response	June 29, 2010
111-73	"100% Air Cargo Screening: Remaining Steps to Secure Passenger Aircraft." Subcommittee on Transportation Security and Infrastructure Protection	June 30, 2010
111-74	"The Deepwater Horizon Oil Spill Chain of Command: An Examination of Information Sharing Practices During a Spill of National Significance." Subcommittee on Management, Investigations, and Oversight	July 12, 2010 (New Orleans, LA)
111-75	"The Role of Unmanned Aerial Systems in Border Security." Subcommittee on Border, Maritime, and Global Counterterrorism	July 15, 2010

Number	Title	Date
111-76	“Enhancing DHS’ Efforts to Disrupt Alien Smuggling Across Our Borders.” Subcommittee on Border, Maritime, and Global Counterterrorism	July 22, 2010
111-77	“Interoperable Emergency Communications: Does the National Broadband Plan Meet the Needs of First Responders?” Subcommittee on Emergency Communications, Preparedness, and Response	July 27, 2010
111-78	“Lost in the Shuffle: Examining TSA’s Management of Surface Transportation Security Inspectors.” Subcommittee on Transportation Security and Infrastructure Protection	July 28, 2010
111-79	“The Evolving Nature of Terrorism - Nine Years after the 9/11 Attacks.” Full Committee	September 15, 2010
111-80	“DHS Planning and Response: Preliminary Lessons from Deepwater Horizon.” Full Committee	September 22, 2010
111-81	“Securing America’s Transportation Systems: The Target of Terrorists and TSA’s New Direction.” Subcommittee on Transportation Security and Infrastructure Protection	September 23, 2010
111-82	“Emergency Logistics Management: Transforming the Delivery of Disaster Relief for the 21st Century.” Subcommittee on Emergency Communications, Preparedness, and Response	September 29, 2010
111-83	“Is the Office of Intelligence and Analysis Adequately Connected to the Broader Homeland Communities?” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	September 29, 2010.

APPENDIX X

Committee Print

Number	Title
111-A	Compilation of Homeland Security Related Executive Orders (E.O. 4601 through E.O. 13528) (1927-2009)

APPENDIX XI

Summary of Committee Activities

COMMITTEE ON HOMELAND SECURITY

Total Bills Referred to Committee	152
Public Laws	14
Bills Reported to the House	18
Hearings Held:	
Days of Hearings	87
Full Committee	20
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	11
Subcommittee on Transportation Security and Infrastructure Protection	11
Subcommittee on Border, Maritime, and Global Counterterrorism	14
Subcommittee on Management, Investigations, and Oversight	12
Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	10
Subcommittee on Emergency Communications, Preparedness, and Response	12
Witnesses:	
Full Committee	77
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	41
Subcommittee on Transportation Security and Infrastructure Protection	55
Subcommittee on Border, Maritime, and Global Counterterrorism	63
Subcommittee on Management, Investigations, and Oversight	45
Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	48
Subcommittee on Emergency Communications, Preparedness, and Response	43
Total Persons Testifying	330
Markups and Business Meetings Held (Days):	
Full Committee	14
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	0
Subcommittee on Transportation Security and Infrastructure Protection	1
Subcommittee on Border, Maritime, and Global Counterterrorism	1
Subcommittee on Management, Investigations, and Oversight	0
Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	1
Subcommittee on Emergency Communications, Preparedness, and Response	1

ADDITIONAL VIEWS

ADDITIONAL VIEWS OF THE REPUBLICAN MEMBERS OF THE COMMITTEE ON HOMELAND SECURITY

INTRODUCTION

Throughout the 111th Congress, the Republican Members of the Committee on Homeland Security (Committee) continued their aggressive oversight of the Department of Homeland Security (Department or DHS) and the Nation's overall homeland security operations. Through the introduction of numerous bills and resolutions, briefing and hearing requests, and oversight letters Republican Members conducted oversight and offered solutions to address many important security problems facing the United States.

Despite the achievements detailed further below, Republican Members of the Committee were disappointed that the Committee's Oversight Plan adopted at the beginning of the 111th Congress omitted important security issues that were included in previous Oversight Plans in the 109th and 110th Congresses. Omitted topics include oversight of the Department's efforts to achieve operational control of the border, the National Bio- and Agro-defense Facility, terrorist watch lists, regulation of chemical facilities, and important intelligence and information sharing provisions required in the Implementing Recommendations of the 9/11 Commission Act (P.L. 110-53). Unfortunately, even with a less rigorous Oversight Plan, the Democratic Majority did not consider many of the items that were included in the Plan.

The Republican Members of the Committee look forward to working in a bipartisan manner to conduct more rigorous homeland security oversight in the 112th Congress.

PASSAGE OF REPUBLICAN SPONSORED LEGISLATION

Republican Members of the Committee are pleased the Committee considered and passed the following Republican-introduced measures:

- H.R. 549, the National Bombing Prevention Act, a bill authorizing the Office for Bombing Prevention, introduced by Ranking Member King;
- H.R. 1148, a bill requiring the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security, introduced by Subcommittee on Management, Investigations, and Oversight Ranking Member Gus Bilirakis;
- H.R. 1178, a bill directing the Comptroller General to conduct a study on the use of Civil Air Patrol personnel and

resources to support homeland security missions, introduced by Subcommittee on Transportation Security and Infrastructure Protection Ranking Member Charlie Dent;

- H.R. 2611, a bill authorizing the Securing the Cities Initiative, introduced by Ranking Member King;
- H.R. 3963, the Criminal Investigative Training Restoration Act, a bill to require federal air marshals to complete criminal investigative training, introduced by Subcommittee on Emerging Threats, Cybersecurity, and Science, and Technology Ranking Member Dan Lungren;
- H.R. 3978, the First Responder Anti-Terrorism Training Resources Act, a bill authorizing the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, introduced by Subcommittee on Emergency Communications, Preparedness, and Response Ranking Member Mike Rogers;
- H.R. 5105, a bill establishing a Chief Veterinary Officer in the Department of Homeland Security, introduced by Subcommittee on Emergency Communications, Preparedness, and Response Ranking Member Mike Rogers; and
- H.Res. 195, a resolution recognizing and honoring the employees of the Department of Homeland Security on its sixth anniversary for their continuous efforts to keep the Nation safe, introduced by Subcommittee on Management, Investigations, and Oversight Ranking Member Gus Bilirakis.

TRANSPARENCY

“The way to make government responsible is to hold it accountable. And the way to make government accountable is to make it transparent so that the American people can know exactly what decisions are being made, how they’re being made, and whether their interests are being well-served.” — President Barack Obama, January 21, 2009

Republican Members of the Committee were optimistic about the Administration’s pledges of transparency. However, Republican Members were disappointed that while the Administration claimed to favor transparency, its actions resulted in anything but. Republican Members of the Committee repeatedly met resistance from the Administration when attempting to receive information and carry out their constitutional duty to oversee the Executive Branch. The Administration was not forthcoming with information on its ill-advised plan to close the detention center at Naval Station, Guantanamo Bay, its plan to try terrorists in civilian courts in the United States, or its findings in the investigation of Army Major Nidal Hassan’s attack at Fort Hood. Likewise, Republican Members of the Committee also experienced difficulty in obtaining information on Umar Farouq Abdulmutallab’s attempt to detonate explosives on Northwest Airlines Flight 253 on December 25, 2009. In each of these instances, homeland security and counterterrorism policy was being run out of the White House, rather than at the Department of Homeland Security, and the White House actively

withheld information and instructed the Department of Homeland Security to do the same.

The Republican Members of the Committee also experienced difficulty in obtaining information on the Department of Homeland Security's Intelligence Assessment titled, *Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*, compelling in the introduction of H.Res. 404, a resolution of inquiry directing the Secretary of Homeland Security to submit relevant information to the Committee on Homeland Security. Republican Members also sought information on the Transportation Security Administration's release of sensitive security information contained in a manual detailing screening operations during the course of a procurement action. Requests for copies of the *Aviation Security Screening Management Standard Operating Procedures* manual were repeatedly denied, resulting in the introduction by Republican Members of H.Res. 980, a resolution of inquiry directing the Secretary of Homeland Security to provide copies of the screening manual in effect on December 5, 2009 and any successor manuals.

