

Union Calendar No. 77

112TH CONGRESS }
1st Session

HOUSE OF REPRESENTATIVES

{ REPORT
112-127

**REPORT ON LEGISLATIVE AND OVERSIGHT
ACTIVITIES**

OF THE

**HOUSE COMMITTEE ON HOMELAND
SECURITY**

FIRST QUARTER

together with

ADDITIONAL VIEWS

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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



JUNE 28, 2011.—Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, June 28, 2011.

Hon. KAREN L. HAAS,
Clerk of the House of Representatives,
The Capitol, Washington, DC.

DEAR MS. HAAS: Pursuant to clause 1(d)(1) of Rule XI and Rule X of the Rules of the House of Representatives, please find attached a report of the legislative and oversight activities of the Committee on Homeland Security during the first quarter of the 112th Congress. The Committee considered the Activity Report in open session, a quorum being present, on June 22, 2011, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by voice vote.

Sincerely,

PETER T. KING,
Chairman

Union Calendar No. 77

112TH CONGRESS }
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112-127

LEGISLATIVE AND OVERSIGHT ACTIVITIES OF THE COMMITTEE ON HOMELAND SECURITY FOR THE FIRST QUARTER OF THE 112TH CONGRESS

JUNE 28, 2011.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. KING, 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 January 26, 2011, for an organizational meeting for the 112th Congress under the direction of Chairman Peter T. King of New York. The Committee Membership was set at 33 Members with 19 Republicans and 14 Democrats.

The Committee established six Subcommittees: the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies; the Subcommittee on Transportation Security; the Subcommittee on Oversight, Investigations, and Management; the Subcommittee on Emergency Preparedness, Response and Communications; the Subcommittee on Border and Maritime Security; and the Subcommittee on Counterterrorism and Intelligence.

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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 112th Congress, agreed to on January 5, 2011. 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 secu-

rity 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.

MEMBERSHIP AND ORGANIZATION OF THE COMMITTEE ON HOMELAND SECURITY

(19–14)

COMMITTEE ON HOMELAND SECURITY

PETER T. KING, New York, *Chairman*

| | |
|-------------------------------|-----------------------------------|
| LAMAR SMITH, Texas | BENNIE G. THOMPSON, Mississippi |
| DANIEL E. LUNGREN, California | LORETTA SANCHEZ, California |
| MIKE ROGERS, Alabama | SHEILA JACKSON LEE, Texas |
| MICHAEL T. McCAUL, Texas | HENRY CUELLAR, Texas |
| GUS M. BILIRAKIS, Florida | YVETTE D. CLARKE, New York |
| PAUL C. BROUN, Georgia | LAURA RICHARDSON, California |
| CANDICE S. MILLER, Michigan | DANNY K. DAVIS, Illinois |
| TIM WALBERG, Michigan | BRIAN HIGGINS, New York |
| CHIP CRAVAACK, Minnesota | JACKIE SPEIER, California |
| JOE WALSH, Illinois | CEDRIC L. RICHMOND, Louisiana |
| PATRICK MEEHAN, Pennsylvania | HANSEN CLARKE, Michigan |
| BEN QUAYLE, Arizona | WILLIAM R. KEATING, Massachusetts |
| SCOTT RIGELL, Virginia | KATHLEEN C. HOCHUL, New York |
| BILLY LONG, Missouri | VACANCY |
| JEFF DUNCAN, South Carolina | |
| TOM MARINO, Pennsylvania | |
| BLAKE FARENTHOLD, Texas | |
| MO BROOKS, Alabama | |

On January 5, 2011, the appointment of Mr. Peter T. King of New York as Chair, and Mr. Bennie G. Thompson of Mississippi as Ranking Minority Member, pursuant to H. Res. 6 and H. Res. 7, respectively.

The Majority Members of the Committee were elected to the Committee on January 18, 2011, pursuant to H. Res. 37; and the Minority Members on January 19, 2011, pursuant to H. Res. 39.

Mr. Blake Farenthold of Texas was elected to the Committee pursuant to H. Res. 42 on January 19, 2011.

Mr. Mo Brooks of Alabama was elected to the Committee pursuant to H. Res. 53 on January 25, 2011.

Ms. Jane Harman of California resigned as a Member of the House of Representatives on February 28, 2011.

Mrs. Donna M. Christensen resigned as a Member of the Committee effective March 7, 2011.

Ms. Kathleen C. Hochul of New York was elected to the Committee pursuant to H. Res. 293 on June 2, 2011.

SUBCOMMITTEE ON CYBERSECURITY, INFRASTRUCTURE PROTECTION, AND SECURITY TECHNOLOGIES

DANIEL E. LUNGREN, California, *Chairman*

| | |
|--|-----------------------------------|
| MICHAEL T. McCAUL, Texas | YVETTE D. CLARKE, New York |
| TIM WALBERG, Michigan, <i>Vice Chair</i> | LAURA RICHARDSON, California |
| PATRICK MEEHAN, Pennsylvania | CEDRIC L. RICHMOND, Louisiana |
| BILLY LONG, Missouri | WILLIAM R. KEATING, Massachusetts |
| TOM MARINO, Pennsylvania | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON TRANSPORTATION SECURITY

MIKE ROGERS, Alabama, *Chairman*

| | |
|--|---------------------------------|
| DANIEL E. LUNGREN, California | SHEILA JACKSON LEE, Texas |
| TIM WALBERG, Michigan | DANNY K. DAVIS, Illinois |
| CHIP CRAVAACK, Minnesota | JACKIE SPEIER, California |
| JOE WALSH, Illinois, <i>Vice Chair</i> | CEDRIC L. RICHMOND, Louisiana |
| MO BROOKS, Alabama | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT

MICHAEL T. MCCAUL, Texas, *Chairman*

| | |
|---|-----------------------------------|
| GUS M. BILIRAKIS, Florida | WILLIAM R. KEATING, Massachusetts |
| BILLY LONG, Missouri, <i>Vice Chair</i> | YVETTE D. CLARKE, New York |
| JEFF DUNCAN, South Carolina | DANNY K. DAVIS, Illinois |
| TOM MARINO, Pennsylvania | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

GUS M. BILIRAKIS, Florida, *Chairman*

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|---|---------------------------------|
| JOE WALSH, Illinois | LAURA RICHARDSON, California |
| SCOTT RIGELL, Virginia | HANSEN CLARKE, Michigan |
| TOM MARINO, Pennsylvania, <i>Vice Chair</i> | VACANCY |
| BLAKE FARENTHOLD, Texas | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

CANDICE S. MILLER, Michigan, *Chairman*

| | |
|--|---------------------------------|
| MIKE ROGERS, Alabama | HENRY CUELLAR, Texas |
| MICHAEL T. MCCAUL, Texas | LORETTA SANCHEZ, California |
| PAUL C. BROUN, Georgia | SHEILA JACKSON LEE, Texas |
| BEN QUAYLE, Arizona, <i>Vice Chair</i> | BRIAN HIGGINS, New York |
| SCOTT RIGELL, Virginia | HANSEN CLARKE, Michigan |
| JEFF DUNCAN, South Carolina | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE

PATRICK MEEHAN, Pennsylvania, *Chairman*

| | |
|---|---------------------------------|
| PAUL C. BROUN, Georgia, <i>Vice Chair</i> | JACKIE SPEIER, California |
| CHIP CRAVAACK, Minnesota | LORETTA SANCHEZ, California |
| JOE WALSH, Illinois | HENRY CUELLAR, Texas |
| BEN QUAYLE, Arizona | BRIAN HIGGINS, New York |
| SCOTT RIGELL, Virginia | VACANCY |
| BILLY LONG, Missouri | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

COMMITTEE ON HOMELAND SECURITY

PETER T. KING, New York, *Chairman*

| | |
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| JEFF DUNCAN, South Carolina | |
| TOM MARINO, Pennsylvania | |
| BLAKE FARENTHOLD, Texas | |
| MO BROOKS, Alabama | |

ORGANIZATIONAL MEETING OF THE COMMITTEE

The Committee on Homeland Security met on January 26, 2011, for an organizational meeting for the 112th Congress under the direction of Chairman Peter T. King of New York.

The Full Committee met pursuant to notice and adopted the Committee Rules for the 112th Congress by unanimous consent. The Committee also approved the Committee on Homeland Security's Oversight Plan for the 112th Congress and Committee Resolution No. 1, relating to staff hiring all by unanimous consent.

The Committee established six Subcommittees: the Subcommittee on Cybersecurity, Infrastructure Protection, and Science Technologies; the Subcommittee on Transportation Security; the Subcommittee on Oversight, Investigations, and Management; the Subcommittee on Emergency Preparedness, Response, and Communications; the Subcommittee on Border and Maritime Security; and the Subcommittee on Counterterrorism and Intelligence.

OVERSIGHT ACTIVITIES OF THE COMMITTEE

CURRENT TERRORIST THREATS

Since September 11, 2001, there have been four terrorist attacks against the Homeland; two of them were successful in killing innocent Americans. Additionally, law enforcement officers have arrested dozens of individuals plotting attacks against the Homeland

and our allies. Since 2009, there have been approximately 30 domestic terror cases alone. On December 21, 2010, Attorney General Eric Holder stated that in the last 2 years there have been 126 people indicted on terrorism charges, including 50 U.S. citizens. The threat from al-Qaeda and its affiliates continues to remain extremely high.

On January 24, 2011, the Committee conducted a Member site visit to the National Counterterrorism Center (NCTC) to educate Members on the NCTC and receive a threat briefing from the NCTC Director. The NCTC was established in August 2004 by Executive Order 13354, and codified by the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458). The NCTC serves as the primary organization within the United States Government for integrating and analyzing all terrorism-related intelligence that has a foreign nexus.

On February 9, 2011, the Committee held a hearing entitled “Understanding the Homeland Threat Landscape Considerations for the 112th Congress.” The Committee received testimony from Hon. Janet Napolitano, Secretary, Department of Homeland Security; and Hon. Michael E. Leiter, Director, National Counterterrorism Center.

On February 16, April 7, May 5, and June 2, 2011, Members of the Committee received follow-up classified briefings from NCTC, the Department of Homeland Security, and the Federal Bureau of Investigation to stay current on the latest intelligence and threats to the Homeland. The Committee intends to hold regular, monthly briefings with the Intelligence Community.

On February 18, and March 18, 2011, Committee staff received classified intelligence briefings from the Department on threats to the United States borders.

On May 25, 2011, the Full Committee held a hearing entitled “Threats to the American Homeland After Killing Bin Laden: An Assessment.” The Committee received testimony from Hon. Lee Hamilton, Bipartisan Policy Center; Ms. Frances F. Townsend, Senior Vice President, Worldwide Government, Legal, and Business Affairs, MacAndrews & Forbes Holdings, Inc; Mr. Peter Bergen, Director, National Security Studies Program, New America Foundation; and Mr. Evan F. Kohlmann, Flashpoint Global Partners.

FISCAL YEAR 2012 BUDGET REQUEST

As part of the Committee’s oversight responsibilities Committee staff reviewed the President’s budget request for the Department of Homeland Security for fiscal year 2012, and on March 3, 2011, the Committee held a hearing entitled “The President’s Fiscal Year 2012 Budget Request for the Department of Homeland Security.” The Committee received testimony from Hon. Janet Napolitano, Secretary, Department of Homeland Security. Based on a Committee staff review of the President’s budget request for fiscal year 2012 and testimony received, the Committee completed its Views and Estimates of the President’s budget request and submitted them to the House Budget Committee for its consideration.

RADICALIZATION

One of the greatest threats facing the Homeland is that of homegrown violent Islamic terrorists who depart from mainstream Islam and are radicalized to al-Qaeda's violent ideology. These individuals often have no contact with known terrorist networks overseas, making it exponentially difficult for law enforcement to detect these individuals who may be actively plotting attacks. Interception often requires cooperation and a partnership from members of the Muslim community, who may be witnesses to an individual's path toward radicalization. As part of the Committee's oversight of domestic radicalization, staff held a series of meetings with representatives of Federal, State, and local law enforcement, academia, religious organizations, private sector entities and non-profit organizations. On March 10, 2011, the Committee held a hearing entitled "The Extent of Radicalization in the American Muslim Community and That Community's Response." The Committee received testimony from Hon. John D. Dingell, a Representative in Congress from the 15th District of Michigan; Hon. Keith Ellison, a Representative in Congress from the 5th District of Minnesota; Hon. Frank Wolf, a Representative in Congress from the 10th District of Virginia; Dr. M. Zuhdi Jasser, President and Founder, American Islamic Forum for Democracy; Mr. Abdirizak Bihi, Director, Somali Education and Social Advocacy Center; Mr. Melvin Bledsoe, Private Citizen; and Sheriff Leroy Baca, Los Angeles County Sheriff's Department.

Committee staff held over 15 different meetings with domestic and international experts and academics. The meetings focused on discussing the current threat of homegrown terrorism and violent extremism within the United States and what measures can be taken to address this problem. Briefers included representatives of the Ahmaddiyya Group, the World Organization for Resource Development and Education, the Anti-Defamation League, a former United States attorney with expertise in this area, representatives from Johns Hopkins University, representatives from the New York Department of Corrections, and representatives from the U.S. Bureau of Prisons, among others.

One platform for Islamic radicalization is within the U.S. prison system. On June 15, 2011, the Committee held the second in a series of hearings entitled "The Threat of Muslim-American Radicalization in U.S. Prisons." The Committee received testimony from Mr. Patrick T. Dunleavy, Ret. Deputy Inspector General, Criminal Intelligence Unit, New York State Department of Correctional Services; Mr. Kevin Smith, Former Assistant United States Attorney, Central District of California; Mr. Michael P. Downing, Commanding Officer, Counter-Terrorism and Special Operations Bureau, Los Angeles Police Department; and Dr. Bert Useem, Department Head and Professor, Sociology Department, Purdue University.

OVERSIGHT OF WASTE, FRAUD, AND ABUSE

One of the Committee's primary responsibilities is to ensure that American taxpayer dollars are spent wisely by eliminating waste, fraud, and abuse. The Committee believes that conducting effective

oversight ensures that American taxpayer dollars are tracked and are being spent wisely. As a result, the Committee has made it a priority to identify high-risk programs and ensure transparency within the Department.

The Oversight, Investigations, and Management staff held multiple meetings on the Department's Transformation and Systems Consolidation (TASC) solicitation. On May 20, 2011, Committee staff met with the DHS Chief Financial Officer on the Department's decision to cancel TASC following the Government Accountability Office's recommendation to reevaluate its requirements. According to the Department, the Federal Information Technology (IT) policy changes, as well as advances in IT altered the requirements with regard to the scope of work and the need for an already integrated finance, acquisition, and asset management solution.

On March 15, 2011, the Subcommittee on Border and Maritime Security held a hearing entitled, "Strengthening the Border – Finding the Right Mix of Personnel, Infrastructure, and Technology." The purpose of the hearing was to review Department of Homeland Security actions related to the purchase and deployment of border technology along with personnel and infrastructure resources.

On April 5, 2011, the Chairmen of the Subcommittee on Emergency Preparedness, Response, and Communications and the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies sent a letter to the Secretary of Homeland Security requesting information on the procurement of detection systems for biological agents.

On May 4, 2011, the Subcommittee on Transportation Security held a legislative hearing on "H.R. 1690, the MODERN Security Credentials Act." The purpose of the legislation and the hearing was to address redundant and burdensome security background checks conducted by the Transportation Security Administration for transportation workers. The bill eliminates a specific redundancy whereby commercial motor vehicle operators must undergo two security threat assessments to gain a Hazardous Materials Endorsement and a Transportation Worker Identification Credential. During the hearing, witnesses testified about the burden duplicative processes place on workers, as well as the cost implications.

In addition to the hearings described above, the Committee engaged in other oversight activities aimed at identifying and addressing waste, fraud, and abuse within the Department. On May 4, 2011, the Chair of the Emergency Preparedness, Response, and Communications Subcommittee and the Chair of the Oversight, Investigations, and Management Subcommittee sent a letter to the Administrator of the Federal Emergency Management Agency regarding processes for vetting employees with access systems in response to a case of employee embezzlement.

On May 27, 2011, the Chair of the Oversight, Investigations, and Management Subcommittee and Ranking Member sent two letters to the Government Accountability Office to conduct audits of the Department of Homeland Security related to information technology governance and high-risk information technology investments. Through this work, the Committee intends to identify process improvements and potential cost savings.

Committee Members and staff held a series of meetings with Federal officials and private sector stakeholders regarding the Department of Homeland Security's Science and Technology Directorate. The oversight included a review of the how the Department could improve technology transfer with other Federal agencies to enhance capability and reduce costs.

CODEL

From March 20 through March 27, 2011, Subcommittee on Transportation Security Chairman Rogers led a Congressional Delegation to the State of Israel to examine critical homeland security issues including aviation security, counterterrorism, intelligence and information sharing, and border security. Members had the opportunity to meet with U.S. State Department officials stationed in Israel and Israeli government officials, including the Prime Minister and Deputy Prime Minister of Israel. Members examined various topics including, but not limited to: U.S. relations with Israel; Israel's nuclear program; Israeli security; counterterrorism; information sharing; border security; and on-going threats to the region. Members also visited Ben Gurion International airport, the largest and busiest airport in Israel, to observe aviation security measures and discuss cooperation on security.

PUBLIC SAFETY COMMUNICATIONS

The terrorist attacks of September 11, 2001, highlighted the fact that our Nation's first responders lack true interoperable communications. In the 10 years since the attacks, billions of dollars have been spent, yet public safety officers are unable to effectively communicate with one another.

On February 1, 2011, Committee staff met with representatives from the Department of Homeland Security's Office of Emergency Communications (OEC) to receive an update on OEC's current activities. Staff held a follow-up meeting with OEC on March 23, 2011 to receive an update on the completion of Goal 1 of the National Emergency Communications Plan. From January 3, 2011 to May 13, 2011 Committee staff met with representatives from various stakeholder organizations and the private sector, including the Amateur Radio Relay League, to inform the development and continued discussion of the Broadband for First Responders Act of 2011 (H.R. 607), which was introduced by Chairman Peter King and Ranking Member Bennie Thompson on February 10, 2011.

On March 4, 2011, Committee staff met with representatives from the Department of Homeland Security to receive a briefing on the National Communication System. On May 13, 2011, Committee staff attended a briefing provided by various State and local stakeholder groups on the need for the allocation of the D Block to public safety.

The Committee held a hearing on March 30, 2011, entitled "Public Safety Communications: Are the Needs of Our First Responders Being Met?" The Committee received testimony from Mr. William "Bill" D. Carrow, President, The Association of Public-Safety Communications Officials (APCO) International; Sheriff Paul H. Fitzgerald, First Vice President, National Sheriffs' Association; Chief

John E. “Jack” Parow (Ret.), President and Chairman of the Board, International Association of Fire Chiefs; and Mr. Gregory L. Simay, At-Large Director, Los Angeles Regional Interoperable Communication System. The purpose of this hearing was to review the state of public safety communications, and evaluate the progress that has been made since 9/11. Issues, such as the need for a National interoperable public safety wireless broadband network, the need to reallocate the D Block to public safety uses, and the coordination between Federal, State, and local partners were discussed.

MASS TRANSIT SECURITY

An attack on our Nation’s mass transit systems could have devastating consequences for innocent passengers, National infrastructure, and our economy. Each year, the American public takes over 10 billion trips on public transit systems, travelling more than 55 billion miles annually.¹ An attack on one system could impact not just the immediately affected system, but disrupt public transit systems throughout the United States, thereby affecting the way tens of millions of Americans get to work every day.

Unlike aviation, mass transit relies on an open infrastructure with multiple access points and a significantly higher passenger volume. The tactics and techniques used for passenger screening in aviation are generally not feasible in the open environment of a mass transit system. Consequently, these systems can be a very attractive terrorist target. On February 28, 2011, the Chairman of the Full Committee met with representatives from Amtrak to discuss their rail security initiatives and security problems.