The Republican Members of the Committee are hopeful that the Administration will increase its transparency in the 112th Congress and commit to working more collaboratively with Congress.

FIELD HEARINGS

The Republican Members of the Committee were extremely disappointed in the Majority's handling of field hearing requests in the 111th Congress. In the 109th and 110th Congresses, field hearings were scheduled and held in a bipartisan manner. However, in the 111th Congress, the Majority set arbitrary requirements for the approval and scheduling of field hearings. In addition, the Majority denied, without an explanation, repeated requests for a field hearing by Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology Ranking Member Dan Lungren despite providing assurances that such a hearing would be held. When questioned about the difficulty Republican Members had experienced in receiving approval of field hearing requests from the Majority during his January 27, 2010 testimony before the Committee on House Administration, Chairman Thompson stated to Committee on House Administration Ranking Member Dan Lungren, "I think you will be very satisfied in the future."¹ Despite this statement and contrary to an agreement with Subcommittee Chairwoman Yvette Clarke, Ranking Member Lungren's requests for a subcommittee field hearing were repeatedly denied.

CONGRESSIONAL OVERSIGHT OF THE DEPARTMENT OF HOMELAND SECURITY

Once again in the 111th Congress, the Department of Homeland Security and the Committee on Homeland Security experienced the negative effects of the dispersed congressional jurisdiction over the Department of Homeland Security. More than nine years after the September 11th attacks and seven years after the creation of the

¹*Review of the Use of Committee Funds in the 1st Session of the 111th Congress: Hearing Before the Comm. on House Administration, 111th Cong. 123 (2010).*

Department of Homeland Security, Congress has not implemented the key 9/11 Commission recommendation to reform congressional oversight of the Department of Homeland Security.

The current jurisdictional web of congressional oversight of DHS results in conflicting guidance to the Department and is an unnecessary drain on its time and resources, which could be better allocated on addressing threats to the homeland. Senior DHS officials from both the Bush and Obama Administrations have highlighted the extensive internal resources that are required to prepare for hearings, provide congressional briefings, draft reports mandated by statute, and respond to numerous congressional requests for information. Officials also have underscored the problems encountered when various congressional committees provide conflicting guidance on important homeland security policies and programs.

DHS leadership testified at 166 hearings in 2009 (20 more than in 2008) and provided 2,058 congressional briefings during the first session of the 111th Congress. Secretary Napolitano has estimated that in 2009 the Department responded to 1,680 letters sent directly to her, the Deputy Secretary, and the Assistant Secretary for Legislative Affairs, as well as to more than 10,000 sent to DHS components and other senior leaders.²

Throughout the 111th Congress, Republican Members of the Committee have repeated their calls for consolidated oversight over the Department of Homeland Security. Ranking Member King and the Committee's six subcommittee Ranking Members wrote to Speaker Pelosi in February 2010 pledging their support for working in a bipartisan manner to consolidate congressional oversight over the Department. Republican Members also wrote to Chairman Thompson in April 2010 to request that the Committee hold a hearing to examine the impact that current oversight of homeland security issues has on the Department. Neither Speaker Pelosi nor Chairman Thompson answered these letters or took action necessary to address the problem.

Republican Members of the Committee will continue their efforts to address this matter in the 112th Congress.

DHS AUTHORIZATION BILL

The Republican Members of the Committee have repeatedly advocated for the need for a comprehensive authorization bill for the Department of Homeland Security, similar to actions taken by other congressional committees to regularly authorize the federal departments over which they have responsibility. The Committee has heard extensive testimony on the pressing need for an authorization that will guide the Department in its critical mission of protecting the United States from terrorist attack. Despite this testimony and repeated requests by the Republican Members of the Committee and offers to work together in a bipartisan manner, the Majority did not introduce such a bill. As a result, Ranking Member King and other Republican Members of the Committee crafted and introduced the Counterterrorism Enhancement and Department of Homeland Security Authorization Act (H.R. 5590) to pro-

² Letter from Secretary of Homeland Security Janet Napolitano to Ranking Member Peter King, April 21, 2010.

vide the Department with necessary guidance, tools, and resources to help protect the United States from terrorist attack.

H.R. 5590 includes numerous provisions proposed by both Republicans and Democrats, many of which have previously garnered bipartisan support. H.R. 5590 would:

- Authorize the Securing the Cities Initiative, which helps prevent a nuclear or radiological attack in New York City, and expands the program to other high risk metropolitan areas;
- Enhance counterterrorism efforts, including initiatives to prevent violent radicalization and homegrown terrorism;
- Call for the reduction of the number of committees to which homeland security matters are referred;
- Bolster border security and immigration enforcement efforts, in part by requiring a strategy to achieve full control of the border by 2016;
- Secure aviation, rail, and other surface transportation systems;
- Increase maritime security, in part by expanding the Container Security Initiative;
- Strengthen critical infrastructure and cybersecurity;
- Enhance counterterrorism functions of the Federal Protective Service;
- Improve preparedness and response to terrorism and other emergencies; and
- Provide for more efficient and effective management of the Department.

The Republican Members of the Committee are disappointed that the Committee did not consider H.R. 5590 in the 111th Congress, and look forward to the consideration and passage of a comprehensive authorization bill in the 112th Congress.

AVOIDING EXAMINATION OF THE IMPLICATIONS OF CLOSING GTMO

On January 22, 2009, President Obama issued three Executive Orders reversing U.S. policy on terrorist detention, prosecution, and interrogation. The first order required the Guantanamo Bay Naval Base Detention Facility (GTMO) to be shut down within one year. The second ordered a review of detainee detention options, and the third ordered that all terrorist interrogations adhere to the U.S. Army Field Manual. Notably, all three orders designated the Secretary of Homeland Security as a member of the President's Task Force to implement the orders. Yet when questioned by Republican Members of the Committee about her input into the decision making process for plans to transfer terrorists into the United States, Secretary Napolitano was unable to provide the Committee with any details.

According to news reports, the Chairman of the Committee on Homeland Security stated the Committee would conduct oversight on this important issue. Unfortunately, the full Committee did not hold hearings on the homeland security ramifications of closing Guantanamo. Committee oversight of this issue was limited to two Member site visits to the GTMO detention facility, both of which were at the request of Republican Members. In the 112th Congress,

Republican Members will continue their close oversight of this critical homeland security issue.

COUNTERTERRORISM AND THE FAILURE TO EXAMINE THE FORT HOOD
TERRORIST ATTACK

Republican Members are disappointed that the Majority did not conduct a comprehensive investigation into the terrorist attack at Fort Hood, Texas on November 5, 2009. In two letters sent to Chairman Thompson on November 18, 2009 and January 25, 2010, Republican Members requested hearings to investigate this terrorist attack on the U.S. homeland. Surprisingly, the Majority opted to avoid performing thorough oversight on this critical homeland security issue. While other Committees in Congress — including the House and Senate Armed Services Committees — conducted oversight and investigation of the Fort Hood attack, this Committee limited its review to two classified briefings — one for Members and one for staff. In contrast, the Senate Homeland Security and Governmental Affairs Committee (HSGAC), has been relentless in its determination to investigate the Fort Hood massacre, going so far as to subpoena Obama Administration officials to gain access to important information pertaining to the attack. It is unfortunate that the Majority did not share HSGAC's bipartisan sense of urgency over an issue so critical to our national security.

Nevertheless, Republican Members are encouraged that the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment did hold a series of hearings to begin examination of the emerging problem of domestic radicalization. However, Republican Members believe that much more needs to be done to understand and address this growing threat to our Nation. Republican Members of the Committee will conduct a further examination of these vital issues in the 112th Congress.

HOMELAND SECURITY RISKS OF IMPORTING KHALID SHEIK MOHAMMAD
AND HOLDING THE 9/11 ATTACK TRIALS IN NEW YORK CITY

Republican Members of the Committee are disappointed the Majority did not conduct oversight of the Administration's ill-advised decision to import and try admitted 9/11 mastermind Khalid Sheik Mohammad and his co-conspirators in civilian court in Lower Manhattan. The Majority's lack of interest in this important security issue is even more alarming in light of the fact that on November 18, 2009, then-Federal Protective Service (FPS) Director Gary Schenkel testified before the Committee that the FPS New York Region "does not have the staff to perform their daily functions and provide the additional security necessary for the courthouse" for the 9/11 trials.

In addition, Republican Members were shocked that the Obama Administration failed to consult the Mayor of New York City or New York City Police Department Commissioner on this monumental decision, with serious security implications. Trying these terrorists in New York City would illustrate a complete disregard for the families of the 9/11 victims, the residents of Lower Manhattan, and the enormous security and cost burden on the City and State of New York. The appropriate venue for these trials is in

military commissions at Guantanamo Bay, Cuba, where a secure, state of the art facility has been created for this very purpose.

THE SECURING THE CITIES INITIATIVE

As in the 110th Congress, Republican Members of the Committee remained concerned in the 111th Congress about the possibility of a radiological attack in high-risk, populated areas of the United States. The Department's Securing the Cities Initiative, thus far implemented in the New York Metropolitan Area, has established a one-of-a-kind architecture for coordinated and integrated detection and interdiction of illicit radiological materials that may be used as a weapon within the region.

For three fiscal years — 2007, 2008, and 2009 — the Administration and the Congress backed this program. In FY 2010, however, the President's budget request discontinued this support, which was concerning because the program, although developing successfully and in line with expectations, required additional resources to reach its full potential. This lack of support is more concerning in light of recent arrests of suspected terrorists who authorities believe were planning to use weapons of mass destruction in New York City.

Bipartisan support for Securing the Cities continued in the 111th Congress. On January 20, 2010 the House passed H.R. 2611, bipartisan legislation formally authorizing the Securing the Cities Initiative, by voice vote. This was the second time the House had passed legislation to authorize this program, the first being H.R. 5531 during the 110th Congress. Nearly identical legislation was also included in H.R. 4842, the Homeland Security Science and Technology Authorization Act of 2010. By the end of the 111th Congress, however, the Senate had taken no action on H.R. 2611, nor its Senate companion, S. 3312. Neither had it taken action on H.R. 4842, which passed the House on July 20, 2010.

Republican Members look forward to continuing bipartisan action in support of this key security program in the 112th Congress.

BORDER SECURITY

The Republican Members of the Committee agree that it is extremely critical to promote legislation, policy, reforms, and funding necessary to gain operational control over the land and maritime borders of the United States. While progress has been made in the deployment of unmanned aerial vehicles and hiring additional Border Patrol agents, significant work remains. In Fiscal Year 2010, the Border Patrol apprehended more than 460,000 individuals seeking to illegally enter the United States, over 600 of whom were classified as Special Interest Aliens. In addition, an unknown number succeeded in gaining entrance and successfully joined the growing ranks of illegal aliens in American communities. Equally as troubling, more than 3.3 million pounds of illegal narcotics were seized along the border in calendar year 2009, an increase of almost 16% over 2008.

The Republican Members of the Committee were disappointed with the inability of the Committee to pass border security legislation during the 111th Congress. More than 40 border security bills were referred to the Committee on Homeland Security, but only

four non-controversial bills were marked up by the Subcommittee on Border, Maritime, and Global Counterterrorism in two years. Republican Members of the Committee introduced a number of bills to improve border security and address personnel issues. These include:

- H.R. 1517, introduced with Ranking Member King as the lead Republican sponsor, to address a hiring technicality impacting certain Customs and Border Protections Officers stationed in overseas posts. This bill became Public Law 111-252;
- H.R. 1178, introduced by Congressman Charlie Dent, to require the Government Accountability Office to conduct a study on the use of the Civil Air Patrol to assist in border security. This bill was passed by the House on May 12, 2009;
- H.R. 1148, introduced by Congressman Gus Bilirakis, to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security. This bill passed the House on March 24, 2009 and similar provisions were included in the Coast Guard Authorization Act of 2010 (P.L. 111-281);
- H.R. 2047, introduced by Congressman Michael McCaul, to authorize appropriations for Operation Stonegarden, a program to provide additional funding for state and local law enforcement along the border to conduct border security law enforcement operations;
- H.R. 4758, the Secure Visas Act, introduced by Congressman Lamar Smith, to expand the authority of the Secretary of Homeland Security to issue and revoke visas.

During Fiscal Year 2010, there were over 800 assaults on Border Patrol agents, and Arizona rancher Robert Krentz was tragically murdered by a likely smuggler crossing his ranch. Republican Members are concerned that rather than taking the necessary steps to close vulnerabilities along the border, the Administration is warning American citizens to stay away. In 2010, the U.S. Department of the Interior's Bureau of Land Management erected signs along the border warning of the danger to the public of smuggling. The signs read: "DANGER - PUBLIC WARNING, TRAVEL NOT RECOMMENDED. Active drug and human smuggling area; Visitors may encounter armed criminals and smuggling vehicles traveling at high rates of speed; stay away from trash, clothing, backpacks, and abandoned vehicles; if you see suspicious activity, Do Not Confront! Move away and call 911."³

The United States has over 6,000 miles of international land borders. This includes hundreds of miles of border allocated for National Parks, wilderness areas, or other protected designations. The multitude of environmental laws associated with these designations often impedes the ability of the Department of Homeland Security, particularly the Border Patrol, to secure these areas. On February 6, 2009, Ranking Member King joined eight other Republican Members to request a study from the Government Accountability Office

³Rossi, Donna "Warning Signs Posted in Casa Grande Area," KPHO.com, June 15, 2010.

(GAO) to evaluate how agencies monitor the environmental impact of illegal activity on protected lands along the border, review federal efforts to secure these areas, and review the impact existing laws have on the Border Patrol's ability to secure these areas. On October 19, 2010, the GAO released their report and found that "Border Patrol's access to portions of some federal lands along the southwestern border has been limited because of certain land management laws..."⁴ GAO further noted that coordination between agencies "has not always occurred."⁵ Among other things, GAO recommended that the Secretaries of Homeland Security, the Interior, and Agriculture need to take steps to expedite Border Patrol access to protected lands along the border.

On July 31, 2009, Ranking Member King joined other Republican Members, including Committee on Oversight and Government Reform Ranking Member Darrell Issa and Committee on Natural Resources Ranking Member Doc Hastings, in sending a letter to Secretary Napolitano requesting information and documentation related to the circumstances and agreements between DHS and the Department of the Interior and the Department of Agriculture. On October 2, 2009, Secretary Napolitano responded to the letter and provided several memoranda of understanding signed by the agencies highlighting the challenging restrictions placed on the Border Patrol in these protected areas.

In response to the continued restrictions preventing the Border Patrol from gaining operational control of the border in these protected areas, Ranking Member King joined the Committee on Natural Resources Subcommittee on National Parks, Forests, and Public Lands Ranking Member Rob Bishop in introducing H.R. 5016, a bill to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands.

States are now taking action on their own because of what they see as the inaction, or ineffective actions, by the Federal government. This is most visibly seen in the law passed in the State of Arizona requiring law enforcement to assist the Federal government in identifying those in this Nation illegally. Rather than taking steps to address deficiencies in border security, the Administration is suing the State of Arizona.

The Border Patrol Fiscal Year 2011 congressional budget justification states that at the end of Fiscal Year 2009, the agency achieved "effective control" of approximately 936 miles of border. According to these same documents, in 2010 and 2011, the Border Patrol intends to maintain control of these miles but not add any additional mileage under control. Republican Members have repeatedly called for the Department of Homeland Security and the Administration to show a sense of urgency to gain control of the border.