The Full Committee held a hearing on May 4, 2011, entitled “Securing Our Nation’s Mass Transit Systems Against a Terrorist Attack.” The Committee received testimony from Hon. John S. Pistole, Administrator, Transportation Security Administration, Department of Homeland Security; Hon. W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security; Mr. Richard Daddario, Deputy Commissioner for Counterterrorism, New York City Police Department; Mr. Richard L. Rodriguez, President, Chicago Transit Authority; and Mr. Daniel O. Hartwig, Deputy Chief–Operations, BART Police Department, San Francisco Bay Area Rapid Transit (BART).

As a result of testimony received during the hearing, Chairman King and Congresswoman Yvette D. Clarke sent a joint letter to the Appropriations Committee Homeland Security Subcommittee on May 6, 2011, requesting \$300 million in funding for the Transit Security Grant Program in fiscal year 2012.

SECURING SENSITIVE INFORMATION

In July 2010, Wikileaks posted thousands of sensitive and classified military documents on a website. This intentional release of classified information significantly jeopardized the lives of U.S. military and intelligence personnel, as well as U.S. National Security. That threat was only compounded when Wikileaks, in November 2010, released another trove of documents that included thou-

¹http://www.apta.com/resources/statistics/Documents/FactBook/APTA_2010_Fact_Book.pdf.

sands of confidential diplomatic cables. As a continuation of the Committee's oversight from the 111th Congress, the Chair of the Full Committee sent a letter to the Secretary of the Department of Treasury seeking the designation of Wikileaks and its founder on the Specially Designated Nationals List. Additionally, on February 15, 2001, Chairman King introduced H.R. 703, the "Securing Human Intelligence and Enforcing Lawful Dissemination Act," to expand the prohibition against the disclosure of classified information.

PROSECUTION OF UNINDICTED CO-CONSPIRATORS

On April 15, 2011, the Chair of the Full Committee sent a letter to the Attorney General of the United States to inquire about the decision to not prosecute the 246 individuals and organizations named as unindicted co-conspirators in the *U.S. v. Holy Land Foundation*. On April 29, 2011, the Committee received a response.

ANWAR AL-AWLAKI

On May 26, 2011, the Chair of the Full Committee sent a letter to the Attorney General of the United States to request documents and case files related to al-Qaeda in the Arabian Peninsula (AQAP) terrorist Anwar al-Awlaki and his possible involvement in the planning and execution of the September 11, 2001 terrorist attacks.

TERRORIST DETAINEES AT GUANTANAMO BAY

On May 11, 2011, the Chair of the Full Committee sent a letter to the Secretary of Defense and Chairman of the Joint Chiefs of Staff to request an explanation of reports that the Defense Department may allow terrorist detainees held at Guantanamo Bay to receive visits from wives and other family members. The Chair expressed grave concern with the potential damage to our National security posed by the prospect of such visits. No response to the letter has been received.

SEE SOMETHING, SAY SOMETHING

The "If You See Something, Say Something," program originally implemented by New York City's Metropolitan Transportation Authority, is a simple and effective program that aims to engage the public and key frontline employees to identify and report indicators of terrorism, crime, and other threats to the appropriate transportation and law enforcement authorities. The Committee has worked with the Department of Homeland Security, as well as other Federal, State, local, and private sector entities to expand the "If You See Something, Say Something" campaign. On January 26, 2011, Chairman Peter King introduced, H.R. 495, the "See Something Say Something Act of 2011". The legislation amends the Homeland Security Act of 2002 to grant immunity from civil liability to persons who, in good faith and based on an objectively reasonable suspicion, report suspicious activity indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to an act of terrorism.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST
RESPONDERS

On April 12, 2011, the Chair of the Full Committee sent a letter to the Secretary of the Department of Homeland Security regarding concern over the risk-based and effective allocation of grant funds for the Urban Area Security Initiative (UASI). On April 29, 2011, the Committee received a response.

FULL COMMITTEE HEARINGS HELD

- “Understanding the Homeland Threat Landscape—Considerations for the 112th Congress.”* February 9, 2011. (Serial No. 112–1)
- “The President’s FY 2012 Budget Request for the Department of Homeland Security.”* March 3, 2011. (Serial No. 112–6)
- “The Extent of Radicalization in the American Muslim Community and That Community’s Response.”* March 10, 2011. (Serial No. 112–9)
- “Public Safety Communications: Are the Needs of Our First Responders Being Met?”* March 30, 2011. (Serial No. 112–13)
- “Securing Our Nation’s Mass Transit Systems Against a Terrorist Attack.”* May 4, 2011. (Serial No. 112–22)
- “Threats to the American Homeland After Killing Bin Laden: An Assessment.”* May 25, 2011. (Serial No. 112–9)

SUBCOMMITTEE ON CYBERSECURITY, INFRA- STRUCTURE PROTECTION, AND SECURITY TECH- NOLOGIES

DANIEL E. LUNGREN, California, *Chairman*

TIM WALBERG, Michigan
PATRICK MEEHAN, Pennsylvania
BILLY LONG, Missouri
TOM MARINO, Pennsylvania
PETER T. KING, New York
(Ex Officio)

YVETTE D. CLARKE, New York
LAURA RICHARDSON, California
CEDRIC L. RICHMOND, Louisiana
WILLIAM R. KEATING, Massachusetts
BENNIE G. THOMPSON, Mississippi
(Ex Officio)

LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

CHEMICAL FACILITY ANTI-TERRORISM SECURITY AUTHORIZATION ACT OF 2011

H.R. 901

To amend the Homeland Security Act of 2002 to codify the requirement that the Secretary of Homeland Security maintain chemical facility anti-terrorism security regulations.

Summary

The Secretary of the Department of Homeland Security currently has authority to regulate chemical facilities under the Chemical Facility Anti-Terrorism Standards (CFATS) issued pursuant to section 550 of the Department of Homeland Security Appropriations Act, 2007 (Pub. L. 109–295). H.R. 901 would codify the Secretary’s authority to regulate chemical facility security within the Homeland Security Act of 2002 and extend this authority for 7 years to allow the program to be fully implemented and achieve its objectives of enhancing chemical facility security and reducing risks of terrorism. The provisions contained in H.R. 901 largely reflect the original statute, *i.e.* Section 550, and will enable the Department of Homeland Security and chemical facilities to continue implementing CFATS uninterrupted using the existing risk-based, performance-based approach without imposing additional, burdensome requirements that could slow or hinder progress being made by both the Department and the chemical facilities. H.R. 901 is intended to provide long-term certainty to the Department and chemical facilities regarding the requirement to improve security at our Nation’s chemical facilities while preserving the ability of American companies to compete, remain innovative, and create jobs.

Legislative History

H.R. 901 was introduced in the House on March 3, 2011, by Mr. Daniel E. Lungren of California and eight original co-sponsors and referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce. Within the Committee H.R. 901 was referred to the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies.

The Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies considered H.R. 901 on April 14, 2011, and ordered the measure to be favorably reported to the Full Committee, without amendment, by a roll call vote of 6 yeas and 4 nays (Roll Call Vote No. 4).

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

CHEMICAL SECURITY

On February 11, 2011, the Subcommittee held a hearing entitled "Preventing Chemical Terrorism: Building a Foundation of Security at Our Nation's Chemical Facilities." This hearing reviewed the Department of Homeland Security's risk-based efforts to strengthen the security of hundreds of chemical facilities around the Nation; assessed progress of the Chemical Facility Anti-Terrorism Standards (CFATS) implementation; examined actions that DHS and chemical facilities have taken to date under the CFATS regulations and discussed near-term steps to strengthen the program going forward in order to reach longer-term goals; and examined whether the Department's approach is striking an appropriate balance between strengthening security and enabling growth in this vital sector of our economy. The Subcommittee received testimony from Hon. Rand Beers, Under Secretary, National Protection and Programs Directorate, Department of Homeland Security; Mr. Timothy J. Scott, Chief Security Officer, The Dow Chemical Company (testifying on behalf of the American Chemistry Council); Dr. M. Sam Mannan, PhD, PE, CSP, Regents Professor and Director, Mary Kay O'Connor Process Safety Center, Texas A&M University System; and Mr. George S. Hawkins, General Manager, District of Columbia Water and Sewer Authority.

Committee staff participated in numerous meetings, including conferences, with CFATS stakeholders. Through the January to June time frame, staff met with various representatives from the private sector in addition to Federal Government entities impacted, or prospectively impacted, by CFATS, including the DHS National Protection and Programs Directorate, the United States Coast Guard, the Environmental Protection Agency, and the Nuclear Regulatory Commission.

These oversight activities led to the introduction of H.R. 901, discussed above, and will continue to inform the Committee's legislative and oversight priorities related to CFATS implementation, as well as the development of ammonium nitrate regulations as required by the Secure Handling of Ammonium Nitrate Act, Section 563 of the Fiscal Year 2008 Department of Homeland Security Appropriations Act (Pub. L. 110-161).

NUCLEAR REACTOR FACILITY SECURITY

On March 11, 2011, an earthquake and tsunami struck Japan causing an on-going nuclear emergency at the Fukushima Daiichi Nuclear Power Station and a global impact on the nuclear sector. Committee staff have been examining the integrated effort of numerous U.S. Government agencies to support Japan's effort to respond to this event, as well as take lessons learned and apply them to U.S. nuclear security activities, and the related role of DHS, in order to better prepare the nuclear sector for extreme events including terrorist attacks on the homeland.

On March 25, 2011, Committee staff visited the Calvert Cliffs Nuclear Power Plant on the Chesapeake Bay in Lusby, Maryland. This facility is owned by Constellation Energy and located approximately 50 miles southeast of Washington, DC. The purpose of the trip was to observe nuclear power plant security measures (physical security, cybersecurity, and personnel security) to determine how the facility interacts with the Department of Homeland Security and State and local first responders to address vulnerabilities and respond to a potential attack or accident at the facility. The Committee will continue to examine what steps the Nation's nuclear energy industry is taking to ensure the safe and secure operation of facilities in light of the events in Japan.

Committee staff toured the Nuclear Regulatory Commission (NRC) Emergency Operations Center on May 6, 2011, and received briefings on the mission, goals, and functions of the NRC and, specifically, on the NRC Emergency Preparedness and Response Program and the NRC's security policy and operations to ensure NRC-regulated nuclear facilities remain among the Nation's most secure critical infrastructures. Partnerships between the NRC and the DHS Federal Emergency Management Agency, as well as the Domestic Nuclear Detection Office, the National Protection and Programs Directorate, and State and local entities were explored.

On May 12, 2011, Committee staff also met with representatives from the Indian Point Energy Center, a nuclear energy plant in Buchanan, New York, on the Hudson River, approximately 25 miles north of Manhattan. Similarly, these representatives provided their perspective on the implications of the events at Fukushima for the U.S. nuclear energy industry, as well as a detailed overview of the multiple barriers and redundant systems in place to prevent and prepare for such an event whether due to natural causes or terrorist attacks.

WEAPONS OF MASS DESTRUCTION

Weapons of Mass Destruction (WMD) pose a daunting challenge to homeland security because of their great potential to cause catastrophic consequences. Terrorists actively seek to acquire, build, and use such weapons and technologies. Dangerous chemical, biological, radiological, and nuclear (CBRN) materials, technology, and knowledge, often dual-use, circulate with ease in our globalized economy and are controlled unevenly around the world, making it difficult to limit their access and movement and ultimately prevent terrorist acts. A panel of experts known as the WMD Commission has released several reports in recent years detailing that these

agents remain a threat, and that biological and nuclear weapons in particular are most concerning. In the 111th Congress, then-Ranking Member Peter King and former Committee Member Bill Pascrell introduced bipartisan legislation focused on achieving success in countering the WMD threat (H.R. 5057). During the 112th Congress, the Committee has continued to examine efforts across the Federal Government aimed at expanding and strengthening capabilities to prevent, detect, protect against, mitigate, respond to, and recover from such attacks. Committee staff met with stakeholders involved in activities across the spectrum of WMD defense to keep Members fully informed of advances being made, as well as gaps that persist.

On March 31, 2011, the Chair of the Subcommittee sent a letter to the Committee on Appropriations' Subcommittee on Homeland Security urging continued support for appropriations for radiological and nuclear transformational research and development within the Domestic Nuclear Detection Office's (DNDO) budget, instead of transferring this portfolio to the Science & Technology Directorate per the President's budget request, to enable DNDO to continue carrying out its activities as authorized under the SAFE Port Act of 2006 (Pub. L. 109-347).

On April 5, 2011, the Chair of the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, Chairman Bilirakis of the Subcommittee on Emergency Preparedness, Response, and Communications, and the Ranking Member of the Subcommittee on Emergency Preparedness, Response, and Communications, sent an oversight letter to the Secretary of Homeland Security requesting responses related to the procurement of Generation-3 BioWatch detection systems. Once received, the response will enable the Committee to evaluate whether the Department's decisions to date on the Gen-3 procurement are the product of a sound acquisition process and based on valid science, and whether, going forward, the Department has in place the tools, technical expertise, and acquisition policies and procedures to effectively support the successful delivery of the needed rapid biodetection capability.

On April 7, 2011, Committee staff observed the Securing the Cities (STC) full-scale exercise in New York City, New York (NYC). STC is a successful initiative by DNDO to reduce the risk of a radiological or nuclear attack on the NYC region by enhancing regional capabilities to detect, identify, and interdict illicit radioactive materials. STC involves 13 principal partners coordinated through the New York Police Department (NYPD). The exercise served as a milestone to assess the effectiveness of the program to date. Ultimately, DHS envisions utilizing the detection and interdiction architecture implemented in NYC as a template for radiological and nuclear protection of other U.S. cities. During the exercise, Committee staff toured the Lower Manhattan Security Coordination Center and learned of the NYC infrastructure being protected by STC; visited the NYPD Emergency Operations Center to observe regional cooperation and real-time information sharing among Federal, State, county, and city agencies in the tri-State area; and observed the exercise at multiple choke points including land and sea to view fixed, mobile, maritime, and human-portable radiation detection systems in use.

In addition to the STC exercise, DNDO conducted an external assessment of the STC program. On May 5, 2011, Committee staff received a briefing from the STC Strategic Assessment Team led by experts from Oak Ridge National Laboratory, Lawrence Livermore National Laboratory, and the University of Tennessee. The assessment concluded that the STC initiative is a valuable, worthwhile program that should be completed in the New York City region and, in parallel, expanded to other cities in a phased approach.

Since the beginning of the 112th Congress, Committee staff participated in numerous meetings with DNDO and radiological/nuclear defense stakeholders to ensure the Members of the Subcommittee were fully informed and in a position to conduct appropriate oversight. In particular, staff received a briefing from senior officials on the Global Nuclear Detection Architecture Strategic Plan delivered in December 2010 and discussed next steps in developing Implementation Plans. In addition, representatives from the National Academy of Sciences (NAS) briefed staff on the Academy's 2011 report, "Evaluating Testing, Costs, and Benefits of Advanced Spectroscopic Portals (ASPs)." DNDO subsequently provided staff information on how they were addressing the recommendations from NAS on the ASP program.

The Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, Subcommittee on Counterterrorism and Intelligence, and Subcommittee on Emergency Preparedness, Response, and Communications held a joint classified Member briefing on the present and evolving threat of WMD terrorism on May 13, 2011. Representatives from the Office of the Director of National Intelligence, National Counterterrorism Center (NCTC), and the National Counterproliferation Center (NCPC) briefed Members on terrorist intent, capability, and plans to develop, acquire, and use chemical, biological, radiological, and nuclear (CBRN) weapons. This information will provide the foundational underpinning for the Committee's future legislative and oversight activities to address shortfalls in National WMD preparedness.

SCIENCE AND TECHNOLOGY DIRECTORATE MANAGEMENT AND COORDINATION

During the 112th Congress to date, Committee staff conducted extensive meetings with Federal officials, academic experts, the private sector, and other stakeholders on the mission and operations of the Science and Technology (S&T) Directorate, the component of the Department of Homeland Security responsible for research, development, testing, and evaluation of homeland security technologies. S&T was a new entity upon the creation of the Department and has experienced considerable growing pains and Congressional scrutiny during its 8 years of existence. Since the administration's transition in 2009, S&T underwent a structural realignment, developed a strategic plan, and conducted an expansive portfolio analysis that informed resource allocation and fiscal year 2012 budget planning. The Subcommittee's oversight has focused on examining: (1) the linkage between the S&T's strategic plan and its programs; (2) inadequate transparency and detail in its budget justifications; (3) the persistent lack of responsiveness to the needs of

its customers and end-users; (4) S&T's ability to provide scientific and technical support to components throughout a technology's acquisition lifecycle; (5) leveraging of the scientific capital of the Department of Energy National laboratories, other Federal Departments and Agencies, academia, and the private sector; and (6) the failure to more rapidly develop and transition homeland security technologies. Staff will continue to monitor S&T as it evolves and assess whether it is achieving the goals and objectives as stated in its strategic plan.

On March 31, 2011, Committee staff met with representatives from the Department's Centers of Excellence (COEs) to learn about the tools, technologies, and other capabilities being developed by this network of universities and partners. The Subcommittee's continued oversight will focus on examining the linkages between the COEs, the Department, and other customers, as well as the ability of the COEs to provide enduring, cross-cutting technology and basic research needs for the Department and the Nation.

Committee staff attended the DHS S&T Expo on April 28, 2011 in Washington, DC. At the expo, S&T demonstrated and displayed homeland security technologies that support our Nation, including first responders, when protecting, responding, and recovering from hazards and terrorist attacks. Staff interacted with subject matter experts from the Department, as well as Department-funded laboratories and other technology developers.

On May 13, 2011, Committee staff held a roundtable discussion with Dr. Tara O'Toole, Under Secretary for Science and Technology at the Department. Dr. O'Toole addressed the shifting strategy of the Directorate toward rapid fielding of technology and acquisition support, interagency collaboration on research priorities, and the implications of proposed research and development budget cuts on homeland security.

SAFETY ACT IMPLEMENTATION

The Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act), (6 U.S.C. 441 *et seq.*; Title VIII, Subtitle G of Pub. L. 107-296, the Homeland Security Act of 2002) is intended to encourage the development and deployment of anti-terrorism technologies by limiting the liability of sellers of the technology and others in the distribution and supply chain for third-party claims arising out of acts of terrorism where the technology has been deployed to prevent, respond to, or recover from such act. Despite Congressional intent for broad application and use of the SAFETY Act protections and efforts by the Department to streamline the SAFETY Act application process, the Department continues to experience difficulty generating interest in the program and developing efficient internal review processes.

Committee staff met with Department officials to monitor the program's progress and consulted with various stakeholders concerned with the pace and requirements of the SAFETY Act review process. Other aspects of Subcommittee oversight included the application burden, general program awareness, options for expedited review, renewal process and rate, and the SAFETY Act's coordination with procurement.

On March 9, 2011, the Chair of the Full Committee and the Chair of the Subcommittee sent a letter to DHS' Under Secretary of the Science and Technology Directorate requesting an update on the implementation of the SAFETY Act, including: annual data on quantity of applications, designations, and certifications; corresponding data on renewal applications; processing times; review process and criteria; use of the pre-qualification process; program metrics; and program costs. The Committee received a response on May 13, 2011.

On May 26, 2011, the Subcommittee held a hearing entitled "Unlocking the SAFETY Act's Potential to Promote Technology and Combat Terrorism." The Subcommittee received testimony from Mr. Paul Benda, Acting Deputy Under Secretary, Science & Technology Directorate, Department of Homeland Security; Mr. Marc Pearl, President and Chief Executive Officer, Homeland Security and Defense Business Counsel; Mr. Brian Finch, Partner, Dickstein Shapiro LLP; Mr. Scott Boylan, Vice President and General Counsel, Morpho Detection, Inc.; and Mr. Craig Harvey, Chief Operations Officer and Executive Vice President, NVision Solutions, Inc.

CYBERSECURITY THREAT

The threat posed by hackers, nation states, terrorists, and common thieves to the critical infrastructure of the Nation has only increased in recent years. It is important that the Subcommittee understand the threat environment and the implications to the security of the country. Committee staff participated in multiple briefings and meetings with stakeholders including officials from the Intelligence Community and the Department of Homeland Security.

On February 11, 2011, Members of the Subcommittee received a classified Member-only briefing on an assessment of the current cybersecurity threat. Representatives from the Department of Homeland Security and the National Security Agency were present.

On March 16, 2011 the Subcommittee held a hearing entitled "Examining the Cyber Threat to Critical Infrastructure and the American Economy." The Subcommittee received testimony from Hon. Phillip Reitinger, Deputy Under Secretary, National Protection and Programs Directorate, Department of Homeland Security; Mr. Gregory C. Wilshusen, Director, Information Security Issues, Government Accountability Office; Dr. Phyllis Schneck, Vice President and Chief Technical Officer, McAfee Inc.; Mr. James A. Lewis, Director and Senior Fellow, Technology and Public Policy Program, Center for Strategic and International Studies; and Ms. Mischel Kwon, President, Mischel Kwon Associates.

CYBERSECURITY MISSION OF THE DEPARTMENT OF HOMELAND SECURITY

The Department of Homeland Security is the primary point of contact and coordination for all civilian, non-intelligence U.S. Government networks as well as privately held critical infrastructure. Understanding how the Department currently fulfills that role and how it can improve its relationship with other Federal agencies as well as with the private sector is an important function of the Subcommittee. Committee staff participated in numerous meetings

with private stakeholders as well as the Department to support the Members of the Subcommittee in their conduct of oversight.

On April 15, 2011 the Subcommittee held a hearing entitled “The DHS Cybersecurity Mission: Promoting Innovation and Securing Critical Infrastructure.” The Subcommittee received testimony from Mr. Sean McGurk, Director, National Cybersecurity and Communications Integration Center, Department of Homeland Security; Mr. Gerry Cauley, President and CEO, North American Electric Reliability Corporation; Ms. Jane Carlin, Chair, Financial Services Sector Coordinating Council; and Mr. Edward Amoroso, Senior Vice President and Chief Security Officer, AT&T.

CRITICAL INFRASTRUCTURE PROTECTION MISSION OF THE DEPARTMENT OF HOMELAND SECURITY

Committee staff received multiple briefings from the Department of Homeland Security National Protection and Programs Directorate, specifically with the Office of Infrastructure Protection on activities conducted by the Risk Management Analysis, Enhanced Critical Infrastructure Program (ECIP), Protected Critical Infrastructure Information Program (PCII), as well as meetings with the Government Accountability Office and the Congressional Research Service regarding the current state of critical infrastructure protection.

On February 24, 2011, Committee staff visited the Federal Energy Regulatory Commission (FERC). The briefing provided an overview of FERC’s jurisdiction and authorities, a look at the electricity and natural gas markets, major rulemakings currently under way, and it provided an opportunity to share information on electric transmission, smart grid security and cybersecurity. The visit also included tours of FERC’s market monitoring and reliability monitoring centers.

On April 26, 2011, Committee staff visited the House of Representatives mail facility in Capital Heights, Maryland. The briefing and facility tour focused on security measures and screening protocols in place for detecting dangerous materials in the mail system. Staff also received an overview of the facility’s coordination with the United State Postal Service and private partners FedEx and UPS.

FEDERAL PROTECTIVE SERVICE

On February 25, 2011, Committee staff visited a Federal Protective Service (FPS) facility in Alexandria, Virginia. Staff received an overview of FPS’ mission to secure Federal buildings. The visit included a brief on the agency’s legal authorities, as well as its budget, recruiting, and training challenges.

On March 8, 2011, Chairman Lungren sent letter to GAO requesting a review of FPS’ management of its contract guard program.

On March 14, 2011, Chairman Lungren sent letter to GAO requesting a comprehensive review of changes in physical security in Federal facilities since September 11, 2001.

On May 23, 2011, the Federal Protective Service Deputy Director, Kris Cline provided staff briefing on bombing attempt and corrective actions taken at the Detroit Federal Building.

On May 23, 2011, Chairman Lungren sent letter to GAO requesting a comprehensive review on FPS future plans following decision to move away from Risk Assessment Management Program (RAMP).

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

On February 24, 2011, Committee staff visited the Federal Energy Regulatory Commission (FERC) for a one-day visit. The briefing provided an overview of FERC's jurisdiction and authorities, a look at the electricity and natural gas markets, major rulemakings currently underway, and provided an opportunity to share information on electric transmission, smart grid, and cyber security. The visit also included tours of FERC's market monitoring and reliability monitoring centers.

On April 26, 2011, Committee staff visited the House mail facility. The visit included a tour of the facility during which employees explained the facilities role in preventing dangerous materials from reaching Members of Congress and staff. Staff also received an overview of the facility's coordination with the United State Postal Service and private partners Fed Ex and UPS.

On May 24, 2011, Chairman Lungren requested a GAO study of the Department of Homeland Security's decision to change its process for assessing Level 1 and Level 2 status to critical infrastructure.

On May 24, 2011, Chairman Lungren requested a GAO study of the Department of Homeland Security's ability to identify and resolve cross-sector dependencies. These dependencies are created by statute or regulation and could force the outage of two or more sectors (*i.e.* electric and gas) simultaneously.

On June 1, 2011, Chairman King and Chairman Lungren sent an oversight letter to Assistant Secretary Rand Beers notifying him that the reorganization of the National Programs and Protection Directorate without notice to Congress was in violation of the Homeland Security Act of 2002. The letter requested an immediate and complete briefing on the matter to the full committee.

From June 7 through 11, 2011, bi-partisan Committee on Homeland Security staff joined Senate and Department representatives on the United States – European Union Expert Meeting on Critical Infrastructure Protection. The meeting covered the following topics: information sharing, international cooperation, interdependencies, the economics of critical infrastructure protection and the threat of solar weather on critical infrastructure.

SUBCOMMITTEE HEARINGS HELD

“Preventing Chemical Terrorism: Building a Foundation of Security at Our Nation’s Chemical Facilities.” February 11, 2011. (Serial No. 112–3)

- “Examining the Cyber Threat to Critical Infrastructure and the American Economy.”* March 16, 2011. (Serial No. 112–11)
- “The DHS Cybersecurity Mission: Promoting Innovation and Securing Critical Infrastructure.”* Apr. 15, 2011. (Serial No. 112–19)
- “Unlocking the SAFETY Act’s Potential to Promote Technology and Combat Terrorism.”* May 26, 2011. (Serial No. 112–27)

SUBCOMMITTEE ON TRANSPORTATION SECURITY

MIKE ROGERS, Alabama, *Chairman*

DANIEL E. LUNGREN, California
TIM WALBERG, Michigan
CHIP CRAVAACK, Minnesota
JOE WALSH, Illinois, *Vice Chair*
PETER T. KING, New York
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LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

TRANSPORTATION SECURITY ADMINISTRATION OMBUDSMAN ACT OF
2011

H.R. 1165

To amend title 49, United States Code, to establish an Ombudsman Office within the Transportation Security Administration for the purpose of enhancing transportation security by providing confidential, informal, and neutral assistance to address work-place related problems of Transportation Security Administration employees, and for other purposes.

Summary

The legislation aims to enhance transportation security by providing confidential, informal, and neutral assistance to address work-place related problems of Transportation Security Administration (TSA) employees by strengthening and refining the role of the TSA Office of Ombudsman.

Legislative History

H.R. 1165 was introduced in the House on March 17, 2011, by Ms. Jackson Lee of Texas, Ms. Speier, Mr. Thompson of Mississippi, and Mr. Davis of Illinois, and referred to the Committee on Homeland Security. Within the Committee H.R. 1165 was referred to the Subcommittee on Transportation Security.

The Subcommittee on Transportation Security considered H.R. 1165 on May 12, 2011, and ordered the measure reported, favorably, to the Full Committee, amended, by voice vote.

MODERNIZING OF DOCUMENTATION AND ELIMINATION OF REDUNDANT
IDENTIFICATION AND SECURITY CREDENTIALS ACT

H.R. 1690

To amend titles 49 and 46, United States Code, and the Homeland Security Act of 2002 to provide for certain improvements in surface transportation security, and for other purposes.

Summary

The legislation, as amended, requires the Department of Homeland Security to establish a comprehensive task force with representatives from industry, labor, and Government agencies to evaluate the effects of harmonizing the disqualifying offenses and waiver processes for transportation workers, evaluate potential fee reductions for transportation workers, and provide its recommendations to the Secretary of Homeland Security within 180 days after enactment. The bill ensures that airport operators continue to manage their own security credentialing programs. This will give local airports the flexibility they need to enhance their own security, provided they meet minimum Federal standards.

The legislation also eliminates a redundancy whereby commercial motor vehicle operators must undergo a Federal security threat assessment in order to obtain a Hazardous Materials Endorsement (HME), which is needed to transport hazardous materials, and a similar assessment to obtain a Transportation Worker Identification Credential (TWIC), which is needed to enter onto a port facility. Instead, this bill repeals the requirements for a threat assessment as part of an HME, and requires all commercial truck drivers who carry security-sensitive cargo to simply obtain a TWIC. The Secretary of Homeland Security is required to identify a list of all security-sensitive materials, which are materials that have a security nexus and have potential links to terrorism.

Legislative History

H.R. 1690 was introduced in the House on May 3, 2011, by Mr. Rogers of Alabama, Mr. McCaul, Mr. Walsh of Illinois, and Mr. Brooks and referred to the Committee on Homeland Security. Within the Committee H.R. 1690 was referred to the Subcommittee on Transportation Security.

On May 4, 2011 the Subcommittee on Transportation Security held a hearing on "H.R. 1690, the MODERN Security Credentials Act." The Subcommittee received testimony from Mr. Stephen Sadler, Deputy Assistant Administrator, Transportation Threat Assessment and Credentialing, Transportation Security Administration, Department of Homeland Security; Mr. Darrell S. Bowman, Group Leader, Advanced Systems & Applications, Virginia Tech Transportation Institute; Ms. Jeanne M. Olivier, A.A.E., Assistant Director, Aviation Security & Technology, Aviation Department, The Port Authority of New York & New Jersey (testifying on behalf of the American Association of Airport Executives); Mr. Martin Rojas, Vice President, Security & Operations, American Trucking Association; and Mr. Randall H. Walker, Director of Aviation, Las Vegas McCarran International Airport, Clark County Department of Aviation (testifying on behalf of the Airports Council International-North America).

The Subcommittee on Transportation Security considered H.R. 1690 on May 12, 2011, and ordered the measure reported, favorably, to the Full Committee, amended, by voice vote.

RISK-BASED SECURITY SCREENING FOR MEMBERS OF THE ARMED
FORCES ACT

H.R. 1801

To amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

Summary

This legislation directs the Transportation Security Administration to develop and implement a plan to provide expedited screening for any member of our Armed Forces—and any accompanying family member—when that individual is traveling on official orders through a primary airport.

Legislative History

H.R. 1801 was introduced in the House on May 10, 2011, by Mr. Cravaack, Mr. Bachus, and Mr. Rogers of Alabama, and referred to the Committee on Homeland Security. Within the Committee H.R. 1801 was referred to the Subcommittee on Transportation Security.

The Subcommittee on Transportation Security considered H.R. 1801 on May 12, 2011, and ordered the measure reported, favorably, to the Full Committee, without amendment, by voice vote.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

THREATS TO AVIATION AND SURFACE TRANSPORTATION SECURITY

The Subcommittee conducted oversight activities to assess the threats to aviation and surface transportation. Committee staff met with a wide range of representatives from the Transportation Security Administration (TSA), the transportation industry, and other stakeholders to examine information sharing, coordination among Federal, State, and local partners, and other security matters. Recent intelligence collected from bin Laden's compound further emphasizes the threat to both our aviation and surface transportation systems.

Subcommittee Members and staff have met with various stakeholders regarding aviation and surface transportation security, including the TSA Administrator, the Department of Homeland Security, the Government Accountability Office (GAO), as well as multiple industry associations and corporations to discuss particular issues related to transportation security.

On February 10, 2011, the Subcommittee held a hearing entitled "Terrorism and Transportation Security." The Subcommittee received testimony from Hon. John S. Pistole, Administrator, Transportation Security Administration, Department of Homeland Security. The purpose of this hearing was to examine the TSA's progress in developing meaningful security measures, discuss the future of the agency as a nimble counterterrorism organization, and identify areas for operational improvements and cost savings in order to strengthen TSA's effectiveness and efficiency at preventing terrorism and protecting the traveling public.

On February 16, 2011, the Subcommittee held a classified Member briefing on current threats to the Nation's aviation and surface transportation security. Representatives from the Transportation Security Administration were present to respond to Member questions.

On February 17, 2011, Subcommittee Chairman Rogers sent a letter to the Transportation Security Administration Assistant Administrator requesting more detailed information on TSA's aviation, pipeline, and surface transportation efforts. On March 18, 2011, the Subcommittee received a reply.

AIR COMMERCE

On August 1, 2010, the Department of Homeland Security met the mandate in the Implementing Recommendations of the 9/11 Commission Act (Pub. L. 110-53) to screen 100 percent of air cargo transported on domestic passenger aircraft flights and flights departing the United States. The Transportation Security Administration (TSA) is not currently able to screen 100 percent of all inbound cargo on international passenger flights but recently estimated it would meet the mandate by December 2011. TSA is working with foreign nations to increase air cargo security standards on passenger aircraft in an effort to achieve the requirement of 100 percent of in-bound cargo more expeditiously. The Subcommittee continues to discuss with private sector stakeholders and TSA methods to improve security while promoting the free flow of commerce.

On March 9, 2011, the Subcommittee held a hearing entitled "Securing Air Commerce From the Threat of Terrorism." The Subcommittee received testimony from Mr. John Sammon, Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration, Department of Homeland Security; and Mr. Stephen Lord, Director, Homeland Security & Justice Issues, Government Accountability Office. The purpose of this hearing was to examine on-going challenges for securing inbound cargo on international passenger flights to the United States; TSA's efforts to develop screening measures in collaboration with industry and foreign partners; and the technology available to conduct those screening measures.

TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

The Subcommittee has conducted oversight of TSA on transportation security credentialing programs, including the Transportation Worker Identification Credential (TWIC) in order to eliminate inefficiencies and redundancies within the threat assessment process and reduce costs for card applicants. In addition to providing oversight of TSA, Committee staff met with multiple private sector stakeholders representing different modes of transportation.

On March 17, 2011, Subcommittee Chairman Rogers sent a letter to the Government Accountability Office requesting to be a co-requestor of a report entitled "Transportation Worker Identification Credential: Internal Control Weaknesses Need to Be Corrected to Help Achieve Security Objectives."

On April 6, 2011, the Subcommittee held a Member briefing on the Transportation Worker Identification Credential (TWIC) Program. Representatives from the Transportation Security Administration and the United States Coast Guard were present to respond to Member questions.

AVIATION SECURITY

The Subcommittee has continued to examine passenger and baggage screening technology and procedures, international cooperation issues, and Transportation Security Administration's (TSA) security programs in order to identify where progress has been made, and where shortfalls remain in strengthening aviation security.

Subcommittee Chair and Committee staff met with representatives from TSA and the Federal Air Marshal Service to discuss the use of canines for explosives detection. Similarly, Subcommittee Chairman Rogers met with the State of Israel's Deputy Chief of Mission to discuss international cooperation and aviation security and counterterrorism efforts.

On March 11, 2011, Subcommittee Chairman Rogers sent a letter to the Administrator of the TSA expressing concern with inaccurate contractor reporting concerning test results for X-ray technologies deployed by TSA in the Nation's airports.

On April 7, 2011, the Subcommittee held a hearing entitled "Strengthening International Cooperation on Aviation Security." The Subcommittee received testimony from Mr. John W. Halinski, Assistant Administrator, Office of Global Strategies, Transportation Security Administration; Mr. Filip Cornelis, Head of Unit for Aviation Security, Directorate General for Mobility and Transport, European Commission; Mr. Rafi Ron, President, New Age Security Solutions; and Mr. Jim Marriott, Chief, Aviation Security Branch, International Civil Aviation Organization. This hearing examined international standards that are designed to ensure the security of both passenger and all cargo aircraft; how the United States works with its foreign partners to ensure screening equipment is up-to-date and adequate for the volume and type of passengers, baggage, and cargo it needs to screen; the success of the foreign airport assessments program; and how TSA shares information on security technology, passenger name record data, and other vital security protocols with foreign partners.

On June 14, 2011 the Subcommittee received a Members briefing on the Transportation Security Administration's Behavior Detection Officer Screening of Passengers by Observation Techniques (SPOT) program. Members were briefed by representatives from the Transportation Security Administration.

On June 16, 2011 Chairman King and Ranking Member Thompson sent a letter to the Administrator of TSA requesting more information regarding a recent report of racial profiling by Behavior Detection Officers (BDOs) at Newark Liberty International Airport.

TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION

On May 25, 2011 the Subcommittee received a Member briefing on the Transportation Security Administration's authorization for

fiscal years 2012 and 2013. Members were briefed by representatives from the Transportation Security Administration.

On June 2, 2011, the Subcommittee held a hearing entitled “Authorizing the Transportation Security Administration for Fiscal Years 2012 and 2013.” The Subcommittee received testimony from Hon. John S. Pistole.

Subcommittee staff has met with various industry stakeholders from the surface and aviation transportation industries to solicit their input for the Transportation Security Administration Authorization bill for fiscal years 2012 and 2013.

SUBCOMMITTEE HEARINGS HELD

“*Terrorism and Transportation Security.*” February 10, 2011. (Serial No. 112–2)

“*Securing Air Commerce From the Threat of Terrorism.*” March 9, 2011. (Serial No. 112–8)

“*Strengthening International Cooperation on Aviation Security.*” April 7, 2011. (Serial No. 112–17)

“*H.R. 1690, the MODERN Security Credentials Act*” May 4, 2011. (Serial No. 112–23)

“*Authorizing the Transportation Security Administration for Fiscal Years 2012 and 2013.*” June 2, 2011. Serial No. 112–28)

SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT

MICHAEL T. MCCAUL, Texas, *Chairman*

GUS M. BILIRAKIS, Florida
BILLY LONG, Texas
JEFF DUNCAN, South Carolina
TOM MARINO, Pennsylvania
PETER T. KING, New York
(Ex Officio)

WILLIAM R. KEATING, Massachusetts
YVETTE D. CLARKE, New York
DANNY K. DAVIS, Illinois
BENNIE G. THOMPSON, Mississippi
(Ex Officio)

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

WAR AGAINST MEXICAN DRUG CARTELS

The violence in the Mexican war against drug trafficking organizations has escalated in recent years. As a result, the drug-related violence along the Mexican side of the U.S.-Mexico border has become more brutal and widespread. Given the increase in violent crime, the Subcommittee examined the role the Department of Homeland Security is playing to address Mexican drug-related violence at and near the border.

On March 31, 2011, the Subcommittee held a hearing entitled “The U.S. Homeland Security Role in the Mexican War Against Drug Cartels.” The Subcommittee received testimony from Mr. Luis Alvarez, Assistant Director, Immigration and Customs Enforcement, Department of Homeland Security; Mr. Brian Nichols, Deputy Assistant Secretary, International Narcotics and Law Enforcement Affairs, U.S. Department of State; Mr. Frank Mora, Deputy Assistant Secretary of Defense, Western Hemisphere Affairs, Department of Defense; Dr. Kristin Finklea, Analyst, Domestic Social Policy Division, Congressional Research Service; Mr. Jon Adler, President, Federal Law Enforcement Officers Association; Dr. David Shirk, Director, Trans-Border Institute, University of San Diego; Mr. John Bailey, Professor, Government and Foreign Service, Georgetown University; and Dr. Ricardo C. Ainslie, Department of Educational Psychology, College of Education, The University of Texas at Austin.