On July 26, 2010, Ranking Member King sent a letter to the Acting Comptroller General to request the Government Accountability Office conduct a study of the performance metrics used by Customs

⁴U.S. Gov't Accountability Office, *Southwest Border: More Timely Border Patrol Access and Training Could Improve Security Operations and Natural Resource Protection on Federal Lands*, GAO-11-38, October 2010.

⁵*Id.*

and Border Protection for measuring operational control of the border.

In a joint letter sent by the Republican Ranking Members of the Committee on Homeland Security and the Committee on Oversight and Government Reform, the Members noted that the Department of Homeland Security has “employed certain temporary and narrowly tailored measures to improve border security.” For example, the current Administration has chosen to deploy a limited supply of only 1,200 National Guardsmen for less than one year. While this is a positive step, it is insufficient in scope to address the large number of illegal aliens and smugglers crossing the border. Instead, Republican Members urged the Department to “formulate and implement a comprehensive solution to the border security concerns that threaten our nation.”

Further evidence of the Department’s lack of a coherent and encompassing strategy is found in its administration of the Secure Border Initiative network (SBI*net*) program. After more than one billion dollars had been spent on the program, in January 2010, Secretary Napolitano announced a “DHS-wide” evaluation of the SBI*net* program and moratorium on additional spending. In February 2010, the President’s budget proposed decreasing SBI*net* funding to \$574 million from the previous year’s funding of \$800 million. In March 2010, Secretary Napolitano reallocated \$50 million of appropriated funding from SBI*net* to other border security technology programs. Nearly a year after the Secretary’s announcement, however, the evaluation has not been completed or shared with Congress nor has a strategy been developed to deploy additional technology along the border.

On July 16, 2010, Ranking Member King sent a letter to Secretary Napolitano expressing concerns with the lack of a border security strategy and with delays over selecting and deploying the additional border surveillance technology announced in March 2010. At present, the contract for the additional technology has yet to be selected, further delaying the deployment of critical technology to the border.

Stressing the necessity of improved border security, on September 2, 2010, Ranking Member Gus Bilirakis of the Subcommittee on Management, Investigations, and Oversight and Ranking Member Candice Miller of the Subcommittee on Border, Maritime, and Global Counterterrorism sent a letter to Secretary Napolitano requesting an update on the SBI*net* evaluation announced in January 2010. As of mid-December 2010, the Secretary had not provided a response to this letter, nor any details of her plans to secure the border going forward.

During the 112th Congress, Republican Members intend to focus on what additional policies and resources are required for the Department of Homeland Security to gain operational control of both the northern and southern borders. Additionally, Members will look for specific benchmarks for deploying personnel and technology, as well as achieving additional miles of border under control. Republican Members will develop and consider border security legislation and conduct rigorous oversight.

IMMIGRATION ENFORCEMENT

Republican Members of the Committee believe that robust immigration enforcement is critical to border security efforts and provides opportunities to detect and disrupt terrorist plots before they succeed and result in the loss of American lives.

High levels of illegal immigration, fueled partly by lax interior enforcement, make it difficult for Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) to detect, identify, apprehend, and remove illegal crossers and others unlawfully in the United States who are risks to national security or threats to public safety.

There have been numerous instances, both before and after the terrorist attacks on September 11, 2001, in which individuals have exploited weaknesses in our immigration system to commit or attempt to carry out attacks against our nation. Republican Members of the Committee are therefore concerned that the Administration has failed to vigorously enforce the Nation's immigration laws and has instead promoted amnesty and weakened enforcement programs that could help deter illegal immigration and improve the security of the American people.

Republican Committee Members are concerned that the Department of Homeland Security has promoted wide-scale amnesty, referred to as comprehensive immigration reform, that would reward some or all of the estimated 10.8 million illegal aliens in the United States; scaled back worksite enforcement operations allowing illegal workers to escape punishment and take needed jobs from lawful workers; weakened the 287(g) immigration enforcement program and made it more difficult for local law enforcement jurisdictions to participate; produced internal documents discussing ways to provide large-scale deferred action for those illegally in the United States; dismissed removal cases before immigration courts under certain circumstances; altered policies for the apprehension, detention, and removal of criminal aliens so that many illegal aliens identified by local law enforcement will not be detained; and implemented policies that will make detention much less restrictive for certain detainees. Republican Members have sought to hold the Administration accountable for these actions.

Subcommittee on Border, Maritime and Global Counterterrorism Ranking Member Candice S. Miller and Subcommittee on Management, Investigations, and Oversight Ranking Member Gus M. Bilirakis sent a letter to Department of Homeland Security Secretary Janet Napolitano on August 9, 2010 regarding an internal Citizenship and Immigration Services memorandum that discussed administrative alternatives to comprehensive immigration reform. Ranking Members Miller and Bilirakis requested answers to a number of questions, including whether any of the recommendations included in the memorandum would preclude any security checks or background screenings to which individuals would be subject absent such relief. Secretary Napolitano responded on September 8, 2010 by saying only that "DHS will not grant deferred action or humanitarian parole to the Nation's entire illegal immigrant population or large classes of such population."

Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment Ranking Member Michael T. McCaul wrote to Immigration and Customs Enforcement Assistant Secretary John Morton on September 9, 2010 regarding ICE's commitment and ability to fully enforce immigration laws. Ranking Member McCaul specifically asked what resources ICE needed to apprehend, detain, and remove aliens who are a danger to national security or risk to public safety, recent illegal entrants, and aliens and fugitives who otherwise obstruct immigration controls, which purportedly are ICE enforcement priorities. Subcommittee on Emergency Communications, Preparedness, and Response Ranking Member Mike Rogers and Subcommittee on Management, Investigations, and Oversight Ranking Member Gus Bilirakis, and Committee Members Paul Broun and Pete Olson also signed this letter.

MARITIME SECURITY

Republican Members were disappointed in the general lack of action by the Administration on maritime and port security issues. For example, the President's budget submission for Fiscal Year 2010 included an increase of 715 full time equivalent (FTE) personnel, predominantly for the Coast Guard's Port, Waterways, and Coastal Security mission. The Commandant of the Coast Guard, then Admiral Thad Allen, spoke of expanding the size of the Coast Guard's active duty workforce by over 2,000 personnel. However, when the President's budget was submitted for Fiscal Year 2011, it included a cut of 1,170 FTE for the Coast Guard. Had the mobile offshore drilling unit *Deepwater Horizon* not proven to be the single largest man-made environmental disaster in America's history, the Coast Guard would have permanently lost these personnel billets. As it was, the Coast Guard had to temporarily reassign over 3,000 personnel and recall over 2,400 reservists to respond to the *Deepwater Horizon* disaster. A cut of 1,170 additional FTE from the Coast Guard's work force would have only exacerbated the problem. Republican Members were generally pleased that the Majority responded to Republican calls to hold a field hearing in New Orleans, Louisiana on the oil spill, but were disappointed that it did not examine the vulnerabilities of offshore drilling units to acts of terrorism.

Additionally, the Republican Members were concerned about the Coast Guard's continued oversight of its major systems acquisition program, commonly referred to as *Deepwater*. While the Coast Guard largely addressed the contracting and oversight woes experienced in the 109th and 110th Congresses, it did slow its acquisition of its National Security Cutter and has yet to realize its full potential with these assets, particularly in the areas of national security and intelligence. Further, the Committee has not explored the Coast Guard's planned acquisition of its newest fleet of patrol boats, the Fast Response Cutter. These patrol boats serve as workhorses of the patrol boat fleet and primarily conduct search and rescue and law enforcement operations 50 nautical miles to 200 nautical miles out from shore.