On April 27, 2011, Full Committee Chairman King and Subcommittee Chairman McCaul sent a letter to the Secretary of State urging support for H.R. 1270 and requesting the State Department to “develop a comprehensive strategy with the overall goal of assisting the Mexican Government in their effort to win the war against the drug cartels.”

During a speech given March 24, 2011, the Secretary of Homeland Security stated: “the border is better now than it ever has been.” On May 11, 2011, the Subcommittee held a follow-up hear-

ing entitled “On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security, and Drug Cartel Violence,” to examine current border security efforts and reports of spill-over violence. The Subcommittee received testimony from Mr. Grayling Williams, Director, Office of Counternarcotics Enforcement, Department of Homeland Security; Ms. Amy Pope, Deputy Chief of Staff & Counselor, Criminal Division, Office of Assistant Attorney General, U.S. Department of Justice; Mr. Steven C. McCraw, Director, Texas Department of Public Safety; Hon. Thomas C. Horne, Attorney General, State of Arizona; Sheriff Sigifredo Gonzalez, Zapata County, State of Texas; and Chief Victor Rodriguez, McAllen Police Department, State of Texas.

As a follow up to the May 11 hearing, Subcommittee Chairman McCaul sent a letter to the Government Accountability Office requesting among other things an audit of the Mérida Initiative.

DHS MANAGEMENT

On Friday, March 11, 2011, Subcommittee Chairman McCaul met with the newly confirmed DHS Under Secretary for Management, the Honorable Rafael Borrás to discuss his vision and goals as the Under Secretary.

On March 11, 2011, Subcommittee Chairman McCaul met with the Government Accountability Office (GAO) regarding issues facing the Department of Homeland Security. Among the topics discussed were duplication of Government homeland security programs, border security, transportation security, cybersecurity, Fusion Centers, and DHS contracting.

On April 13, 2011, Subcommittee Chairman McCaul met with Mr. Charles Edwards, the Acting Inspector General of the Department of Homeland Security. The purpose of this meeting was to better understand what the DHS Office of Inspector General is planning for future investigations.

Committee staff also met separately with several management leaders at DHS. These include the Department’s Chief Human Capital Officer, the Chief Procurement Officer, the Chief Financial Officer, the Chief Administrative Officer, and the Chief Information Officer.

DHS INFORMATION TECHNOLOGY

The Department of Homeland Security is the largest procurer of information technology (IT) systems in the Federal civilian Government with a fiscal year 2011 IT budget of roughly \$6 billion. The Department plans to use these funds to manage 90 “major” IT investments intended to assist the Department in carrying out its mission of leading the National effort to secure America against terrorist attacks and other threats and hazards. Recently DHS has reported that over half of these “major” investments have encountered or are at risk of encountering significant cost and schedule shortfalls.

In light of this, on May 27, 2011 Subcommittee Chairman McCaul and Ranking Member Keating sent two letters to the Government Accountability Office (GAO), the first requesting GAO to review how well the Department is managing at-risk investments;

the second, to assess the extent to which the Department has established IT governance and oversight structures, and how these are being used to manage and oversee IT investments.

DENYING TERRORIST SAFE HAVENS

The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 and the National Defense Authorization Act (NDAA) of 2010 require the administration to report on U.S. efforts to deny terrorists safe havens. A June 2011 GAO report titled, “Combating Terrorism: U.S. Government Should Improve Its Reporting on Terrorist Safe Havens,” reviewed the extent to which the Department of State (DoS) identified and assessed terrorist safe havens and interagency efforts to deny terrorists safe havens. GAO found that although DoS does identify existing terrorist safe havens in its Country Reports on Terrorism, that report lacks the level of detail required by Congress. Specifically, GAO states that “the DoS report is incomplete without including the contributions of its various interagency partners to address terrorist safe havens.”

Additionally, the GAO notes that the U.S. Government has not developed a list of all U.S. efforts to deny safe haven to terrorists. DoS has identified only a few efforts that it funds, but does not include other U.S. Government funding efforts, including funding by the Department of Defense (DoD). The Department of Homeland Security (DHS) currently receives its funding for programs and activities that deny safe havens from DoS and DoD.

Following the release of the GAO report, on June 3, 2011, the Subcommittee held a hearing to examine the threat of safe havens to the U.S. Homeland and what the Department of Homeland Security — working in conjunction with other Federal Government agencies — is doing to combat this threat. The Committee seeks to assess whether further actions are needed by the United States to deny terrorist safe havens and strengthen at-risk States. The subcommittee heard testimony from Ms. Jacquie Williams-Bridgers, Managing Director, International Affairs and Trade, Government Accountability Office; Mr. Mark Koumans, Deputy Assistant Secretary for Policy, International Affairs, Department of Homeland Security; Ms. Shari Villarosa, Deputy Coordinator for Regional Affairs, Department of State; Mr. James Q. Roberts, Principal Director for Special Operations and Combating Terrorism, Office of Special Operations/Low-Intensity Conflict & Interdependent Capabilities, Department of Defense; Mr. Steve Coll, President and CEO, New America Foundation; Dr. Bruce Hoffman, Director of the Center for Peace and Security Studies and Professor, Georgetown University; and Dr. Daniel Byman, Director of Research and Senior Fellow, Saban Center for Middle East Policy, Brookings Institution.

DHS ACQUISITION MANAGEMENT

The Department of Homeland Security has been criticized in the past for, among other things, failing to supervise projects and allowing the costs of certain contracts to exceed initial estimates. As a result of this lapse, on May 27, 2011 Subcommittee Chairman McCaul and Ranking Member Keating sent a letter to GAO re-

questing a review of the contracting mechanisms at the Department.

DHS WORKFORCE MORALE

In recent years, the Department of Homeland Security has ranked as one of the Departments with the lowest morale among employees within the Federal Government. Understanding why the Department is considered such a difficult place to work is imperative. The “Best Places to Work in the Federal Government” rankings compiled by the Partnership for Public Service and American University’s Institute for the Study of Public Policy Implementation showed DHS in 28th place out of 32 agencies in 2010, the same ranking as in 2009. Additionally, in 2010, the Department administered an internal survey, which returned more than 10,000 completed responses. The findings of this survey show leading indications of dissatisfaction ranged from: the Department not dealing with poor work performers to the way promotions are decided. As a result, on May 27, 2011 Subcommittee Chairman McCaul and Ranking Member Keating sent a letter to GAO requesting an investigation into why this is the case, specifically: to what extent the Department has identified the root causes that have contributed to low employee morale, and what progress has made in addressing these issues within the Department.

FINANCIAL MANAGEMENT AT FEMA

In light of the March 31, 2011 criminal complaint filed against a Federal Emergency Management Agency (FEMA) employee for embezzlement, on May 4, 2011 Subcommittee Chairman McCaul, along with the Emergency Preparedness, Response, and Communications Subcommittee Chairman Bilirakis, sent a letter to the Administrator of FEMA requesting information regarding what processes are in place to vet employees, particularly those with access to financial systems, and what internal controls are in place within FEMA’s various payroll systems to help identify possible fraudulent activity.

OVERSIGHT OF ST. ELIZABETHS CONSTRUCTION

The construction of the Department of Homeland Security Headquarters at the St. Elizabeths facility is the largest Federal construction project to occur in Washington, DC area since the construction of the Pentagon. The project will bring the Department components together under one roof and house roughly 14,000 employees on the campus. Over \$1 billion has been appropriated for its construction.

On May 31, 2011, Members conducted a site visit to the St. Elizabeths campus to examine the progress of construction and plans moving forward.

DENYING SAFE HAVENS

On June 3, 2011, the Subcommittee held a hearing entitled “Denying Safe Havens: Homeland Security’s Efforts to Counter Threats from Pakistan, Yemen, and Somalia.” The Subcommittee

received testimony from Ms. Jacquie Williams-Bridgers, Managing Director, International Affairs and Trade, Government Accountability Office; Mr. Mark Koumans, Deputy Assistant Secretary, International Affairs, Department of Homeland Security; Ms. Shari Villarosa, Deputy Coordinator for Regional Affairs, Department of State; Mr. James Q. Roberts, Principal Director for Special Operations & Combating Terrorism, Office of Special Operations/Low-Intensity Conflict & Interdependent Capabilities, Department of Defense; Mr. Steve Coll, President and CEO, New America Foundation; Prof. Bruce Hoffman, Director, Center for Peace and Security Studies and Director, Security Studies Program, Georgetown University; and Prof. Daniel L. Byman, Security Studies Program, School of Foreign Service at Georgetown University and Senior Fellow, Saban Center for Middle East Policy, The Brookings Institution.

SUBCOMMITTEE HEARINGS HELD

“The U.S. Homeland Security Role in the Mexican War Against Drug Cartels.” March 31, 2011. (Serial No. 112–14)

“On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence.” May 11, 2011. (Serial No. 112–24)

“Denying Terrorist Safe Havens: Homeland Security’s Efforts to Counter Threats from Pakistan, Yemen and Somalia.” June 3, 2011. (Serial No. 112–29)

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE AND COMMUNICATIONS

GUS M. BILIRAKIS, Florida, *Chairman*

JOE WALSH, Illinois
SCOTT RIGELL, Virginia
TOM MARINO, Pennsylvania,
Vice Chair
BLAKE FARENTHOLD, Texas
PETER T. KING, New York
(Ex Officio)

LAURA RICHARDSON, California
HANSEN CLARKE, Michigan
VACANCY
BENNIE G. THOMPSON, Mississippi
(Ex Officio)

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

DISASTER PREPAREDNESS, RESPONSE, AND RECOVERY

Since the beginning of the 112th Congress, States and localities have experienced thwarted terror plots, severe winter storms, tornados, a tsunami, and widespread flooding. It is imperative that the Federal Government, along with its partners at the State and local levels and the private sector, works to prepare for and respond to terrorist attacks, natural disasters, and other emergencies.

On February 4, 2011, Committee staff conducted a site visit at Mt. Weather to receive a tour and briefing on the Federal Government's continuity of operations plans.

On February 8, 2011, the Subcommittee held a Member site visit to the Federal Emergency Management Agency's (FEMA) National Response Coordination Center in Washington, DC. This visit provided Subcommittee Members with an overview of FEMA's mission and operations and efforts to work with its State, local, and private sector partners. Members met with officials from throughout the agency including the Administrator and Deputy Administrator of FEMA. Following the briefing, Members toured the National Response Coordination Center.

As part of the Subcommittee's oversight, on February 24, 2011 and March 22, 2011 Committee staff met with representatives of the Federal Emergency Management Agency and the U.S. Marine Corps to receive a briefing on the prepositioned equipment program.

On March 16, 2011, Chairman Bilirakis met with the Director of the Federal Emergency Management Agency's Office of Disability Integration and Coordination to discuss efforts to integrate individuals and other functional needs into emergency preparedness and response efforts.

Committee staff participated in a site visit to the Calvert Cliffs Nuclear Power Plant, in Calvert County, Maryland on March 25,

2011. Staff toured the facility and received a briefing on the plant's security and disaster preparedness.

On March 29, 2011, Committee staff met with representatives of the Nuclear Energy Institute to discuss the response to the disaster at the Fukushima Nuclear Power Plant in Japan and disaster preparedness efforts at nuclear power plants in the United States.

On April 5, 2011 Committee staff met with representatives from the Homeland Security Policy Institute to discuss resiliency, and on April 21, 2011, staff participated in a tour of the Department of Health and Human Services' Emergency Operations Center.

On May 5, 2011, the Subcommittee held a Member briefing on Presidential Policy Directive 8–National Preparedness (PPD–8), which outlines the administration's vision for strengthening preparedness and resilience. PPD–8 repeals and replaces Homeland Security Presidential Directive (HSPD) 8–National Preparedness, signed by President George W. Bush in December 2003. Members were briefed by the Deputy Administrator for National Preparedness, Federal Emergency Management Agency, and the Senior Director for Preparedness Policy, National Security Staff, The White House.

On May 5, 2011, the Committee staff attended a briefing on FEMA's direct housing program. This included a preview of the agency's hurricane season preparedness and queries on its housing contracts oversight.

On May 5, 2011, Committee staff received a briefing from representatives of NORTHCOM on the Department of Defense's disaster response posture.

Committee staff participated in a site visit to the Nuclear Regulatory Commission's Emergency Operations Center on May 6, 2011, and received a briefing on its activities.

On May 6, 2011, Committee staff attended FEMA's quarterly Response and Recovery briefing at FEMA Headquarters and received an update on operations in response to tornados and flooding in FEMA Regions IV and VI.

On May 31, 2011, the Subcommittee held a Member site visit to the American Red Cross' disaster operations center. The visit provided information on the Red Cross' role in disaster response and services it provides through its local chapters.

On June 10, 2011, the Subcommittee held a field hearing in Clearwater, Florida entitled "Weathering the Storm: A State and Local Perspective on Emergency Management." The Subcommittee received testimony from Mr. Bryan Koon, Director, Florida Division of Emergency Management; Ms. Nancy Dragani, Director, Ohio Emergency Management Agency (testifying on behalf of the National Emergency Management Association); Mr. Gerald Smith, Director, Lake County Division of Emergency Management (testifying on behalf of the Florida Emergency Preparedness Association); Mr. John "Rusty" Russell, Director, Huntsville — Madison County (AL) Emergency Management Agency (testifying on behalf of the International Association of Emergency Managers); Ms. Chauncia Willis, Emergency Coordinator, City of Tampa, Florida; and Ms. Linda Carbone, Chief Executive Officer, Tampa Bay Chapter, American Red Cross.

FISCAL YEAR 2012 BUDGET REQUEST FOR THE FEDERAL EMERGENCY
MANAGEMENT AGENCY

The President's fiscal year 2012 budget request includes \$10.06 billion for the Federal Emergency Management Agency (FEMA), a \$283 million reduction from the level in the fiscal year 2011 Continuing Resolution. The request included reductions in the Management and Administration account, which were largely attributed to efficiencies and streamlined business processes. The request also proposed to restructure homeland security grant programs through the elimination and consolidation of a number of smaller grant programs into the large State Homeland Security Grant Program and Urban Area Security Initiative funding accounts.

On March 9, 2011, the Subcommittee held a hearing entitled "Ensuring Effective Preparedness and Response—An Assessment of the Fiscal Year 2012 Budget Request for the Federal Emergency Management Agency." The Subcommittee received testimony from Hon. W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security.

In preparation for the hearing, Committee staff met with representatives from FEMA on February 16, 2011 to receive a briefing on the President's fiscal year 2012 budget request.

MEDICAL PREPAREDNESS

The mission of the Office of Health Affairs (OHA) is to provide health and medical expertise in support of the Department of Homeland Security's mission to prepare for, respond to, and recover from all hazards impacting the Nation's health security.

As part of the Subcommittee's oversight, staff attended a number of conferences and met with stakeholders. From January 10 through 11, 2011, Committee staff attended the annual Public Health Emergency Medical Countermeasures Enterprise conference in Washington, DC.

On February 4, 2011, Committee staff visited the Multi Agency Collaborative Environment (of the Department of Defense) in Virginia to receive a briefing on their work with the National Bio-surveillance and Integration Center.

From March 15 through 16, 2011, Committee staff traveled to New York City for "Tales of Our Cities" a conference focused on medical preparedness for a catastrophic incident.

On March 17, 2011, the Subcommittee held a hearing entitled "Ensuring Effective Preparedness, Response, and Recovery for Events Impacting Health Security." The Subcommittee received testimony from Dr. Alexander G. Garza, MD, MPH, Assistant Secretary for Health Affairs, Chief Medical Officer, Department of Homeland Security. This hearing provided Subcommittee Members with an opportunity to examine the President's fiscal year 2012 budget request for OHA and OHA's progress in developing its mission to provide for health security, to discuss the future of the agency as a nimble and effective provider in this regard, and to identify areas for improvements and cost savings.

In preparation for the hearing, Committee staff met with representatives of the Office of Health Affairs on February 3, 2011 to receive a briefing on its mission and activities. On February 15,

2011, Committee staff met with OHA representatives to receive a briefing on the President's fiscal year 2012 budget request for OHA. Committee staff once again met with representatives from OHA on March 14, 2011 to receive a briefing on medical operations and challenges in medical credentialing for their first responder workforce.

During the hearing, Subcommittee Members expressed concern about Project BioWatch. Subsequent to the hearing on April 5, 2011, the Subcommittee Chair Bilirakis and Ranking Member Richardson joined Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies Chairman Lungren and Ranking Member Clarke in sending a letter to the Secretary of Homeland Security expressing concern about the Department of Homeland Security's acquisition processes as they relate to Project BioWatch.

On March 29, 2011, Committee staff received an update briefing from the Director of the Office of Public Health Preparedness and Response of the Centers for Disease Control and Prevention on that office's activities.

On April 7, 2011, Subcommittee Chair Bilirakis and Ranking Member Richardson introduced H.R. 1411, the "Metropolitan Medical Response System Program Act," which authorizes the activities of the Metropolitan Medical Response System, including medical surge capacity and countermeasures distribution.

On May 9, 2011, Committee staff participated in a panel discussion at the Institute of Medicine on "Discussions on Future Directions for National Biosurveillance."

On May 19, 2011, Committee staff attended Biowatch Gen-3 visitor day in Chicago, IL to learn about and observe field testing of the Generation 3 technology.

On June 9, 2011, Subcommittee staff visited Tampa General Hospital in Tampa, Florida to meet with officials about emergency preparedness efforts and medical surge capacity and tour the facility.

OUTREACH TO STATE, LOCAL, AND TRIBAL GOVERNMENTS, AND THE PRIVATE SECTOR

From January 3, 2011 to May 31, 2011, Committee staff met with various Federal agencies and stakeholder groups representing the first responder and emergency management community to discuss issues of concern to their membership. This includes representatives from the Department of Homeland Security's Office of Policy to discuss the new Tribal Liaison Officer position; the National Association of Counties; the National Emergency Managers Association; the Big City Emergency Managers, and the International Association of Fire Chiefs' Terrorism and Homeland Security Subcommittee.

On May 12, 2001, Subcommittee Chair Bilirakis met with the Director of the Federal Emergency Management Agency's Private Sector Division to receive a briefing on the Division's operations and efforts to incorporate the private sector into emergency preparedness, response, and recovery efforts.

EXERCISES

The Federal Emergency Management Agency's (FEMA) National Exercise Program works to coordinate preparedness exercises at the Federal, State, and local level. Each year, FEMA conducts a National Level Exercise (NLE), which includes participation from senior leadership in the Federal interagency process along with State and local partners. National Level Exercise 11, a functional exercise held from May 16 through 19, 2011 simulates a catastrophic earthquake in the New Madrid Seismic Zone.

On April 1, 2011, the Subcommittee held a Member briefing on preparations for National Exercise 2011, including efforts to use lessons learned from recent catastrophic earthquakes in New Zealand and Japan to inform the scenario. Members were briefed by FEMA's Deputy Administrator for National Preparedness and the Director of the National Exercise Program.

In preparation for this Member briefing, Committee staff received several briefings on FEMA's National Exercise Program and National Level Exercise 2011. On March 2, 2011, Committee staff received a briefing from FEMA officials on the National Exercise Program. Committee staff received a briefing on preparations for NLE 2011 on March 23, 2011. In addition, on May 16, 2011, Committee staff observed the NLE 2011 functional exercise. Staff traveled to the Master Control Cell located in Herndon, Virginia, and the American Red Cross Disaster Operations Center and received briefings from representatives of FEMA, the U.S. Geological Survey, the U.S. Army Corps of Engineers, the American Red Cross, and Voluntary Organizations Active in Disasters.

PREPAREDNESS AND RESPONSE TO CHEMICAL, BIOLOGICAL,
RADIOLOGICAL, AND NUCLEAR THREATS

Terrorists actively plot and have attempted to use weapons of mass destruction (WMD) to attack the United States. At a 2010 Committee on Homeland Security hearing with the Commissioners of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (WMD Commission), the Commissioners noted that "it is more likely than not that there will be a weapon of mass destruction used someplace on earth by a terrorist group before the end of the year 2013 and that it is more likely that the weapons will be biological rather than nuclear." In the WMD Commission's report card on U.S. Government efforts to protect the Nation from WMD terrorism, the Government received a grade of "F" on its efforts to enhance the Nation's capabilities for rapid response to prevent biological attacks from inflicting mass casualties.

On April 13, 2011, the Subcommittee began a series of hearings entitled "Taking Measure of Countermeasures." The first day of hearings was subtitled "A Review of Government and Industry Efforts to Protect the Homeland Through Accelerated Research, Development, and Acquisition of Chemical, Biological, Radiological, and Nuclear Medical Countermeasures." The Subcommittee received testimony from Ms. Cynthia Bascetta, Managing Director, Health Care, Government Accountability Office; Dr. Segaran P. Pillai, Chief Medical and Science Advisor, Chemical and Biological

Division, Science and Technology Directorate, Department of Homeland Security; Dr. Richard J. Hatchett, Chief Medical Officer and Deputy Director, Strategic Sciences and Management, Department of Health and Human Services; Dr. Gerald W. Parker, Deputy Assistant to the Secretary of Defense, Chemical and Biological Defense, Department of Defense; Ms. Phyllis Arthur, Senior Director, Vaccines, Immunotherapeutics, and Diagnostics Policy, Biotechnology Industry Organization; Mr. John M. Clerici, Principal, Tiber Creek Partners LLC; and Dr. Daniel Fagbuyi, Medical Director, Disaster Preparedness and Emergency Management, Children's National Medical Center. This hearing provided Members with the opportunity to question Federal and private sector witnesses about the substantial challenges that remain in the research, development, and acquisition of medical countermeasures.

On May 12, 2011, the Subcommittee convened the second day of hearings, subtitled "A Review of Efforts to Protect the Homeland Through Distribution and Dispensing of CBRN Medical Countermeasures." The Subcommittee received testimony from Dr. Alexander Garza, Assistant Secretary for Health Affairs and Chief Medical Officer, Office of Health Affairs, Department of Homeland Security; Rear Admiral Ali Khan, Director, Office of Public Health Preparedness and Response, Centers for Disease Control and Prevention, Department of Health and Human Services; Mr. Mike McHargue, Director of Emergency Operations, Division of Emergency Medical Operations; Florida Department of Health; Mr. David Starr, Director, Countermeasures Response Unit; New York City Department of Health and Mental Hygiene; Chief Lawrence E. Tan, Emergency Medical Services Division, New Castle County, Delaware (testifying on behalf of the Emergency Services Sector Coalition on Medical Countermeasures); and Dr. Jeffrey Levi, Executive Director, Trust for America's Health. This hearing provided Subcommittee Members with the opportunity to examine various distribution and dispensing plans and efforts at the Federal, State, local, and private sector levels, including an assessment of the challenges faced in distributing and dispensing countermeasures to large segments of the population.

In preparation for these hearings, Committee staff held numerous meetings with representatives from the Department of Homeland Security, the Department of Health and Human Services, the Government Accountability Office, the WMD Commission, State and local governments, and the private sector.

On May 13, 2011, the Subcommittee along with the Subcommittee on Counterterrorism and Intelligence, and the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, held a classified Member briefing on the threat posed by WMD terrorism. Members were briefed by representatives of the National Counterterrorism Center and the National Counterproliferation Center.

EFFICIENCY AND EFFECTIVENESS OF ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND INDIVIDUALS

On January 5, 2011 and January 31, 2011, Committee staff attended briefings by Federal Emergency Management (FEMA) offi-

cial on their plans to recoup up to \$643 million in potentially improper Individual Assistance payments from Hurricanes Katrina and Rita and other subsequent disasters. Committee staff received a further briefing on FEMA's recoupment efforts on March 15, 2011.

On January 12, 2011, Committee staff received a briefing from representatives of the Department of Homeland Security's Office of Inspector General (DHSOIG) to learn about the OIG's audit of grant programs to ensure efficiency and that funding is used in compliance with relevant statutory requirements.

On January 24, 2011, Committee staff met with representatives from the DHSOIG's office to discuss the results of an audit of New York's management of State Homeland Security Grant Program and Urban Area Security Initiative grant funds.

On February 9, 2011, Committee staff met with representatives from the National Academy of Public Administration to receive a briefing on their work with the Federal Emergency Management Agency to develop performance measures and metrics, pursuant to Pub. L. 111-271, for grants administered by the Department of Homeland Security. Subcommittee staff received a further update of this work on May 3, 2011.

On February 11, 2011, Committee staff met with Elizabeth Harmon, Assistant Administrator of the Federal Emergency Management Agency's Grant Programs Directorate to discuss various issues related to homeland security grants.

On March 1, 2011, Committee staff met with representatives of the Government Accountability Office to discuss their oversight of grants administered by the Department of Homeland Security under the American Recovery and Reinvestment Act.

On April 7, 2011, Committee staff received a briefing from representatives of the Federal Emergency Management Agency and the Office of Intelligence and Analysis on the use of grants to support State and local fusion centers.

On May 18, 2011, Committee staff met with representatives from the Federal Emergency Management Agency, the Coast Guard, the Transportation Security Administration, and the Office of Intelligence and Analysis to receive a briefing on the Department's guidance for the fiscal year 2011 grant programs.

On May 24, 2011 Committee staff met with representatives from FEMA's National Preparedness Assessment Division to receive a briefing on FEMA's efforts to develop performance measures and metrics for the various grant programs.

On June 8, 2011, Subcommittee staff attended the National Academy of Public Administration's second panel meeting with representatives of the Federal Emergency Management Agency, "Developing Performance Measures and Assess the Effectiveness of FEMA's Homeland Security Grant Programs."

On June 8, 2011, Subcommittee staff met with representatives from the City of Tampa Bay, Florida to discuss the Urban Area Security Initiative.

TRAINING

On February 16, 2011, Committee staff met with representatives of the National Domestic Preparedness Consortium to receive an update on current operations.

Committee staff conducted a site visit to the Center for Domestic Preparedness in Anniston, Alabama on May 18, 2011, to observe current operations and training capabilities and participate in training.

From May 18 through 19, 2011, Committee staff conducted a site visit to the National Emergency Response and Rescue Training Center in College Station, Texas to observe and participate in first responder training programs.

On June 8, 2011, Subcommittee staff visited the Hillsborough County Sheriff Department's Practical Training Center to view the training facility that is used by State, local, and Federal law enforcement.

EMERGENCY COMMUNICATIONS

On February 1, 2011, Committee staff met with representatives from the Department of Homeland Security's Office of Emergency Communications (OEC) to receive an update on OEC's current activities.

On March 4, 2011, Committee staff met with representatives from the Department of Homeland Security to receive a briefing on the National Communication System.

On March 23, 2011, Committee staff received a briefing from representatives of the Office of Emergency Communications to receive an update on the completion of Goal 1 of the National Emergency Communications Plan.

On March 28, 2011, Committee staff participated in the New York State Association of Chiefs of Police seminar on emergency communications.

On April 13 and 26, 2011, Committee staff met with representatives from stakeholder organizations on the cancellation of the Department of Justice's Integrated Wireless Network program.

On May 11, 2011, Committee staff met with representatives from the Interagency Communications Interoperability System based in Los Angeles to discuss the system and various communications issues.

On May 13, 2011, Committee staff attended a briefing provided by various State and local stakeholder groups on the need for the allocation of the D Block to public safety.

ALERTS AND WARNINGS

Terrorist attacks and natural disasters can occur at any time, often with little to no notice. Alerts and warnings provided in advance on potential threats and hazards can help to direct the public to get out of harm's way, which will save lives.

On February 10, 2011, Committee staff met with representatives from the Federal Emergency Management Agency to receive a briefing on the Integrated Public Alerts and Warnings System (IPAWS).

On March 3, 2011, Committee staff met with representatives from the Department of Homeland Security on the Emergency Alert System.

On March 29, 2011, the Chairman of the Subcommittee met with representatives of the Federal Emergency Management Agency to receive a briefing on the Integrated Public Alerts and Warnings System (IPAWS).

On March 31, 2011, Committee staff met with stakeholders to discuss the Emergency Alert System.

On March 11 and 31, 2011, Committee staff participated in conference calls to receive information on the new National Terrorism Advisory System.

On May 17, 2011, Committee staff met with stakeholders regarding the implementation of the Commercial Mobile Telephone Alerts (CMAS)/Personalized Localized Alerting Network (PLAN) system.

MANAGEMENT AND OPERATIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

On April 15, 2011, Subcommittee Chair Bilirakis, Ranking Member Thompson, and Senators Lieberman, Collins, and Akaka sent a letter to the Comptroller General requesting that the Government Accountability Office conduct a review of the Federal Emergency Management Agency's (FEMA) workforce planning and management efforts.

On May 4, 2011, Subcommittee Chair Bilirakis and Subcommittee on Oversight, Investigations, and Management Chairman McCaul sent a letter to FEMA Administrator Craig Fugate regarding the recent criminal complaint filed against a FEMA employee for embezzlement and fraud. The letter requested information on FEMA's efforts to vet its employees and internal controls in place for various payment systems to monitor waste, fraud, and abuse.

SUBCOMMITTEE HEARINGS HELD

“Ensuring Effective Preparedness and Response — An Assessment of the Fiscal Year 2012 Budget Request for the Federal Emergency Management Agency.” March 9, 2011. (Serial No. 112–7)

“Ensuring Effective Preparedness, Response, and Recovery for Events Impacting Health Security.” March 17, 2011. (Serial No. 112–12)

“Taking Measure of Countermeasures: A Review of Government and Industry Efforts to Protect the Homeland Through Accelerated Research, Development, and Acquisition of Chemical, Biological, Radiological and Nuclear Medical Countermeasures.” April 13, 2011. (Serial No. 112–18)

“Taking Measure of Countermeasures: A Review of Efforts to Protect the Homeland Through Distribution and Dispensing of CBRN Medical Countermeasures.” May 12, 2011. (Serial No. 112–18)

“Weathering the Storm: A State and Local Perspective on Emergency Management.” June 10, 2011 (Clearwater, Florida). (Serial No. 112–30)

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

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LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

JAIME ZAPATA BORDER ENFORCEMENT SECURITY TASK FORCE ACT

H.R. 915

To establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes.

Summary

The Jaime Zapata Border Enforcement Security Task Force Act, establishes in United States Immigration and Customs Enforcement (ICE) a Border Enforcement Security Task Force (BEST) program to enhance border security by addressing and reducing border security threats and violence by: (1) facilitating collaboration among federal, state, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security and homeland security; and (2) enhancing information-sharing among such agencies.

H.R. 915 authorizes the Secretary of Homeland Security (DHS), acting through the Assistant Secretary for ICE, to establish BEST units after considering: (1) whether the area where the unit would be established is significantly impacted by cross-border threats; (2) the availability of federal, state, local, tribal, and foreign law enforcement resources to participate in the unit; and (3) the extent to which border security threats are having a significant harmful impact in the area and in other jurisdictions. Authorizes the Secretary, in order to provide federal assistance to the area so designated, to: (1) obligate such sums as are appropriated for the BEST program; (2) direct the assignment of federal personnel to

that program; and (3) take other actions to assist state, local, tribal, and foreign jurisdictions to participate.

The bill directs the Secretary to report on the effectiveness of the program in enhancing border security and reducing the drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across U.S. borders.

Legislative History

111th Congress

H.R. 1437, the “Southern Border Security Task Force Act of 2009,” was introduced in the House on March 11, 2009, by Mr. Cuellar and referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary. Within the Committee, H.R. 1437 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism. No further action occurred on H.R. 1437 in the 111th Congress.

H.R. 1437 contains provisions similar to those in H.R. 915 in the 112th Congress.

112th Congress

H.R. 915 was introduced by Subcommittee Ranking Member Cuellar on March 3, 2011. ICE has partnered with Federal, State, local, and foreign law enforcement counterparts to create the Border Enforcement Security Task Force (BEST) initiative. The teams are designed to increase information sharing and collaboration among the agencies combating this threat on both sides of the border by bring all relevant stakeholders together under one roof. The purpose of this bill is to authorize ICE’s BEST Teams.

H.R. 915 was introduced in the House on March 3, 2011, by Mr. Cuellar and Mr. McCaul and referred to the Committee on Homeland Security. Within the Committee, H.R. 915 was referred to the Subcommittee on Border and Maritime Security.

On June 2, 2011, the Subcommittee on Border and Maritime Security considered H.R. 915 and favorably reported the measure to the Full Committee for consideration, amended, by voice vote.

SECURE BORDER ACT OF 2011

H.R. 1299

To achieve operational control of and improve security at the international land borders of the United States, and for other purposes.

Summary

H.R. 1299 was introduced in the House by Subcommittee Chairman Miller on March 31, 2011. A recent GAO report indicates that the U.S. Border Patrol has less than 44 percent of the Southwest border under operational control and less than 2 percent of the Northern border under control. The purpose of the bill is to require DHS to develop a plan to gain operational control, as defined by the Secure Fence Act of 2006, of the U.S. borders within 5 years. In the event that the Secretary should try to utilize another measure, other than operational control, that measure must be evaluated by the Sandia National Laboratory for suitability in measuring control of the border. The Secretary must also develop a com-

prehensive new measurement system which captures the effectiveness of security at the ports of entry. Lastly, it requires CBP to provide the Committee with its resource allocation model for the current future year staffing requirements and detailed port of entry manpower data.

Legislative History

H.R. 1299 was introduced in the House on March 31, 2011, by Mrs. Miller of Michigan and 18 original cosponsors and referred to the Committee on Homeland Security. Within the Committee, H.R. 1299 was referred to the Subcommittee on Border and Maritime Security.

On June 2, 2011, the Subcommittee on Border and Maritime Security considered H.R. 1922 and favorably reported the measure to the Full Committee for consideration, amended, by voice vote.

Providing U.S. Customs and Border Protection with access to Federal lands to carry out certain security activities in the Southwest border region.

PROVIDING U.S. CUSTOMS AND BORDER PROTECTION WITH ACCESS TO
FEDERAL LANDS TO CARRY OUT CERTAIN SECURITY ACTIVITIES IN
THE SOUTHWEST BORDER REGION

H.R. 1922

To provide U.S. Customs and Border Protection with access to Federal lands to carry out certain security activities in the Southwest border region, and for other purposes.

Summary

H.R. 1922 was introduced by Representative Quayle on May 13, 2011. Over 20.7 million acres along the U.S. Southern border are Federal lands managed by the Department of the Interior (DOI) and the Department of Agriculture (USDA). Federal land managers are using environmental regulations to impede U.S. Border Patrol from accessing these lands and effectively securing the border. The purpose of this bill is to give U.S. Customs and Border Protection unfettered access to Federal Lands for the purposes of conducting motorized patrols.

Legislative History

H.R. 1922 was introduced in the House on May 13, 2011, by Mr. Quayle and six original cosponsors and referred to the Committee on Natural Resources, and in addition to the Committee on Homeland Security. Within the Committee, H.R. 1922 was referred to the Subcommittee on Border and Maritime Security.

On June 2, 2011, the Subcommittee on Border and Maritime Security considered H.R. 1922 and favorably reported the measure to the Full Committee for consideration by voice vote.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

BORDER SECURITY BETWEEN THE PORTS OF ENTRY

The concept of Operational Control of the Border as used in the U.S. Border Patrol's National Strategy has become the standard of measure that describes how much or how little of the border is secure. According to the Border Patrol, approximately 1,107 miles are under effective operational control, but Customs and Border Protection has no plans to gain additional miles under control for the rest of fiscal year 2011 or in fiscal year 2012.

In order for Border Patrol agents to be effective, they must have the right combination of personnel, infrastructure, and technology. Since the cancellation of *SBI_{net}*, the question remains: "What is next?" The addition of Border Patrol agents and infrastructure alone cannot secure the border; suitable technology must be used to support the agents in the field as a force multiplier.

State and local law enforcement, first responders, and other Government officials can, and should, be leveraged to accomplish the shared goal of a secure border and safe communities. State and local officials in many cases are the first to encounter criminal elements associated with the influx of illegal crossings. The Subcommittee is examining the current programs in place that delegate customs authority to State and local law enforcement can inform the future use of such authorities in securing the border against illegal immigration and the smuggling of contraband.

The Subcommittee received a briefing on January 19, 2011, from officials from Customs and Border Protection's (CBP) Office of Technology Innovation and Acquisitions (OTIA). The briefing discussed the Department of Homeland Security's plan to move forward in the aftermath of the Secretary's decision to cancel the Secure Border Initiative.

On January 27, 2011, Committee staff received a briefing from members of the Association of Unmanned Vehicle Systems International on the issue of Unmanned Aerial Vehicles (UAVs) as a tool to help secure the border.

On January 27, 2011, Committee staff met with officials from the U.S. Border Patrol to discuss fiscal year 2010 statistics and how they relate to operational control of the border. The brief reviewed what metrics the Border Patrol uses to define levels of control on the border.

On February 4, 2011, Committee staff met with representatives from the Government Accountability Office (GAO) to discuss two reports; the first titled "Enhanced DHS Oversight and Assessment of Interagency Coordination Is Needed for the Northern Border" and the second titled "Preliminary Observations on Border Control Measures for the Southwest Border."

On February 15, 2011, the Subcommittee held a hearing entitled "Securing Our Borders—Operational Control and the Path Forward." The Subcommittee received testimony from Mr. Michael J. Fisher, Chief, Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office; and Hon. Raul G. Salinas, Mayor, City of Laredo, Texas. The hear-

ing focused on the Department's efforts to gain and maintain operational control of the border. It examined the effectiveness of the U.S. Border Patrol's measures for obtaining operational control including statistics on apprehensions, contraband seized, and number of Border Patrol Agents assigned to the Southwest border. Additionally, the hearing provided Members an opportunity to explore whether a Department-wide strategy to secure the border exists.

Committee staff met with officials from Customs and Border Protection on March 8, 2011, to receive an update on technology and personnel on the border.

On March 15, 2011, the Subcommittee held a hearing entitled "Strengthening the Border—Finding the Right Mix of Personnel, Infrastructure, and Technology." The Subcommittee received testimony from Mr. Michael J. Fisher, Chief of the Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Mark Borkowski, Assistant Commissioner, Office of Technology Innovation and Acquisition, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Michael C. Kostelnik, (Maj. Gen. Ret.) Assistant Commissioner, Office of CBP Air & Marine, U.S. Customs and Border Protection, Department of Homeland Security; Major General Hugo E. Salazar, Adjutant General, Arizona National Guard; and Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office.

The Majority Members of the Subcommittee sent a letter to the President of the United States on April 1, 2011, requesting an extension of the current National Guard deployment at the Southwest border, past the June 30, 2011 deadline. The National Guard has been a valuable force multiplier in the border mission—known as Operation Phalanx—and has proven to be well-equipped to provide the necessary support to civilian law enforcement personnel. The National Guard has expertise in a variety of border security skills such as ground surveillance, criminal investigative analysis, and command and control capabilities. The letter further requested that the National Guard not be limited to assisting civilian law enforcement, but to function to the full extent allowed under Title 32, Section 502(f) duty status.

Committee staff held a briefing on April 12, 2011 with representatives from Immigration and Customs Enforcement (ICE) regarding cooperation between their organization and State and local law enforcement officials. The briefing covered areas of effectiveness and areas that needed improvement.