Republican Members were pleased that the President signed the Coast Guard Authorization Act of 2010 into law on October 15, 2010. This bipartisan legislation further refined the missions of the

Maritime Safety and Security Teams and included language offered by Ranking Member King to ensure such teams were capable of conducting opposed, at-sea boardings. It also included a provision by Subcommittee on Management, Investigations, and Oversight Ranking Member Gus Bilirakis to improve the Coast Guard's biometrics-at-sea program, a provision by Subcommittee on Emergency Communications, Preparedness, and Response Ranking Member Mike Rogers to improve the Coast Guard's K-9 capabilities, and a provision by Subcommittee on Transportation Security and Infrastructure Protection Ranking Member Charlie Dent to ensure only those mariners who require unescorted access to secure facilities and vessels be required to obtain transportation worker identification credential (TWIC) cards. Republican Members also supported a provision in the Coast Guard Authorization Act that requires the Department to develop and implement a process for workers to receive their TWIC cards via mail instead of having to return to the enrollment center to pick up the completed cards. The 28 port security-related provisions included in the final law were the result of significant negotiations and were demonstrative of what the Committee can accomplish when Republican Members are included early in the legislative process.

Republican Members are, however, disappointed no oversight hearings or site visits were conducted in the 111th Congress to review the implementation of TWIC card readers currently being tested as part of the TWIC pilot program. The TWIC Pilot Program began in April 2009, and despite numerous reports of reader failure and other mismanagement, the Majority chose to not examine the issue in depth. Doing so would have provided valuable input to both Members of Congress and the Department of Homeland Security as they move forward in overseeing and administering this program.

Republican Members were also frustrated that the Committee did not hold hearings on maritime cargo security during the 111th Congress. The hastily crafted Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) (9/11 Act), which was enacted without any hearings or markups by this Committee during the 110th Congress, included a mandate that all maritime containers bound for the United States be scanned at a foreign port by July 1, 2012. The Department of Homeland Security has encountered numerous logistical, diplomatic, and administrative hurdles as it has studied means to implement 100% cargo scanning in the approximately 700 foreign ports that ship goods to the United States. It is disappointing that the Committee did not review this issue further and strongly consider other layered security mechanisms that could enhance maritime supply chain security.

During the 112th Congress, Republican Members plan to continue their oversight of maritime security, with a particular focus on global supply chain issues, the implementation of requirements of the Security and Accountability for Every (SAFE) Port Act (P.L. 109-347), and Coast Guard security measures. Republican Members plan to review the ongoing implications of the 100% cargo screening mandate and will continue to advocate for a multi-layered, risk-based security system in order to counter threats to

the Homeland and ensure the smooth deployment of resources that will keep America's ports, coasts, and waterways safe.

WMD TERRORISM

Ranking Member King, along with Transportation Security and Subcommittee on Infrastructure Protection Ranking Member Charlie Dent, Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology Ranking Member Dan Lungren, and Subcommittee on Border, Maritime, and Global Counterterrorism Ranking Member Candice Miller, joined Rep. Bill Pascrell in sponsoring H.R. 5498, the WMD Prevention and Preparedness Act of 2010. This bill is a critical step to demonstrating Congress' intent that efforts toward WMD preparedness must be conducted in a coordinated and comprehensive fashion. The Committee marked up the bill on June 23, 2010. Republicans were pleased to support the inclusion of provisions authored by Representative Steve Austria recognizing that input from the National Domestic Preparedness Consortium and from first providers should be integrated into the development of responder guidance concerning weapons of mass destruction attacks. Representative Austria also offered a provision that designates medical readiness training and research, and community resiliency for public health and healthcare critical infrastructure, as new criteria to be included for the Department's University-Based Centers of Excellence program. The Committee ordered H.R. 5498 reported by a bipartisan vote of 26 - 0. Unfortunately, the bill was not scheduled for business in any of the other five committees to which it was referred.

The Committee on Homeland Security, despite its swift markup of this bipartisan bill, nearly missed a critical opportunity to question the Commissioners of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, whose December 2008 report informed the writing of the legislation. Beginning almost immediately, other committees in both the House and Senate held hearings on the WMD Commission's report. Yet the Committee on Homeland Security — the very committee responsible for oversight of the Department primarily charged with securing our nation from such threats — did not invite the Commissioners for testimony until April 21, 2010. For more than a year, this sent the message that the Committee was not fully interested in WMD terrorism.

SCIENCE AND TECHNOLOGY DIRECTORATE

The Republican Members of the Committee are pleased with the bipartisan manner which the Homeland Security Science and Technology Authorization Act of 2010 (H.R. 4842) was drafted, considered by the Committee, and passed through the House. H.R. 4842 addresses management and administrative deficiencies related to the Department's research and development activities by establishing a more rigorous process within the Science and Technology (S&T) Directorate for identifying, prioritizing, and funding research opportunities for S&T customers. The bill more closely aligns the Department's research and development activities with identified homeland security risks.

The Republican Members of the Committee are pleased with the inclusion of a number of Republican provisions in the bill including: an amendment offered by Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment Ranking Member McCaul encouraging the evaluation of existing technologies at the Department of Defense that could be leveraged to address homeland security capability gaps; a provision offered by Subcommittee on Management, Investigations, and Oversight Ranking Member Bilirakis that would establish a test-bed to review technologies for use in the maritime environment; an amendment by Representative Cao that would bring cutting-edge expertise to the Department via establishment of a science and technology fellowship program; and a provision offered by Representative Olson calling for the standardization of the tests used by the Department and other agencies to detect biological threats.

NATIONAL BIOSURVEILLANCE INTEGRATION CENTER

The National Biosurveillance Integration Center (NBIC), while operational, still does not have the support of other Federal agencies that are deemed necessary for full operational capacity. This very same issue was discussed in this Committee's Activity Report at the end of the 110th Congress. Unfortunately, although meetings have been held at the staff level with the Department of Homeland Security regarding its plans for rectifying the NBIC's problems, no hearings were held. Formal testimony from representatives from the non-signatory departments would have been especially valuable, allowing an opportunity for Members to learn precisely why these departments do not wish to share personnel with the NBIC. As the Department of Homeland Security's primary House authorizer, the Committee has continued to miss the opportunity to help ensure that the Department has the resources required to fulfill its Congressional mandates. The NBIC has continued to underperform for two years, and the Department has still not presented the Committee with a plan.

CHIEF VETERINARY OFFICER

Subcommittee on Emergency Communications, Preparedness, and Response Ranking Member Mike Rogers and Representative Mary Jo Kilroy introduced H.R. 5105 on April 21, 2010 to ensure continuity of leadership within the Department on veterinary issues. The Department made an administrative decision to eliminate the long-standing position of Chief Veterinary Officer. As a result, H.R. 5105 requires DHS to maintain a Chief Veterinary Officer, who is a veterinarian possessing a demonstrated ability in and knowledge of veterinary public health and emergency preparedness. The Republican Members of the Committee were pleased that this bill was introduced and marked-up in a bipartisan matter, but are concerned that the House Committee on Agriculture did not advance the bill.

AVIATION SECURITY

In the 111th Congress, Republican Members continued their commitment to the oversight of the Department's aviation security

programs. Nearly 10 years after the terrorist attacks of 9/11, terrorists continue to mark the aviation sector as a prime target. Republican Members support the Transportation Security Administration (TSA) as it seeks better and more efficient technologies and methods to conduct passenger screening at airport checkpoints, including the use of Advanced Imaging Technology. A provision on Advanced Imaging Technology (AIT) was included in the Counterterrorism Enhancement and Department of Homeland Security Authorization Act of 2010 (H.R. 5590), directing TSA to ensure the timely procurement and deployment of AIT on a risk-based basis. However, Republican Members are concerned that, in the wake of the attempted bombing of Northwest Airlines Flight 253 on December 25, 2009, the Department may have rushed its investment in and deployments of Advanced Imaging Technology before training and performance of the units met screening expectations. Republican Members believe AIT is promising, yet training and detection must meet expectations to be worthy of significant investments. Additionally, Republican Members are concerned that our international partners are not making comparable investments in screening technologies in foreign airports. Aviation is global and interconnected, and similar commitments should be made abroad to ensure greater global aviation security.