Committee staff met with representatives from the Government Accountability Office on April 25, 2011, to discuss and examine *SBI_{net}*, and their recommendations for the future of this program.

On April 26, 2011, the Subcommittee received a briefing from representatives from ICE on their Border Enforcement Security Task (BEST) Force teams. The briefing focused on their work with State and local law enforcement in the areas surrounding the BESTs.

Committee staff met with the Deputy Chief of the U.S. Border Patrol on April 27, 2011 to discuss the Stonegarden grant program's effectiveness and other programs the U.S. Border Patrol uses to leverage State and local resources to secure the border.

State and local law enforcement, first responders, and other Government officials can, and should be, leveraged to accomplish the shared goal of a secure border and safe communities. The Subcommittee examined this issue in a May 3, 2011, hearing entitled “Border Security and Enforcement—Department of Homeland Security’s Cooperation with State and Local Law Enforcement Stakeholders.” The Subcommittee received testimony from Mr. Kumar Kibble, Deputy Director, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Mr. Ronald Vitiello, Deputy Chief, U.S. Customs and Border Protection, Department of Homeland Security; Sheriff Larry Dever, Cochise County Sheriff’s Office, Arizona; Sheriff Todd Entrekin, Etowah County Sheriff’s Office, Alabama; and Mr. Gomecindo Lopez, Commander, Special Operations Bureau, El Paso County Sheriff’s Office, Texas.

SECURITY AT THE PORTS OF ENTRY

Examining how the Office of Field Operations uses their resources appropriated by Congress to stop the illicit flow of money, guns, and drugs across the U.S. borders is crucial in determining control of the border. The Department of Justice (DOJ) has recently reported that nearly 90 percent of all drugs smuggled into the U.S. flow through official ports of entry. However, recent statistics—provided by Customs and Border Protection—show that CBP personnel are apprehending fewer than half of major violators, such as drug smugglers, at the border.

On March 7, 2011, Committee staff received a briefing from representatives from Immigration and Custom Enforcement (ICE) on the current situation with Mexican Drug Cartels. The briefing covered techniques on smuggling drugs into the United States and money and weapons out of the United States.

On March 11 and 23, 2011, Committee staff met with representatives from both the Department of Treasury’s Financial Crimes Enforcement Network (FinCEN) and ICE to discuss the current financial issues of the Mexican Drug Cartels, specifically, their use of stored value cards (SVCs).

Allocation of resources at the ports of entry in terms of manpower, canine units, and infrastructure and whether or not those resources are properly deployed to stem the tide of illicit guns, money, and drugs that cross through the ports of entry needed to be evaluated. On April 5, 2011, the Subcommittee held a hearing entitled “Using Resources Effectively to Secure Our Border at Ports of Entry—Stopping the Illicit Flow of Money, Guns, and Drugs.” The Subcommittee received testimony from Mr. Thomas Winkowski, Assistant Commissioner, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Stan Korosec, Vice President, Operations, Blue Water Bridge Canada; Mr. Timothy J. Koerner, Vice President & Chief Security Officer; and Hon. Richard F. Cortez, Mayor, City of McAllen, Texas.

PORT AND MARITIME SECURITY

The United States Coast Guard (USCG) plays a vital role within the Department of Homeland Security. The USCG safeguards U.S. ports, waterways, and coastal waters, interdicts illegal drug smug-

gling, performs search and rescue operations, inspects and ensures safety for all maritime vessels entering the United States and aids in law enforcement on the water; all while maintaining a state of defensive readiness.

On January 13, 2011, Committee staff conducted a site visit to the Maritime Security Response Team (MSRT) in Chesapeake, Virginia. The visit allowed staff to conduct oversight and gain greater knowledge of the missions and capabilities of the MSRTs.

On February 8, 2011, Committee staff met with representatives from the USCG to discuss the International Port Security Program (ISPS). The meeting specifically focused on the inspection process and program effectiveness.

Committee staff met with representatives from the USCG on March 17, 2011, for a briefing on the current status and effectiveness of Interagency Operational Centers (IOCs) and their plans for future development.

On April 13, 2011, the Subcommittee conducted a site visit to the U.S. Coast Guard Headquarters in Washington, DC. Subcommittee Members and staff met with the Commandant of the Coast Guard and examined security-related issues.

On April 14, 20, and 27, Committee staff met with representatives from the USCG, the Government Accountability Office, and relevant stakeholders to understand their concerns of the Transportation Worker Identification Credential (TWIC) program. Committee staff received a briefing on April 19, 2011, from representatives from the USCG on the Shiprider program and discussed relevant legislation.

On May 13, 2011, the Subcommittee met with representatives from the USCG for a scoping meeting for the upcoming hearing with Admiral Papp. During this meeting, staff was able to discuss possible topics for the hearing and to request any information they needed.

On May 26, 2011, Subcommittee staff met with representatives from the Royal Canadian Mounted Police (RCMP). The briefing covered issues regarding the Shiprider program and current and potential integrated law enforcement programs at the Northern borders.

On May 31, 2011, Subcommittee staff held a meeting with representatives from GAO regarding the upcoming U.S. Coast Guard hearing. The meeting purpose was to discuss the work GAO had done regarding Coast Guard acquisition plans, and other challenges facing the Coast Guard.

Following September 11, 2001, the USCG greatly increased its maritime security operations, including its focus on Ports and Waterways Coastal Security (PWCS) and defense readiness missions. On June 14, 2011, the Subcommittee held a hearing on "Securing the Nation's Ports and Maritime Border – A Review of the Coast Guard Post 9/11 Homeland Security Missions." The Subcommittee received testimony from Admiral Papp, Commandant of the USCG. In the hearing, the Subcommittee examined what Admiral Papp meant when he stated that the service may need to "reduce the number and range of capabilities [the USCG has] added since 9/11, until properly resourced and this will be acceptable."

SUBCOMMITTEE HEARINGS HELD

- “Securing Our Borders – Operational Control and the Path Forward.”* February 15, 2011. (Serial No. 111-4)
- “Strengthening the Border – Finding the Right Mix of Personnel, Infrastructure and Technology.”* March 15, 2011. (Serial No. 112-10)
- “Using Resources Effectively to Secure Our Border at Ports of Entry — Stopping the Illicit Flow of Money, Guns, and Drugs.”* April 15, 2011. (Serial No. 112-15)
- “Border Security and Enforcement — Department of Homeland Security’s Cooperation with State and Local Law Enforcement Stakeholders.”* May 3, 2011. (Serial No. 112-20)
- “Securing the Nation’s Ports and Maritime Border — A Review of the Coast Guard Post 9/11 Homeland Security Mission.”* June 14, 2011 (Serial No. 112-31)

SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE

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| PETER T. KING, New York <i>(Ex Officio)</i> | BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i> |

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

THREAT FROM AL-QAEDA TO THE U.S. HOMELAND

The Subcommittee has made significant efforts to understand the evolving threat from al-Qaeda and its various franchises throughout the world.

The Committee staff held multiple meetings with and briefings by stakeholders, including the Department of Homeland Security, experts from the Center for Strategic and International Studies, the Rand Corporation, and experts on al-Qaeda from academia and retired intelligence operatives.

On February 15, 2011, the Subcommittee received a classified Member-only briefing by the Deputy Assistant Secretary of Defense, Special Operations and Combating Terrorism, the Defense Intelligence Agency (DIA); the Deputy Director for Special Operations, J3, The Joint Staff; a Senior Intelligence Analyst, Middle East Branch of the Joint Intelligence Task Force on Counterterrorism; a Yemen Analyst, Middle East Branch of the Joint Intelligence Task Force on Counterterrorism; a Senior Intelligence Officer, Middle East and North Africa Branch, the Defense Intelligence Agency (DIA), Directorate of Intelligence; and a Yemen Analyst, Middle East and North Africa Analysis branch of the DIA Directorate of Intelligence, on the threat from al-Qaeda in the Arabian Peninsula.

On April 27, 2011, Committee staff conducted a site visit to the United States Military Academy at West Point, and met with representatives from the Combating Terrorism Center at West Point and West Point cadets.

Committee staff also conducted an in-depth examination of the various terrorism threats and U.S. counterterrorism policy and as a result on March 2, 2011, the Subcommittee held a hearing entitled "Terrorist Threat to the U.S. Homeland—al-Qaeda in the Arabian Peninsula (AQAP)." The Subcommittee received testimony

from Dr. Jarret Brachman, Managing Director, Cronus Global; Dr. Christopher Boucek, Associate, Carnegie Endowment for International Peace; and Mr. Barak Barfi, Research Fellow, New America Foundation. The Subcommittee hearing was followed by a classified Member-only briefing from the National Counterterrorism Center, the Department of Homeland Security, and the Federal Bureau of Investigation.

RECENT UNREST IN NORTH AFRICA AND THE MIDDLE EAST: THE
IMPLICATIONS FOR U.S. HOMELAND SECURITY

Committee staff attended multiple briefings from noted experts on policy implications regarding the uprisings across North Africa and the Middle East against established authoritarian regimes which occurred during the spring of 2011 and the potential policy and security ramifications for the United States. Specific topics included the importation of liquid natural gas from Yemen and common areas of interest in counterterrorism and security between the United States and Saudi Arabia.

On April 6, 2011 the Subcommittee held a hearing entitled “Unrest in the Middle East and North Africa: Ramifications for U.S. Homeland Security.” The Subcommittee received testimony from Mr. Philip Mudd, Senior Research Fellow, New America Foundation; Mr. Thomas Joscelyn, Senior Fellow and Executive Director, Center for Law and Counter Terrorism, Foundation for the Defense of Democracies; Mr. Rick “Ozzie” Nelson, Director and Senior Fellow, Homeland Security and Counterterrorism Program, Center for Strategic and International Studies; and Mr. Brian Katulis, Senior Fellow, Center for American Progress.

SUBCOMMITTEE OVERSIGHT OF THE DEPARTMENT OF HOMELAND
SECURITY’S INTELLIGENCE AND ANALYSIS DIRECTORATE

As part of its oversight, the Subcommittee met with officials from a number of offices and agencies within the Department of Homeland Security (DHS), including the Office of Intelligence and Analysis, the Office of the Assistant Secretary for Policy, the Federal Emergency Management Agency, the Office of Operations Coordination and Planning, the DHS Counter Intelligence mission and the Fusion Center program office, and programs within the U.S. Secret Service.

Subcommittee Chairman Meehan, Full Committee Chairman King and other Members visited the National Counterterrorism Center (NCTC) where Members received a classified threat briefing from the NCTC Director and met with officials of the NCTC. Subcommittee Chairman Meehan also held multiple meetings with the Federal Bureau of Investigation both in Washington, DC and in Pennsylvania, as well as the Homeland Security Under Secretary for Intelligence and Analysis.

Committee staff attended security conferences including the National Fusion Center Conference held in March 2011 in Denver, Colorado, and traveled to New York for security briefings by the New York Police Department and the New York State Intelligence Center.

On June 1, 2011, the Committee on Homeland Security's Subcommittee on Counterterrorism and Intelligence held a hearing entitled "The DHS Intelligence Enterprise — Past, Present, and Future." The Subcommittee received testimony from the Honorable Caryn Wagner, Under Secretary for the Office of Intelligence and Analysis, Department of Homeland Security; Mr. Rear Admiral Thomas Atkin, Assistant Commandant for Intelligence and Criminal investigation, U.S. Coast Guard; Mr. Daniel Johnson, Assistant Administrator for Intelligence, U.S. Transportation Security Administration; Mr. James Chaparro, Assistant Director for Intelligence, U.S. Immigration and Customs Enforcement; and Ms. Susan Mitchell, Deputy Assistant Commissioner, Office of Intelligence and Operations Coordination, U.S. Customs and Border Protection.

DOMESTIC RADICALIZATION

The Subcommittee aided the Full Committee in its efforts to understand domestic radicalization, violent extremism, and threat mitigation. Subcommittee staff has held over 15 different meetings with domestic and international experts and academics. The meetings focused on discussing the current threat homegrown terrorism and violent extremism within the United States and what measures can be taken to address this problem. Briefers included representatives of the Ahmaddiyya Group, the World Organization for Resource Development and Education, the Anti-Defamation League, a former United States attorney with expertise in this area, representatives from Johns Hopkins University, representatives from the New York Department of Corrections, and representatives from the U.S. Bureau of Prisons, among others.

On April 14, 2011, the Minority initiated a classified Member briefing from the Department of Homeland Security and the Federal Bureau of Investigation on the issue of domestic radicalization.

Committee staff, in conjunction with staff from the Senate Committee on Homeland Security and Government Affairs, attended multiple conferences and conducted site visits to the Coast Guard's Intelligence Coordination Center.

THREAT TO THE U.S. HOMELAND FROM SOUTH ASIA

The Subcommittee has continued to examine events in South Asia as they relate to the U.S. homeland, and in particular, monitored events in Pakistan, including the killing of Osama Bin Laden. Committee staff met with representatives of the Council on Foreign Relations, the New America Foundation, the RAND Corporation as well as the Carnegie Endowment for International Peace to better understand the complex social and political environment in South Asia. Committee staff was briefed by multiple experts with personal experiences in Pakistan, Afghanistan, and India regarding conditions on the ground in these critical areas and implications for counterterrorism policy and intelligence gathering.

On May 2, 2011, Subcommittee Chairman Meehan met with representatives from the Embassy of the Islamic Republic of Pakistan to discuss the situation within the country and the killing of al-Qaeda leader Osama bin Laden.

On May 3, 2011 the Subcommittee held a hearing entitled “The Threat to the U.S. Homeland Emanating from Pakistan.” The Subcommittee received testimony from Dr. Frederick Kagan, Resident Scholar and Director, American Enterprise Institute Critical Threats Project; Dr. Seth Jones, Senior Political Scientist, The RAND Corporation; Mr. Stephen Tankel, Visiting Fellow, South Asia Program, The Carnegie Endowment for International Peace; and Mr. Shuja Nawaz, Director, South Asia Center, The Atlantic Council. The hearing focused on the recent successful action against Osama bin Laden by the U.S. Special Forces in Pakistan, Pakistan’s support to the War on Terror, and the plethora of terrorist organizations based in Pakistan.

STRATEGIC PARTNERSHIPS

The Subcommittee has made efforts to foster relationships with counterpart bodies in different countries and regions around the world. Both Members and Committee staff held meetings to include the representatives from the governments of both the United Kingdom of Great Britain and Northern Ireland and the State of Israel.

On February 16, 2011, Subcommittee Chairman Meehan met with the Ambassador of Hashemite Kingdom of Jordan and other embassy representatives to discuss counterterrorism and intelligence issues and U.S.-Jordanian bilateral relations.

On April 15, 2011, Subcommittee Chairman Meehan addressed Members of the World Affairs Council on counterterrorism and intelligence issues.

TERROR FINANCE

The Subcommittee has examined issues surrounding terror financing. Committee staff received a briefing from Financial Crimes Enforcement Network (FinCEN) officials on Mexican drug cartels. Additionally, Committee staff met with the Federal Bureau of Investigation’s Terrorist Financing Operations Section, the Drug Enforcement Agency’s Special Operations Division, and the former Ambassador to the Organization of American States to discuss Latin American drug trafficking organizations and their connections with international terror networks.

On March 24, 2011, the Subcommittee on Counterterrorism and Intelligence Staff held a meeting with Ambassador Roger Noriega, Visiting Fellow with the American Enterprise Institute and former U.S. Ambassador to the Organization of American States. Ambassador Noriega outlined in detail the ties between Iran, Syria, Hezbollah and the most senior levels of the Venezuelan government. He laid out an extensive network of narco-trafficking ties from Venezuela into North America and Europe, including the involvement of Venezuelan officials and described a network of Hezbollah and IRGC front companies involved in money laundering, drug trafficking, and bulk cash smuggling all done specifically to skirt U.S. and U.N. sanctions against the Islamic Republic of Iran and Hezbollah. He also briefed staff on high-level connections between high-ranking members of Venezuelan President Hugo Chavez’s regime and Venezuelan diplomats to Iran and terrorist organizations including Hezbollah.

On April 7, 2011, Subcommittee Chairman Meehan sent letters to the Secretary of State and the Attorney General calling for their personal involvement to secure drug kingpin Walid Makled's extradition to the United States.

On May 9, 2011, Committee staff received a briefing from Section Chief Timothy Gallagher, Cyber Division; Supervisory Special Agent Keith Mularski, National Cyber Forensics and Training Alliance, both of the Federal Bureau of Investigation.

On May 31, 2011, Committee staff held a meeting with Ambassador Roger Noriega, Visiting Fellow with the American Enterprise Institute and former U.S. Ambassador to the Organization of American States. The meeting focused on Hezbollah's activity in Latin America.

On June 1, 2011, Committee staff held a meeting with Mr. Douglas Farah, president of IBI Consultants and Senior Fellow at the International Assessment and Strategy Center, to discuss Hezbollah in Latin America.

On June 10, 2011, the Subcommittee on Counterterrorism and Intelligence Staff held a meeting with Mr. Matthew Levitt, Senior Fellow and Director of The Washington Institute's Stein Program on Counterterrorism and Intelligence, and professorial lecturer in international relations and strategic studies at Johns Hopkins University's Paul H. Nitze School of Advanced International Studies (SAIS). The meeting focused on Hezbollah's activity in Latin America.

WEAPONS OF MASS DESTRUCTION (WMD)

Committee staff visited the Defense Threat Reduction Agency and received a briefing on the Agency's Strategic Command Center. Topics of discussion included: cooperative threat reduction and international engagement; planning, readiness, and operational support; research and development; and integration of technology with tactics, techniques, and procedures to work across the inter-agency process on the key WMD issues of nonproliferation, counter proliferation, and consequence management.

Additionally, on March 11, 2011, Committee staff held a meeting with representatives from the Federal Bureau of Investigation (FBI) on the FBI's Weapons of Mass Destruction Program.

On May 13, 2011, the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, the Subcommittee on Counterterrorism and Intelligence, and the Subcommittee on Emergency Preparedness, Response, and Communications received a classified Member-only briefing by representatives from the National Counterterrorism Center (NCTC) and the National Counterproliferation Center (NCPC), both of the Office of the Director of National Intelligence, on the threat from four categories of WMDs that terrorists may seek to acquire and use in a WMD terrorist attack chemical, biological, radiological, and nuclear (CBRN).

SUBCOMMITTEE HEARINGS HELD

- “Terrorist Threat to the U.S. Homeland — Al Qaeda in the Arabian Peninsula (AQAP).”* March 2, 2011. (Serial No. 112–5)
- “Unrest in the Middle East and North Africa: Ramifications for U.S. Homeland Security.”* April 6, 2011. (Serial No. 112–16)
- “The Threat to the U.S. Homeland Emanating from Pakistan.”* May 3, 2011. (Serial No. 112–21)
- “The DHS Intelligence Enterprise — Past, Present, and Future.”* June 1, 2011. (Serial No. 112–27)

COMMITTEE ON HOMELAND SECURITY OVERSIGHT PLAN FOR THE 112TH CONGRESS

Rule X. Clause 2(d) of the Rules of the House of Representatives for the 112th 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 the 30th day after June 1 and December 1, a semiannual report on the activities of that committee. Pursuant to (2)(d)(2)(B), the first report shall include a summary of the oversight plans submitted by the committee under clause 2(d) of rule X.

COMMITTEE ON HOMELAND SECURITY OVERSIGHT PLAN

Clause 2(d) of Rule X of the Rules of the House of Representatives for the 112th Congress requires each standing Committee to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committees on Oversight and Government Reform and House Administration not later than February 15th of the first session of the Congress.

This is the oversight plan for the Committee on Homeland Security for the 112th Congress. It includes the areas in which the Committee expects to conduct oversight during the 112th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

In the 112th Congress, the Full Committee will examine terrorist threats against the homeland, including the increasing threat of homegrown terrorism and Islamic radicalization in the homeland, as evidenced by the terrorist attacks at Fort Hood and Times Square, and thwarted plots on the New York City subway and in Portland, Oregon. As stated by the Attorney General, in the last 24 months, there have been 126 terrorism-related indictments, including 50 against U.S. citizens. The Committee will also analyze the radicalization of U.S. residents by foreign terrorist organizations via the Internet and the influence of English speaking radicals such as Anwar Al Awlaki. The Committee also intends to examine what approach the Department of Homeland Security (DHS) plans to take to address the increasing radicalization of individuals within the United States.

During the 112th Congress, the Committee will also examine the effect on national security of the transportation of unprivileged

enemy combatants to the United States to be detained and tried before a jury in a Federal civilian court. The examination will include a review of the potential risk of holding high-value detainees, such as Khalid Sheikh Mohammed and other co-conspirators of the attacks of September 11th, on domestic soil; the risk of inadvertent disclosure of sensitive information during the trial; and the recommendations delivered by the Department of Homeland Security (DHS or Department) as part of the Guantanamo Review Task Force.

The Committee will also examine the Obama Administration's policy concerning the Detention Center at the U.S. Naval Station Guantanamo Bay, Cuba. This oversight will include a review of the Secretary of Homeland Security's role as a member of the President's Guantanamo Detention Task Force, as outlined in Executive Order 13492. Furthermore, the Committee will examine the homeland security ramifications of the Administration's plans to purchase detention space within the United States for the purposes of detaining enemy combatants currently held at Guantanamo Bay and conducting military commissions for terrorists detained at Guantanamo.

SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE

COUNTERTERRORISM

In the 112th Congress, the Committee will examine the counterterrorism policies of the U.S. government, with specific focus on the Department of Homeland Security. This examination will include an assessment of the worldwide threat against the U.S. homeland from Al Qaeda core, Al Qaeda in the Arabian Peninsula (AQAP), Al Qaeda in the Islamic Maghreb (AQIM), al Shahbab, Tehrik-i-Taliban Pakistan (TTP), Lashkar-e-Taiba (LeT) and other emerging terrorist groups.

DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE ENTERPRISE

During the 112th Congress, the Committee will conduct oversight of the Department of Homeland Security's Intelligence Enterprise, including intelligence activities throughout the Department and component agencies. Additionally, the Committee will oversee the progress made in the coordination and collaboration of information collection and intelligence analysis occurring across the DHS Intelligence Enterprise, as well as the further development and role of the Homeland Security Intelligence Council (HSIC) in coordination and collaboration with Departmental intelligence activities.

During the 112th 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 as part of its homeland security mission. The Committee will examine whether the Department is receiving relevant intelligence and law enforcement information from other Federal agencies in a timely manner; whether the Secretary of Homeland Security is appropriately involved in the prioritization of the Fed-

eral 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.

Additionally, the Committee will examine the hiring authorities, practices, and career-development of intelligence analysts and professionals within the Department. The Committee will examine the progress of DHS intelligence analyst training programs, and whether they are meeting the needs of both the Department and state, local, and private sector partners.

COUNTERINTELLIGENCE

Throughout the 112th Congress, the Committee will track the development of the newly reorganized Department of Homeland Security Counterintelligence Program, to ensure it is fully meeting the Department's needs. The primary mission of DHS' Counterintelligence Program is to prevent adversaries from penetrating the department to exploit sensitive information, operations, programs, personnel, and resources.

INFORMATION SHARING

During the 112th Congress, the Committee will examine the progress being made to improve terrorist and homeland security information sharing efforts among Federal, state, and local governments, law enforcement entities, first responders, emergency management personnel, and the private sector. The Committee intends to explore the Department of Homeland Security's coordination and collaboration with the National Counterterrorism Center (NCTC), particularly through the Interagency Threat Assessment and Coordination Group, and efforts to disseminate necessary terrorist threat information among Federal, state, and local governments and the private sector. While supporting the Department's and government-wide information sharing efforts, the Committee will review efforts to ensure the security of sensitive and classified information and guard against unlawful access or disclosure, as in the case of WikiLeaks.

In addition to examining the Office of Intelligence and Analysis, the Committee will examine the Department of Homeland Security's efforts to establish policy for and coordinate information sharing efforts from across the Federal government to and from state and local fusion centers throughout the country. Additionally, the Committee will examine the Department's internal processes and coordination efforts in sharing information between the fusion centers and the Department. Further, the Committee will examine unclassified information designations and whether such designations impact the ability of the Department or other Federal agencies to share information among Federal, state, local and private sector partners.

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 among Federal, state, and local government and private sector partners. In the 112th 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.

UNITED STATES SECRET SERVICE

In the 112th Congress, the Committee will examine the homeland security operations of the United States Secret Service, including its critical role of protecting the President of the United States and presidential candidates in the 2012 presidential election.

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

OPERATIONAL CONTROL OF THE BORDER

During the 112th Congress, the Committee will focus on additional policies and resources necessary for the Department to gain operational control over the land and maritime borders of the United States, including but not limited to personnel, technology, infrastructure, and coordination. The Committee will also assess the status of programs and international agreements to secure U.S. land borders on the north and the south from illegal entry by persons or contraband.

Furthermore, the Committee continues to be concerned about the threat of spill-over violence stemming from the rise of drug cartels and the increasingly violent conflict throughout Mexico. During the 112th Congress, the Committee will conduct rigorous oversight of these issues.

BORDER SCREENING AND TERRORIST TRAVEL

In the 112th Congress, the Committee intends to review efforts to ensure the deployment and implementation of technology, training, and infrastructure enhancements to assist border and consular officials in identifying, intercepting, and disrupting terrorists or others who would do our Nation harm and who are attempting to enter or travel within the United States. As a part of this review, the Committee will monitor the Department's efforts 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 special interest countries. The Committee will address security-related deficiencies in the immigration and naturalization process that terrorists could use to gain entry to or remain in the country for illegitimate purposes. These weaknesses have and will continue to be exploited by terrorists and those seeking to commit terrorist acts. The Committee intends to explore challenges preventing the aggressive deployment of personnel to high-risk visa issuing posts to improve visa security.

The Committee will also examine the integration, security, and reliability of criminal, immigration, and terrorist databases used to screen persons seeking to enter this country, to include advanced passenger information and the US-VISIT program. The Committee

will also assess the development of secure travel documents. In addition, the Committee will examine the integration and effectiveness of transportation and border security screening systems for detecting high-risk passengers and cargo transported within the United States and across our borders.

PORT AND MARITIME SECURITY

In the 112th Congress, the Committee will examine various aspects of port and maritime security, including the security of port facilities; the screening of vessels, passengers, cargo, and crew for potential terrorists, terrorist weapons, and contraband; the development of international security standards for shipping and containers; and the implementation and operation of the Transportation Worker Identification Card (TWIC). The Committee also plans to review how the Department manages risk emerging from maritime threats and vulnerabilities such as small boats that could be utilized in acts of terrorism.

The Committee plans to review the efficiency and effectiveness of the Department's supply chain security programs, such as the Customs Trade Partnership against Terrorism (C-TPAT) and the Container Security Initiative (CSI), to ensure a proper balance between the facilitation of lawful trade and the security of America. This will include an assessment of implementation of the Maritime and Transportation Security Act of 2002 (P.L. 107-295), the Security and Accountability for Every (SAFE) Port Act of 2006 (P.L. 109-347), relevant provisions of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458), and the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53).

U.S. COAST GUARD

In the 112th Congress, the Committee plans to review the Coast Guard's homeland security missions, to include ports, waterways, and coastal security; drug interdiction; migrant interdiction; law enforcement; and defense readiness. The Committee will examine Coast Guard afloat, aviation, and shore-based operations in support of these missions to ensure that the service is using a risk-based, layered strategy to enforce laws and keep America's waters secure. This will include a specific assessment of the Coast Guard's anti-terrorist capabilities, most notably those found within the Deployable Operations Group and its units, including Maritime Safety and Security Teams, Port Security Units, Tactical Law Enforcement Teams, and the Maritime Security Response Team. Additionally, the Committee will review resource and asset needs within the Coast Guard to determine whether the service is operationally ready to address threats and emergencies while pursuing a long-term sustainable path of fleet recapitalization. The Committee will specifically examine the progress, efficiency, and efficacy of acquisitions programs such as the Integrated Deepwater Systems project to ensure major procurements remain on schedule without a reduction in readiness throughout the service.

Furthermore, the Committee will closely investigate the Coast Guard's specific maritime security operations and initiatives, such as the International Port Security Program and the inspection of

vessels originating from ports with inadequate anti-terrorism measures. The Committee will examine these and other programs to ensure that the service is developing a full sense of maritime domain awareness and executing all of its missions in the most effective manner possible to keep America secure.

SUBCOMMITTEE ON TRANSPORTATION SECURITY

NATIONAL STRATEGY FOR TRANSPORTATION SECURITY

During the 112th Congress, the Committee will examine the Department of Homeland Security's continuing efforts to implement the National Strategy for Transportation Security; the efforts of the Transportation Security Administration (TSA) in fulfilling its mandate under the Aviation and Transportation Security Act of 2001; and TSA's policies and programs to address security threats against all modes of transportation. The Committee's review will consider the Department's capacity for protecting the most at-risk transportation systems, the resiliency of critical infrastructure related to transportation, the development and deployment of technology to detect biological, chemical, and radiological threats, passenger screening, and other methods to prevent or mitigate terrorist attacks. Additionally, the Committee will examine the Department's staffing needs, its inventory and use of detection canines, and its allocation and objectives for transportation security grants.

PASSENGER AND BAGGAGE SCREENING

During the 112th Congress, the Committee will review TSA's deployment of technology and implementation of procedures related to the screening of passengers in all modes of transportation and will examine TSA's balancing security interests with the need for the efficient flow of travel, including privacy and civil liberties safeguards. The Committee will conduct oversight on the cost and effectiveness of technology related to the screening of baggage; information sharing within the Federal interagency process; coordination with international partners, and the effectiveness of the credentialing process. The Committee will also review TSA's passenger search policies and pre-screening programs, including the screening of passengers against no-fly and selectee lists, the performance of the Secure Flight program, and other measures that affect the security of domestic and international air travelers.

AVIATION SECURITY

In the 112th Congress, the Committee will examine the risks and consequences of terrorist attacks on passenger and cargo aircraft, as well as the development of security measures to reduce or mitigate such risks. The Committee's oversight will review programs and procedures implemented by the Department of Homeland Security related to the security of all types of aircraft, including commercial passenger, air cargo, and general aviation aircraft. In addition, the Committee will examine airport perimeter and access controls and technology for limiting access to the secure areas of com-

mercial and general aviation airports. The Committee will also examine the training and management of the Federal Air Marshal Service.

SURFACE TRANSPORTATION

In the 112th Congress, the Committee will review the Transportation Security Administration's efforts to secure surface transit systems, including the most at-risk mass transit systems, buses, subway light rail, and passenger rail, freight rail, pipelines, and highway systems. Moreover, in examining the security of surface transportation systems, the Committee will consider the roles and responsibilities of other DHS components including the Federal Emergency Management Agency (FEMA), as well as agencies external to DHS, including the Department of Transportation's (DOT) Federal Transit Administration (FTA) and Federal Railroad Administration (FRA), state and local agencies and private industry. The Committee's examination will include a review of TSA plans for providing resources to adequately train and staff surface transportation inspector units.

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

FEDERAL PREPAREDNESS AND RESPONSE

During the 112th Congress, the Committee will examine the Administration's efforts to review and update Homeland Security Presidential Directive 8 (HSPD-8), which directs the Department to create a national program and multi-year planning system to conduct terrorism preparedness-related exercises, and the impact the delay caused by this review has had on efforts to update the National Planning Scenarios and other preparedness activities. The Committee will also examine the Department's efforts to implement the Post Katrina Emergency Management Reform Act of 2006.

NATIONAL RESPONSE AND INCIDENT MANAGEMENT

In the 112th Congress, the Committee will examine the effectiveness of the National Response Framework (NRF), including the Department's role in coordinating the response efforts of all applicable Federal departments and agencies and the coordination among the Department and state and local governments, first responders, non-governmental organizations and the private sector in implementing the NRF. The Committee will also examine the development and integration of doctrine that addresses prevention, protection, and recovery, including the draft National Disaster Recovery Framework. In addition, during the 112th Congress, the Committee will oversee the Department's implementation of the National Incident Management System (NIMS), including the Department's integration of NIMS with the NRF.

INTEROPERABLE COMMUNICATIONS

In the 112th Congress, the Committee will monitor the progression of the Emergency Communications Preparedness Center and the Department's Office of Emergency Communications and Office of Interoperability and Compatibility. Specifically, the Committee will review the Department's coordination and planning, technical assistance, communications standards, and best practices for interoperable communications systems and the proposed public safety wireless broadband network for first responders. The Committee will also oversee the Department's implementation of grants for interoperable communications. In addition, the Committee will examine the Department's progress in the establishment of the Integrated Public Alerts and Warnings System to ensure interoperability among different warning systems.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST RESPONDERS

In the 112th Congress, the Committee will examine the extent to which the Department implements a risk-based approach to the allocation of grants and ways to improve the Department's administration of grants to enhance the ability of state and local governments and emergency responders to mitigate against, prevent, protect against, respond to, and recover from a terrorism attack or natural disaster. The Committee will review the coordination of the Department's grant programs with other agencies across the Federal government; coordination within the Department in developing guidance and administering grants; challenges in the funding pipeline; strength of regional partnerships developed through grants; and the distribution and expenditure of such grants at the state and local levels. The Committee will also review ongoing efforts to measure grant funding investments against improved preparedness capabilities.

FIRST RESPONDER TRAINING

During the 112th Congress, the Committee will review the Department's terrorism preparedness training programs, incorporation of such training into first responder certification processes, the level of coordination among Federal, state, and local training programs and the awareness of first responders serving state, local and tribal governments concerning these programs. The Committee will also review existing DHS training centers and determine whether the Department optimally utilizes these facilities to enhance first responder terrorism preparedness.

EXERCISES AND SIMULATIONS

In the 112th Congress, the Committee will monitor the Department's implementation of HSPD-8 and its progress in creating a planning system to conduct terrorism preparedness-related exercises. To that end, the Committee will examine the Department's National Exercise Program and ongoing efforts to streamline and improve it to ensure the program enhances the preparedness of the Nation. The Committee will review whether FEMA is incorporating

lessons learned from national exercises into future training, planning, exercises, and other activities. The Committee will conduct oversight of the National Level Exercise 2011 (NLE 2011), which is centered on a catastrophic earthquake in the New Madrid Seismic Zone and examine related Department of Defense (DoD) led exercises.

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR PLANNING,
PREPAREDNESS, AND RESPONSE

During the 112th Congress, the Committee will examine the significant challenges posed by chemical, biological, radiological, and nuclear (CBRN) weapons to homeland security and assess the government's progress in implementing security strategies including prevention, preparedness, and response approaches that utilize multiple tools and policies to reduce the likelihood and impact of CBRN attacks and, thus, the CBRN risk to the Nation. The Committee will oversee the Department's efforts to understand the evolving CBRN threat landscape, as well as integrate and share this information. The Committee will examine the Department's capability to mitigate CBRN risks through appropriate means including preparedness and response to CBRN threats with a focus on public health capacity to respond. In particular, the Committee will look at the capacity of the medical community to ready its existing resources, develop its capabilities, and surge in times of crisis. A critical facet of the Nation's medical preparedness for CBRN threats is the availability of effective medical countermeasures. The Committee will consider issues such as priorities for countermeasure development and state and local preparedness for distribution and dispensing of countermeasures. The Committee will also oversee preparedness for agricultural terrorism events, to include food defense policies and veterinary leadership at the Department of Homeland Security.

SUBCOMMITTEE ON CYBERSECURITY, INFRASTRUCTURE
PROTECTION, AND SECURITY TECHNOLOGIES

CYBERSECURITY

In the 112th Congress, the Committee will examine the Department's role in hardening our national critical infrastructure against cyber attacks by fortifying Federal civilian networks and collaborating with the private sector to develop the means to detect and prevent cyber attacks, reduce vulnerabilities, provide incident response, and facilitate recovery. That oversight will consider the Department's ability to detect the incursion of malicious activity; attribute the source of that activity; and promote best practices, risk assessments, and sharing of threat information across all levels of government and the private sector. In addition, the Committee will examine the Department's ability to foster cybersecurity research, development, and educational activities to secure cyber networks. Additionally, the Committee will examine the Department's efforts to recruit and train cybersecurity personnel. The Committee will also examine the resiliency of national critical infrastructure to withstand cyber attacks and the need to optimize supply chain risk

management to protect against manipulation without unnecessarily impeding commerce.

The Committee will review the integration of the various cyber missions carried out across the Federal government, including the Department's collaboration with the defense and intelligence agencies and its role in fulfilling the goals of the National Cyber Security Plan. The Committee also will examine the development and implementation of the National Cyber Incident Response Plan, which expands upon the National Response Framework.

THE SAFETY ACT

The Support Anti-terrorism by Fostering Effective Technologies Act (the SAFETY Act) was included as subtitle G of the Homeland Security Act of 2002, and authorized the Secretary of the Department of Homeland Security to designate, upon application, certain anti-terrorism products and services as qualified to participate in a Federal liability protection program. The SAFETY Act helps to foster the creation of anti-terrorism products and services and facilitates job creation. During the 112th Congress, the Committee will review the need for further congressional guidance on the process and criteria used to review and approve applications for SAFETY Act certification and designation; the process and criteria used to renew SAFETY Act certifications and designations; expansion of SAFETY Act protection for risk mitigation strategies, processes, and procedures; the increased use of SAFETY Act protection internationally; and the Department's ability to keep pace with the rising demand for SAFETY Act protections.

CRITICAL INFRASTRUCTURE PROTECTION

Pursuant to 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 112th Congress, Committee oversight will focus on the implementation of the National Strategy for Critical Infrastructure Protection, including the Department's national coordination responsibilities and its sector specific critical infrastructure protection responsibilities. The Committee will also examine the Department's efforts to assess national critical infrastructure priorities by maintaining the National Asset Database.

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.

SAFETY AND SECURITY OF FEDERAL BUILDINGS AND FACILITIES

In the 112th Congress, the Committee will continue to monitor the safety and security of Federal buildings and Facilities, including the role and responsibility of the Federal Protective Service.

CHEMICAL FACILITY SECURITY

In the 112th Congress, the Committee will continue to examine the implementation, scope, and impact of the Department's existing authority and regulations to secure chemical facilities and take action, as appropriate, to optimally balance the program's effectiveness in reducing the risk posed by certain chemical facilities and the everyday demands for chemicals in commerce.

SCIENCE AND TECHNOLOGY

During the 112th Congress, the Committee will oversee the capability of the Department's Science & Technology Directorate to rapidly develop and deliver products and technology solutions to its customers, including the operating components of DHS, and state and local emergency responders and officials, to help them secure the homeland by preventing, protecting against, and responding to terrorist threats and natural disasters. The Committee will examine, in particular, the Department's progress in developing a more rigorous process to identify, prioritize, and fund research, development, testing, and evaluation (RDT&E) opportunities that balances risk to the homeland with cost, impact, and time to deliver. The Committee will review the Department's efforts to coordinate the homeland security research and development agenda and leverage scientific knowledge and technical expertise, research, and facilities at relevant universities, research institutions, government and national laboratories, and the private sector, including the Homeland Security Centers of Excellence and Federal Funded Research and Development Centers. The Committee will also assess the status of the Department's technical infrastructure and workforce to ensure current and future homeland security RDT&E needs will be met.