Republican Members are proud of the oversight they conducted in the area of general aviation. Republican Members were instrumental in modifying the Transportation Security Administration's intended Large Aircraft Security Plan governing general aviation security. In October 2008, TSA released proposed regulations that took an ill-advised "one size fits all" approach to general aviation. After significant Congressional outreach and legislative initiatives on the part of Republican Members of the Committee, including H.R. 3093 sponsored by Subcommittee on Transportation Security and Infrastructure Protection Ranking Member Charlie Dent along with Representatives Pete Olson and Subcommittee on Border, Maritime, and Global Counterterrorism Ranking Member Candice Miller requiring a negotiated rulemaking on the Large Aircraft Security Program, TSA began productive stakeholder outreach that has resulted in the revision of its intended regulations. The Department is expected to release revised regulations that are more compatible to the general aviation environment before the end of 2010.

Although the Committee intended to conduct a review of airport perimeter and access control procedures and practices according to its Oversight Plan for the 111th Congress, no hearings were held on these issues. Republican Members consider background checks and vetting of airport employees and access controls to secure areas of airports to be important issues and are overdue for review. As a result, at the request of Ranking Member King, with the concurrence of Chairman Thompson, the Committee completed a bipartisan review and issued a Republican staff report following a breach of security protocols at an access control point at Newark Liberty International airport. Republican Members of the Committee intend to continue their oversight of these issues in the 112th Congress.

SURFACE TRANSPORTATION SECURITY

Throughout the 111th Congress, Republican Members gave close oversight to the field of surface transportation security by conducting outreach to the most at-risk transportation agencies and areas of critical infrastructure. When the Congress considered and passed the 9/11 Act, it signaled the need for greater attention to rail and mass transit security by calling for security assessments of public transit systems, development of employee training, greater research and development, and heightened public awareness. Nevertheless, Republican Members were disappointed at the dearth of oversight by the Majority paid to the vital concerns of surface transportation during the 111th Congress. Only one hearing was devoted solely to the topic of surface transportation security, which came 19 months into the 111th Congress, and only after the Transportation Security Administration announced its plans to expand its surface transportation inspector workforce.

Moreover, Republican Members were equally disappointed at the scarce attention paid to the adequacy of funding for rail and mass transit. In Section 1403 of the 9/11 Act, Congress found that “federal investment in transit security has been insufficient.” In addition, TSA leadership has asserted that mass transit security is a key priority. Furthermore, as demonstrated by Najibullah Zazi’s foiled plot to detonate explosives in the New York City subway system, the risk against urban mass transit is very real. Nevertheless, surface transportation security funding consistently represents an extremely minor percentage to the Transportation Security Administration’s total budget authority. Despite this disparity, the Committee gave little oversight attention to whether the division of TSA’s finite resources is consistent with current threat information of assessments of outstanding vulnerabilities. Republican Members will continue their vigorous oversight to ensure that homeland security funding is devoted to risk-based allocations, and not subject to reactionary or arbitrary spending.

CHEMICAL SECURITY

In the 111th Congress, Republican Members continued to push for the permanent authorization of risk-based chemical facility security regulations established by the Department following the authorization in section 550 of the Homeland Security Appropriations Act for Fiscal Year 2007 (P.L. 109-295). Recognizing the considerable progress that the Department of Homeland Security made, Republicans strongly disagreed with the Majority’s approach of requiring the Department to start from square one with a new regulatory structure. Republican Members continue to believe that the Department should have the opportunity to fully implement the existing regulations before major changes are made. To this end, Subcommittee on Transportation Security and Infrastructure Protection Ranking Member Charlie Dent introduced the Continuing Chemical Facilities Antiterrorism Security Act of 2010 (H.R. 5186) to extend the chemical security program another five years without requiring the Department to re-write regulations that are considered by most to be reasonable and appropriate.

Republicans also opposed attempts to mandate implementation of so-called “inherently safer technology” (IST) that would have a detrimental impact on small businesses, particularly when sustained unemployment levels remain above 9.5%. Republicans offered amendments that would have struck the requirements that the Department determine what chemicals and processes facilities should use, particularly given the Department’s lack of subject matter expertise in these areas. Unfortunately, these amendments were not agreed to. Republicans recognized that such mandates would force businesses to close, move overseas, or lay off more workers. Thus, Republicans offered amendments to require the Department to consider the impact on the ability of the facility to remain in business or result in a reduction of the workforce.

Republican Members were also concerned that legislation offered by Democratic Members authorized litigation against the Department that would require enforcement of the regulations. The concerned Members recognized that such provisions could encourage frivolous lawsuits that threaten to drain the Department’s scarce resources and could have resulted in the release of sensitive security information. Unfortunately, Democrats opposed efforts by Republicans to amend the bill and remedy that security gap. Republicans also offered amendments to strengthen the protection of chemical vulnerability information from disclosure. Republican Members recognize that the protection of vulnerability information, in all venues, is critical to ensuring that terrorists do not gain an advantage in planning an attack. Unfortunately, efforts to strengthen the protection of information provisions were rebuffed by Democratic Members.

FEDERAL PROTECTIVE SERVICE

In the 111th Congress, the Republican Members of the Committee continued their vigorous oversight of the Federal Protective Service (FPS), the Federal agency tasked with securing government facilities and their occupants. The Committee reviewed a series of reports issued by the Government Accountability Office (GAO) that identified numerous security lapses, poor management, and inefficiencies, which raised concerns about the ability of the FPS to carry out its mission. Although the GAO provided specific recommendations for improving FPS management and training for the Contract Guard Program, the Majority instead focused their efforts on providing a path toward federalizing contract guards, under the flawed impression that federalization would be a panacea for all the problems of the FPS. As was revealed in the two oversight hearings that were held in the 111th Congress, federalizing all or some of the contract guards would be extremely costly, and would not necessarily provide additional security benefits.

In response to these concerns, on April 15, 2010, Subcommittee on Transportation Security and Infrastructure Protection Ranking Member Charlie Dent introduced the Federal Protective Service Reform and Enhancement Act of 2010 (H.R. 5053). H.R. 5053 addressed weaknesses identified by the Government Accountability Office, and would standardize training, improve oversight, and provide for a rigorous study to determine whether federalizing FPS contract guards would provide any efficiencies in cost or additional

security benefits. Ranking Member Dent's legislation provides a stark contrast with legislation introduced by the Majority, which seeks to federalize contract guards without adequate review or consideration. Republican Members have serious objections to legislation introduced by the Majority that would hastily federalize the contract guard staff with little review or examination over the additional costs, or whether any improvements in security would be provided from a federalized guard staff.

CYBERSECURITY

Republican Members remain concerned with the lack of sufficient attention paid to the subject of cybersecurity, which currently ranks as one of the greatest threats against national and fiscal security. The Department identified cybersecurity as one of its five priority missions in its Quadrennial Homeland Security Review (QHSR). In addition, former and current officials from the Federal intelligence, homeland security, and military communities regularly depict the cyber threat as one of the Nation's greatest dangers.

On March 3, 2010, Republican Members raised the urgency of this issue in a letter requesting a full committee hearing to investigate the Department's cybersecurity capabilities and its private sector partnerships. On June 16, 2010, more than three months later, the Committee held its first and only hearing dedicated to the issue of cybersecurity this Congress. However, the Majority did not follow that hearing with any comprehensive or meaningful legislation to fortify the Nation's cyber defenses or provide the proper incentives to optimize cyber protections by private sector stakeholders, who own or operate the vast majority of national critical infrastructure. As a result, Ranking Member King joined Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment Chair Jane Harman in introducing the Protecting Cyberspace as a National Asset Act of 2010 (H.R. 5548). This bill would codify the role of the Department of Homeland Security as the lead agency to coordinate the protection of Federal systems against cyber attacks and to coordinate with the private sector on the protection of critical infrastructure information. The bill would also empower DHS with the enforcement authority necessary to carry out its mission. Unfortunately, none of the committees to which the bill was referred, including the Committee on Homeland Security, took action on this important legislation in the 111th Congress.

In the 112th Congress, Republican Members will continue to conduct oversight into our Nation's preparedness against cyber attacks and will advocate cooperating with the Department to undertake a comprehensive approach to fortifying its abilities.

NATIONAL EXERCISE PROGRAM

Republican Members of the Committee on Homeland Security are disappointed with efforts made to oversee certain aspects of the Department's actions to strengthen the Nation's ability to prepare for and respond to acts of terrorism. For example, the Committee's Oversight Plan for the 111th Congress proposed to review the Department's National Exercise Program, and to evaluate the extent

to which this program enhances preparedness. While the Subcommittee on Emergency Communications, Preparedness, and Response held a Member briefing on May 5, 2010 on this topic, the Committee did not hold any hearings or consider legislation directly addressing this critical program.

Section 907 of the Counterterrorism Enhancement and Department of Homeland Security Authorization Act of 2010 (H.R. 5590), introduced by Ranking Member King and Republican Members of the Committee, would require the DHS Inspector General to conduct an audit of expenses associated with the 2010 National Level Exercise, including costs of planning for the initial exercise scenario, and a review of whether FEMA is incorporating lessons learned from national exercises into training, planning, and other operations, and to submit a report to Congress on its findings. As noted above, the Majority did not call up H.R. 5590 for consideration during the 111th Congress.

NATIONAL PREPAREDNESS AND RESPONSE

The Committee's Oversight Plan also stated that the Committee would oversee the implementation of the National Preparedness Goal and System to measure improvements in the Nation's terrorism preparedness and response capabilities. While the Subcommittee on Emergency Communications, Preparedness, and Response did hold hearings and Member briefings on preparedness and response, it did not directly examine the impact of the White House's temporary hold on efforts to update the National Planning Scenarios and other preparedness activities until Homeland Security Presidential Directive 8 (HSPD-8) could be reviewed and updated. The Department's Inspector General stated at a Committee hearing on September 22, 2010, that the further development and completion of these "extremely urgent" plans was still pending more than 13 months after the White House's hold was implemented. The Committee did not conduct a single hearing or Member briefing to examine these delays and the impact they have had on terrorism preparedness and response capabilities.

On September 30, 2010, Subcommittee on Emergency Communications, Preparedness, and Response Ranking Member Mike Rogers and Representative Anh "Joseph" Cao sent a letter to Deputy National Security Advisor John Brennan seeking information with regard to the timeline for completion of the HSPD-8 review and continued progress on terrorism preparedness and response planning. However, Mr. Brennan's response to this request did not provide sufficient information on a timeline for moving forward.

EMERGENCY COMMUNICATIONS AND INTEROPERABILITY

During the 111th Congress, the Subcommittee on Emergency Communications, Preparedness, and Response held only one hearing and one Member briefing on emergency communications. Republican Members are disappointed that the Committee did not conduct more oversight in this critical area. For example, no hearings held were directly related to the Emergency Communications Preparedness Center (ECPC), the role of the Office of Emergency Communications (OEC), the Office of Interoperability and Compatibility (OIC), or interagency coordination on communications.

On April 20, 2009, Ranking Member King introduced H.R. 5081, the Broadband for First Responders Act of 2010. This legislation would reallocate 10 MHz of spectrum, known as the D Block, to public safety. Within eight months, the bill garnered 78 cosponsors, and two related Senate bills had been introduced by Senators Lieberman and Rockefeller, respectively. Unfortunately, despite wide-ranging support from the first responder community, H.R. 5081 was not considered during the 111th Congress.

FIRST RESPONDER TRAINING

On November 2, 2009, Subcommittee on Emergency Communications, Preparedness, and Response Ranking Member Mike Rogers introduced the First Responder Anti-Terrorism Training Resources Act (H.R. 3978), to enhance first responder training at DHS' Center for Domestic Preparedness (CDP) in Anniston, Alabama. Specifically, this bill authorizes the Secretary of Homeland Security to accept donated goods and services to bolster CDP training activities. Unlike other training centers, the CDP had been lacking this authority and has been forced to turn down donations despite its need and the potential costs savings associated with accepting donations. The Republican Members of the Committee are pleased this bill moved through the legislative process in a bipartisan manner and was signed into law by the President on September 30, 2010, becoming Public Law 111-245.

METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM

On January 21, 2010, Subcommittee on Management, Investigations, and Oversight Ranking Member Gus Bilirakis introduced the Metropolitan Medical Response System Program Act (H.R. 4492), which would authorize the Metropolitan Medical Response System Program (MMRS). Specifically, this bill amends Title V of the Homeland Security Act of 2002 to authorize the Secretary to conduct this program to assist state, local, and tribal governments in preparation for, and response to, public health and mass casualty incidents resulting from natural disasters, terrorism, and other emergencies. Administered by the Federal Emergency Management Agency, MMRS has an established, effective track record and broad support in the medical response community and in Congress. Its authorization, however, has expired, and this bill would have ensured Congressional support going forward. Unfortunately, the Committee did not consider H.R. 4492 during the 111th Congress.

CANINE EXPLOSIVES DETECTION

The Republican Members of the Committee remain actively engaged on the issue of increasing the use of detection canines for anti-terrorism and homeland security purposes. Subcommittee on Emergency Communications, Preparedness, and Response Ranking Member Mike Rogers has conducted significant oversight to determine how best to use canines to mitigate the explosives threat. Ranking Member Rogers has raised the issue with the Secretary of Homeland Security and with many Transportation and Security Administration officials, and has conducted site visits to canine training centers to determine the canine needs of Federal, state,

and local law enforcement. As transportation security continues to be a major security focus, Republican Members intend to continue their oversight on the use of highly trained and certified canines to mitigate this threat.

TRANSIT SECURITY AND PORT SECURITY GRANT PROGRAMS

During the 111th Congress, Ranking Member King expressed serious concern over cuts to New York City's grant funding under the FY 2010 Transit Security Grant Program and Port Security Grant Program and the Department's ability to manage and administer these critical grants nationwide in a timely and effective manner. On May 21, 2010, Ranking Member King sent a letter to the Secretary of Homeland Security requesting a full accounting of funds awarded under the Transit Security Grant Program and other grant programs, including funds that had not yet been released. The letter also requested an update from the Department on its progress in implementing recommendations made by the Government Accountability Office (GAO) in a 2009 report, requested by Chairman Thompson, entitled "Transit Security Grant Program: DHS Allocates Grants Based on Risk, but Its Risk Methodology, Management Controls, and Grant Oversight Can Be Strengthened" (GAO-09-491).

The GAO's 2009 report showed that persistent delays by DHS in approving projects and making funds available have resulted in delays in expending grant funds nationwide. As of February 2009, transit agencies had spent about \$21 million of the \$755 million that had been awarded for fiscal years 2006 through 2008. The GAO reported that "this spending rate is, in part, caused by agencies receiving authorization to spend grant dollars late in the grant period." Ranking Member King sent a letter to the GAO requesting an update on its 2009 report, and sent a letter to Chairman Thompson requesting a hearing to examine the ongoing delays in DHS' release of grant funds nationwide. The Committee did not convene a hearing to examine this topic.

QUADRENNIAL HOMELAND SECURITY REVIEW

Section 2401 of the Implementing Recommendations of the 9/11 Commission Act (P.L. 110-53) directed the Secretary of Homeland Security to carry out a comprehensive review of the Nation's homeland security strategy beginning in Fiscal Year 2009, and every four years thereafter. Modeled after the Quadrennial Defense Review, the result of this review was intended to be a long-range strategic plan, referred to as the Quadrennial Homeland Security Review (QHSR). Section 2401 required the Department to submit the first QHSR to Congress on or before December 31, 2009.

Republican Members of the Committee are disappointed that despite repeated bipartisan inquiries into whether the Department had sufficient time and resources to complete the review and assurances from the Department that it would be completed on time, the QHSR was submitted over a month late and fell short of the statutory requirements in section 2401. While the QHSR met some of the requirements in section 2401, there are many it did not. Principal among them is the fact that this strategic document failed to provide much of a strategy. The QHSR set forth the mission areas,

goals, objectives, and strategic outcomes for homeland security, but provided little detail on how the Federal government, and its state, local, and private sector partners will work to achieve those goals. Also troubling were many priorities in the QHSR that are in direct conflict with the President's Fiscal Year 2011 budget request for the Department of Homeland Security, an issue raised by Republican Members in hearings.

Unfortunately, the Bottom Up Review, highlighted by the Department as a follow-on to the QHSR and a process to meet the statutory requirements of section 2401, also failed to shed much light on the Department's strategy for securing the homeland. Republican Members of the Committee will continue to work with the Department in the years to come to enhance future versions of the QHSR and ensure its compliance with statutory requirements.

CONCLUSION

The Republican Members of the Committee on Homeland Security are proud of their record of oversight in the 111th Congress. They look forward to enhancing this oversight throughout the 112th Congress to ensure that the Department of Homeland Security has the tools and authorities it needs to appropriately secure the Nation from terrorist attack.

PETER T. KING

Ranking Member

DANIEL E. LUNGREN

Ranking Member, Subcommittee on Emerging Threats, Cybersecurity, and Science, and Technology.

MIKE ROGERS

Ranking Member, Subcommittee on Emergency Communications, Preparedness, and Response.

MICHAEL T. MCCAUL

Ranking Member, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

CHARLES W. DENT

Ranking Member, Subcommittee on Transportation Security and Infrastructure Protection.

GUS M. BILIRAKIS

Ranking Member, Subcommittee on Management, Investigations, and Oversight.

CANDICE S. MILLER

Ranking Member, Subcommittee on Border, Maritime, and Global Counterterrorism.

PETE OLSON

Member of Congress.

ANH "JOSEPH" CAO

Member of Congress.

ADDITIONAL VIEWS OF BENNIE G. THOMPSON, CHAIRMAN

As Chairman, I take great pride in the oversight and legislative work of the Committee in the 111th Congress. More often than not, we found ways to work across the aisle in best interests of the Nation. Together, we were able to get more bipartisan bills enacted into law than at any other point in our Committee's history, we continued our record of conducting comprehensive oversight over all the Department of Homeland Security's programs and policies, and we worked to make the case for consolidated jurisdiction. Given this record of bipartisan accomplishment, I was disappointed that the "Additional Views of the Republican Members of the Committee on Homeland Security" (herein "Minority Views") includes a number of troubling claims that are patently belied by the record.

Specifically, at the beginning of the document, the Minority Views includes harsh criticism of the Committee's official Oversight Plan. That plan, which was adopted by the Full Committee on February 4, 2010, was the product of bipartisan discussions and was approved by unanimous consent. Given that not a single member of the Committee voted against this broad blueprint for bipartisan oversight would be conducted in the 111th Congress, this criticism comes as a surprise and is somewhat disappointing.

The Minority Views also asserts that, after unanimously approving the Oversight Plan, the Committee failed to consider many of the areas covered in the plan. This assertion is simply not supported by the record (*See* Committee on Homeland Security Oversight Plan for the 111th Congress, Part B—Implementation of the Oversight Plan, pps. 203 through 246). The issues that the Committee investigated, on bipartisan basis, is extensive—including counterterrorism, the security of critical infrastructure, emergency management, border security, consolidation of Departmental headquarters, and emerging threats.

Further, the Committee's bipartisan approach to oversight is also reflected in the number Government Accountability Office (GAO) engagements that I submitted together with the Ranking Member, Mr. King of New York. In a bipartisan manner, the Committee engaged Congress' investigative arm—the GAO—to investigate a range of areas including the Secure Border Initiative (SBI) program, general aviation security, and Customs and Border Protection policies Air and Marine Operations.

Secondly, the Minority Views claims that, under my leadership, Committee field hearings were approved in arbitrary and partisan manner. Again, the record belies this claim. The Committee held the following four field hearings: (1) "Status Report on Federal and Local Efforts to Secure Radiological Sources," a field hearing in Brooklyn, New York (September 4, 2009); (2) "Is the Medical Community Ready if Disaster or Terrorism Strikes: Closing the Gap in Medical Surge Capacity," a field hearing in Danville, Pennsylvania

(January 25, 2010); (3) “Unclogging Pipeline Security: Are the Lines of Responsibility Clear?,” a field hearing in Plant City, Florida (April 19, 2010); and (4) “The Deepwater Horizon Oil Spill Chain of Command: An Examination of Information Sharing Practices During a Spill of National Significance,” a field hearing in New Orleans, Louisiana (July 12, 2010).

As a general matter, I approved proposals for field hearings when the oversight record on that particular issue warranted fact-finding from the field. I am proud of the subject matter and geographic diversity of the field hearings held in the 111th Congress. In fact, I take pride in noting that two of the hearings were held at the request of Democratic Members of the Committee (Rep. Clarke (with Ranking Member Peter King) (No. 1) and (Rep. Carney, No. 2)) and two were held at the request of Republican Members of the Committee (Rep. Bilirakis (No. 3) and Rep. Cao (No. 4)). I have trouble reconciling the complaint of partisanship when two of the four hearings were held at the request of Republican Members. I suspect that even the casual observer would be hard-pressed to call our record anything other than bipartisan and thoughtful.

Finally, I was troubled that the Minority Views asserts that efforts at consolidating jurisdiction over the Department of Homeland Security within this Committee were exclusively undertaken by Minority Members. Again, the record belies this claim. At the beginning of the Congress, in the House Rules package, Speaker Nancy Pelosi, at my urging, included new language to clarify this Committee’s role as primary oversight committee for the Department of Homeland Security in the House Rules package for the 111th Congress. Specifically, for the first time House Rule X(3)(g) included the following “the committee [on Homeland Security] shall review and study on a primary and continuing basis all Government activities, programs and organizations related to homeland security that fall within its primary legislative jurisdiction.” Though this change did not alter Rule X(1) legislative jurisdiction it did signal the Speaker’s view that this Committee is the lead congressional committee for homeland security matters. It my great hope that in the 112th Congress, the new leadership for this Committee will be able to maintain and build upon the foundation that I have established.

On February 3, 2010, just weeks after the House commenced the 111th Congress, I wrote to Speaker Pelosi to reiterate my concerns about the allocation of committee jurisdiction over the Department of Homeland Security and homeland security policy in the House of Representatives. Then, throughout the Congress, even as I repeatedly raised this issue with the Speaker, I created a record for the need for consolidation by taking testimony from prominent homeland security experts that support the view that it is in the best interest of the Department of Homeland Security, the homeland security enterprise, and the nation for jurisdiction to be consolidated. (See Testimony from Hon. Thomas Kean, Former Commission Chairman and Hon. Lee Hamilton, the Former Chairman and Vice Chairman of the National Commission on Terrorist Attacks Upon the United States at Full Committee hearing entitled “*Viewpoints on Homeland Security: A Discussion with the 9/11 Commissioners*” (May 19, 2010) and testimony from Hon. Bob

Graham and Hon. Jim Talent, Former Commission Chair and Vice Chairman of the Commission for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism at Full Committee hearing entitled “*Viewpoints on Homeland Security: A Discussion with the WMD Commissioners*” (April 21, 2010)).

Even as I repeatedly argued for consolidated jurisdiction, (most recently in a June 11, 2010 letter to the Speaker), I worked to expand this Committee’s jurisdiction by successfully ushering for the first time comprehensive chemical security legislation (H.R. 2868) to the House floor and introducing legislation in homeland security areas that, for the first time, were referred to the Committee on Homeland Security to: protect cybersecurity (H.R. 6423); prevent, deter, respond and recover from a weapon of mass destruction attack (H.R. 5498); and reform the Federal Protective Service (H.R. 6122). At the same time, in the 111th Congress, I moved major free-standing Department of Homeland Security authorization legislation in the hopes that the path for consideration in the Senate—with its fractured jurisdiction—would be clearer. As the Minority Members likely recall, I succeeded in ushering a comprehensive Department of Homeland Security authorization bill through jurisdictional roadblocks in the House in the 110th Congress (H.R. 1684) only to see it die in the Senate.

With the 111th Congress coming to a close, I take great pride in the contributions of each and every member of this Committee to partner with me to foster a more secure and resilient homeland.

BENNIE G. THOMPSON
Chairman.