The Committee will review the Department's activities relating to evaluation, testing, and certification of private sector homeland security technologies. The Committee will evaluate the Department's role in facilitating the transfer and commercialization of exiting technologies (including modification of military technologies) for use by Federal state, local and tribal government and first responders.

TECHNOLOGY TO COUNTER CHEMICAL, BIOLOGICAL, RADIOLOGICAL,
AND NUCLEAR THREATS

During the 112th Congress, the Committee will examine the Department's progress in improving the Nation's capability to counter the threat of terrorist use of chemical, biological, radiological, and nuclear weapons in the United States through multi-layered approaches that emphasize early detection at the Federal, state, and local levels, as well as post-event capabilities for remediation. The Committee will oversee the Department's development and implementation of the overarching strategic plan for the Global Nuclear Detection Architecture. The Committee will review the Department's chemical, biological, radiological, and nuclear analysis capabilities and information sharing mechanisms to provide actionable information and an integrated operating system to guide decision makers in carrying out appropriate responses, including interdiction. To enhance the ability to interdict chemical, biological, radio-

logical, and nuclear smuggling across U.S. borders (land, air, and sea), the Committee will oversee the Department's progress in employing risk-based methods for developing, testing, certifying, deploying, and operating current and next generation chemical, biological, radiological, and nuclear detection equipment. The Committee will also examine the Department's ability to detect chemical, biological, radiological, and nuclear materials in the interior of the U.S. and the Department's coordination with state and local partners to reduce the risk of radiological and nuclear terrorism to metropolitan urban areas and critical infrastructure through expanding the Securing the Cities Initiative. Finally, the Committee will examine the Department's chemical, biological, radiological, and nuclear forensic activities to support national priorities for deterrence, attribution, and prosecution.

SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT

DEPARTMENTAL OPERATIONS AND EFFICIENCY INITIATIVES

In the 112th Congress, the Committee will oversee the Department of Homeland Security's day-to-day operations to ensure that it is operating in the most efficient and effective manner possible. Pursuant to Clause 2(d)(F) of the Rules of the House of Representatives, the Committee will work to identify potential opportunities to eliminate duplicative or unnecessary programs, find efficiencies that will contribute to the Department's ability to meet its vital missions, and identify areas for cost savings. The Committee will also conduct rigorous oversight to ensure departmental regulations enhance security without posing an unnecessary barrier to private sector job creation. The Committee will fully investigate homeland security programs and practices, as warranted.

FINANCIAL MANAGEMENT

In the 112th Congress, the Committee will continue its oversight of the Department of Homeland Security's efforts to consolidate its 13 separate financial management systems into one, unified system, known as the Transformation and Systems Consolidation (TASC) project. In coordination with this review, the Committee will also review the Department's efforts to enhance internal controls and provide information that will enable clean audit opinions.

DEPARTMENTAL WORKFORCE

Throughout the 112th Congress, the Committee will monitor the Department's efforts to recruit and retain personnel and to address employee concerns set forth in the Office of Personnel Management's Federal Human Capital Survey and the Department's own personnel surveys, which have indicated morale problems across the Department. In addition, the Committee will examine the Department's Balanced Workforce Initiative, which seeks to convert contractor positions into Federal employees, to ensure an appropriate balance is struck between Federal employees and private

contracts and guard against any unnecessary elimination of private sector jobs.

INFORMATION TECHNOLOGY SYSTEMS MANAGEMENT

During the 112th Congress, the Committee will review the Department's efforts to address information technology (IT) challenges, including the management and integration of the Department's IT systems. The Committee will review the authorities and activities of the Chief Information Officer (CIO) and component CIOs to ensure the effective management and coordination of these key functions. The Committee will also monitor the Department's progress in IT architectural planning, investment management, policy development, operations, and related personnel management.

HSPD-12 IMPLEMENTATION

In the 112th Congress, the Committee will monitor the Department's implementation of Homeland Security Presidential Directive 12 (HSPD-12), *Policy for a Common Identification Standard for Federal Employees and Contractors*, including the Department's completion of card issuance, installation of card readers, and other identification security efforts, such as the use of logical access control systems.

HEADQUARTERS CONSOLIDATION

In the 112th Congress, the Committee will review the Department's efforts to consolidate its headquarters from more than 40 locations throughout the National Capital Region to eight or nine locations. The cornerstone of this effort is the St. Elizabeth's headquarters consolidation project. The Committee will monitor the progress of the consolidation to ensure the plan is completed on time and within budget.

ACQUISITION MANAGEMENT

During the 112th Congress, the Committee will review the efforts of the Department of Homeland Security to improve the integration and coordination of the procurement functions of its 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 "non-traditional government contractors" for needed homeland security technologies, as well as the Secretary's use of other streamlined acquisition practices.

PRIVACY AND CIVIL LIBERTIES

Section 222 of the Homeland Security Act of 2002 (the Act) created a Privacy Officer for the Department of Homeland Security to ensure that the Department's information gathering and analysis functions and other programs across its components adhere to established standards for the protection of privacy. Section 705 of the Act also established an Officer for Civil Rights and Liberties to review and assess information alleging abuses of civil rights or civil liberties by employees and officials of the Department of Homeland Security. During the 112th Congress, the Committee will monitor the Department's efforts under such laws to strike an appropriate balance between the need to combat terrorist attacks against the United States with the privacy expectations and civil rights of U.S. citizens.

APPENDICES

APPENDIX I

Committee Rules—Committee on Homeland Security

Adopted January 26, 2011

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.*—Clause 2(d) of Rule XI of the House shall govern the designation of a Vice Chairman of the Full Committee.

(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. The official Committee website shall display a link on its home page to the web site maintained by the Ranking Minority Member.

(G) *Activity Report.*—Not later than the 30th day after June 1 and December 1, the Committee shall submit to the House a semiannual report on the activities of the Committee. After ad-

journalment *sine die* of a regular session of Congress, or after December 15, whichever occurs first, the Chair may file the second or fourth semiannual report with the Clerk at any time and without approval of the Committee provided that a copy of the report has been available to each Member of the Committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a Member of the Committee.

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 at 10:00 a.m. 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, which may not commence earlier than one week after such notice. 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, may not commence earlier than the third day on which Members have notice thereof except in the case of a special meeting called under clause 2(c)(2) of House Rule XI. These notice requirements may be waived if the Chairman with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting sooner or if the Committee so determines by majority vote, a quorum being present for the transaction of business.

(a) Copies of any measure or matter 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) At least 24 hours prior to the commencement of a meeting for the markup of a measure or matter, the text of such measure or matter, including any mark, print, or amendment in the nature of a substitute, shall be made publicly available in electronic form and, to the extent practicable, posted on the official Committee web site.

(c) Not later than 24 hours after concluding a meeting to consider a measure or matter, the text of such measure or matter as ordered forwarded or reported, including any adopted amendments, shall be made publicly available in electronic form and, to the extent practicable, posted on the official Committee website.

(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. Pursuant to clause 2(e) of rule XI of the Rules of the House of Representatives, the Committee shall, to the greatest extent practicable, provide audio and video coverage of each hearing or meeting in a manner that allows the public to easily listen to and view the pro-

ceedings and shall maintain the recordings of such coverage in a manner that is easily accessible to the public.

(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, including, when practicable, circulation of notice by the Clerk of the Committee. 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 clause 2(j)(2) of House Rule XI.

(2) In questioning witnesses under the five-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. The Clerk of the Committee shall provide any such prepared or written statement submitted to the Clerk prior to the hearing to

the Members of the Committee prior to the commencement of the hearing.

(2) To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vita and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or sub-contract 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. Such disclosures shall be made publicly available, with appropriate redactions to protect the privacy of the witness, in electronic form not later than one day after the witness appears.

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 ensure 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 Members' 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 of the Ranking Minority Member for personal staff employed by a 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 and shall have specific responsibility for such measures or matters as the Chairman refers to it:

- (1) Subcommittee on Border and Maritime Security;
- (2) Subcommittee on Emergency Preparedness, Response, and Communications ;
- (3) Subcommittee on Transportation Security;
- (4) Subcommittee on Counterterrorism and Intelligence;
- (5) Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies;
- (6) Subcommittee on Oversight, Investigations, and Management

(B) *Selection and Ratio of Subcommittee Members.*—The Chairman and Ranking Minority 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 only be counted to satisfy the quorum requirement for the purpose of taking testimony and receiving evidence.

(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 forwarding 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 pursuant to a concurrent resolution 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 acknowledgment 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 Committee Members and Committee 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; (d) the estimated total cost of the travel; and (e) 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 a 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), (d), and (e) 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), (d) and (e) 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.

(C) *Compliance with Committee Travel Policy and Guidelines.*—Travel must be in accordance with the Committee Travel Policy and Guidelines, as well as with House Rules, the Travel Guidelines and Regulations and any additional guidance set forth by the Committee on Ethics and the Committee on House Administration. Committee Members and staff shall follow these rules, policies, guidelines, and regulations in requesting and proceeding with any Committee-related travel.

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 or Ranking Minority Member, and under the direction of the Majority or 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 Clerk of the Committee 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 clause 2(e) of House Rule XI.

(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) *Availability of Committee Records.*—The Committee shall keep a complete record of all Committee action including recorded votes and attendance at hearings and meetings. Information so available for public inspection shall include a description of each amendment, motion, order, or other proposition, including the name of the Member who offered the 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 and also made publicly available in electronic form and posted on the official Committee website within 48 hours of such record vote.

(G) *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.

(H) *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.

(I) *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.— COMMITTEE RULES.

(A) *Availability of Committee Rules in Electronic Form.*—Pursuant to clause 2(a) of rule XI of the Rules of the House of Representatives, the Committee shall make its rules publicly available in electronic form and posted on the official Committee website and shall submit such rules for publication in the Congressional Record not later than 30 days after the Chairman of the Committee is elected in each odd-numbered year.

(B) *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 and such changes are not inconsistent with the Rules of the House of Representatives.

APPENDIX II

Membership Changes

January 2011

On January 5, 2011, Mr. Peter T. King of New York was elected as Chairman and Mr. Bennie G. Thompson of Mississippi as Ranking Member pursuant to H. Res. 6 and H. Res. 7, respectively.

The Majority Members of the Committee were elected to the Committee on January 18, 2011, pursuant to H. Res. 37; and the Minority Members on January 19, 2011, pursuant to H. Res. 39.

Mr. Blake Farenthold of Texas was elected to the Committee pursuant to H. Res. 42 on January 19, 2011.

Mr. Mo Brooks of Alabama was elected to the Committee pursuant to H. Res. 53 on January 25, 2011.

COMMITTEE ON HOMELAND SECURITY

PETER T. KING, New York, *Chairman*

| | |
|-------------------------------|---|
| LAMAR SMITH, Texas | BENNIE G. THOMPSON, Mississippi |
| DANIEL E. LUNGREN, California | LORETTA SANCHEZ, California |
| MIKE ROGERS, Alabama | JANE HARMAN, California |
| MICHAEL T. McCAUL, Texas | SHEILA JACKSON LEE, Texas |
| GUS M. BILIRAKIS, Florida | HENRY CUELLAR, Texas |
| PAUL C. BROUN, Georgia | YVETTE D. CLARKE, New York |
| CANDICE S. MILLER, Michigan | LAURA RICHARDSON, California |
| TIM WALBERG, Michigan | DONNA M. CHRISTENSEN, U.S. Virgin Islands |
| CHIP CRAVAACK, Minnesota | DANNY K. DAVIS, Illinois |
| JOE WALSH, Illinois | BRIAN HIGGINS, New York |
| PATRICK MEEHAN, Pennsylvania | JACKIE SPEIER, California |
| BEN QUAYLE, Arizona | CEDRIC L. RICHMOND, Louisiana |
| SCOTT RIGELL, Virginia | HANSEN CLARKE, Michigan |
| BILLY LONG, Missouri | WILLIAM R. KEATING, Massachusetts |
| JEFF DUNCAN, South Carolina | |
| TOM MARINO, Pennsylvania | |
| BLAKE FARENTHOLD, Texas | |
| MO BROOKS, Alabama | |

SUBCOMMITTEE ON CYBERSECURITY, INFRASTRUCTURE PROTECTION, AND SECURITY TECHNOLOGIES

DANIEL E. LUNGREN, California, *Chairman*

| | |
|--|-----------------------------------|
| MICHAEL T. McCAUL, Texas | YVETTE D. CLARKE, New York |
| TIM WALBERG, Michigan, <i>Vice Chair</i> | LAURA RICHARDSON, California |
| PATRICK MEEHAN, Pennsylvania | CEDRIC L. RICHMOND, Louisiana |
| BILLY LONG, Missouri | WILLIAM R. KEATING, Massachusetts |
| TOM MARINO, Pennsylvania | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York <i>(Ex Officio)</i> | <i>(Ex Officio)</i> |

SUBCOMMITTEE ON TRANSPORTATION SECURITY

MIKE ROGERS, Alabama, *Chairman*

| | |
|--|---------------------------------|
| DANIEL E. LUNGREN, California | SHEILA JACKSON LEE, Texas |
| TIM WALBERG, Michigan | DANNY K. DAVIS, Illinois |
| CHIP CRAVAACK, Minnesota | JACKIE SPEIER, California |
| JOE WALSH, Illinois, <i>Vice Chair</i> | CEDRIC L. RICHMOND, Louisiana |
| MO BROOKS, Alabama | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT

MICHAEL T. MCCAUL, Texas, *Chairman*

| | |
|---|---------------------------------|
| GUS M. BILIRAKIS, Florida | JACKIE SPEIER, California |
| BILLY LONG, Missouri, <i>Vice Chair</i> | YVETTE D. CLARKE, New York |
| JEFF DUNCAN, South Carolina | DANNY K. DAVIS, Illinois |
| TOM MARINO, Pennsylvania | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

GUS M. BILIRAKIS, Florida, *Chairman*

| | |
|---|---|
| JOE WALSH, Illinois | LAURA RICHARDSON, California |
| SCOTT RIGELL, Virginia | DONNA M. CHRISTENSEN, U.S. Virgin Islands |
| TOM MARINO, Pennsylvania, <i>Vice Chair</i> | HANSEN CLARKE, Michigan |
| BLAKE FARENTHOLD, Texas | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

CANDICE S. MILLER, Michigan, *Chairman*

| | |
|--|---|
| MIKE ROGERS, Alabama | HENRY CUELLAR, Texas |
| MICHAEL T. MCCAUL, Texas | LORETTA SANCHEZ, California |
| PAUL C. BROUN, Georgia | DONNA M. CHRISTENSEN, U.S. Virgin Islands |
| BEN QUAYLE, Arizona, <i>Vice Chair</i> | BRIAN HIGGINS, New York |
| SCOTT RIGELL, Virginia | HANSEN CLARKE, Michigan |
| JEFF DUNCAN, South Carolina | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE

PATRICK MEEHAN, Pennsylvania, *Chairman*

| | |
|---|---------------------------------|
| PAUL C. BROUN, Georgia, <i>Vice Chair</i> | JANE HARMAN, California |
| CHIP CRAVAACK, Minnesota | LORETTA SANCHEZ, California |
| JOE WALSH, Illinois | SHEILA JACKSON LEE, Texas |
| BEN QUAYLE, Arizona | HENRY CUELLAR, Texas |
| SCOTT RIGELL, Virginia | BRIAN HIGGINS, New York |
| BILLY LONG, Missouri | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

March 7, 2011

On February 28, 2011, Ms. Jane Harman of California resigned as a Member of the House of Representatives. On March 7, 2011, Mrs. Donna M. Christensen resigned as a Member of the Committee on Homeland Security. The Memberships of the Subcommittees were modified on March 14, 2011 to reflect these vacancies.

The Committee on Homeland Security Membership and Subcommittee Membership was as follows:

COMMITTEE ON HOMELAND SECURITY

PETER T. KING, New York, *Chairman*

| | |
|-------------------------------|-----------------------------------|
| LAMAR SMITH, Texas | BENNIE G. THOMPSON, Mississippi |
| DANIEL E. LUNGREN, California | LORETTA SANCHEZ, California |
| MIKE ROGERS, Alabama | SHEILA JACKSON LEE, Texas |
| MICHAEL T. MCCAUL, Texas | HENRY CUELLAR, Texas |
| GUS M. BILIRAKIS, Florida | YVETTE D. CLARKE, New York |
| PAUL C. BROUN, Georgia | LAURA RICHARDSON, California |
| CANDICE S. MILLER, Michigan | DANNY K. DAVIS, Illinois |
| TIM WALBERG, Michigan | BRIAN HIGGINS, New York |
| CHIP CRAVAACK, Minnesota | JACKIE SPEIER, California |
| JOE WALSH, Illinois | CEDRIC L. RICHMOND, Louisiana |
| PATRICK MEEHAN, Pennsylvania | HANSEN CLARKE, Michigan |
| BEN QUAYLE, Arizona | WILLIAM R. KEATING, Massachusetts |
| SCOTT RIGELL, Virginia | VACANCY |
| BILLY LONG, Missouri | VACANCY |
| JEFF DUNCAN, South Carolina | |
| TOM MARINO, Pennsylvania | |
| BLAKE FARENTHOLD, Texas | |
| MO BROOKS, Alabama | |

SUBCOMMITTEE ON CYBERSECURITY, INFRASTRUCTURE PROTECTION, AND SECURITY TECHNOLOGIES

DANIEL E. LUNGREN, California, *Chairman*

| | |
|--|-----------------------------------|
| MICHAEL T. MCCAUL, Texas | YVETTE D. CLARKE, New York |
| TIM WALBERG, Michigan, <i>Vice Chair</i> | LAURA RICHARDSON, California |
| PATRICK MEEHAN, Pennsylvania | CEDRIC L. RICHMOND, Louisiana |
| BILLY LONG, Missouri | WILLIAM R. KEATING, Massachusetts |
| TOM MARINO, Pennsylvania | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON TRANSPORTATION SECURITY

MIKE ROGERS, Alabama, *Chairman*

| | |
|--|---------------------------------|
| DANIEL E. LUNGREN, California | SHEILA JACKSON LEE, Texas |
| TIM WALBERG, Michigan | DANNY K. DAVIS, Illinois |
| CHIP CRAVAACK, Minnesota | JACKIE SPEIER, California |
| JOE WALSH, Illinois, <i>Vice Chair</i> | CEDRIC L. RICHMOND, Louisiana |
| MO BROOKS, Alabama | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT

MICHAEL T. McCAUL, Texas, *Chairman*

| | |
|---|-----------------------------------|
| GUS M. BILIRAKIS, Florida | WILLIAM R. KEATING, Massachusetts |
| BILLY LONG, Missouri, <i>Vice Chair</i> | YVETTE D. CLARKE, New York |
| JEFF DUNCAN, South Carolina | DANNY K. DAVIS, Illinois |
| TOM MARINO, Pennsylvania | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | (<i>Ex Officio</i>) |
| (<i>Ex Officio</i>) | |

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

GUS M. BILIRAKIS, Florida, *Chairman*

| | |
|---|---------------------------------|
| JOE WALSH, Illinois | LAURA RICHARDSON, California |
| SCOTT RIGELL, Virginia | HANSEN CLARKE, Michigan |
| TOM MARINO, Pennsylvania, <i>Vice Chair</i> | VACANCY |
| BLAKE FARENTHOLD, Texas | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | (<i>Ex Officio</i>) |
| (<i>Ex Officio</i>) | |

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

CANDICE S. MILLER, Michigan, *Chairman*

| | |
|--|---------------------------------|
| MIKE ROGERS, Alabama | HENRY CUELLAR, Texas |
| MICHAEL T. McCAUL, Texas | LORETTA SANCHEZ, California |
| PAUL C. BROUN, Georgia | SHEILA JACKSON LEE, Texas |
| BEN QUAYLE, Arizona, <i>Vice Chair</i> | BRIAN HIGGINS, New York |
| SCOTT RIGELL, Virginia | HANSEN CLARKE, Michigan |
| JEFF DUNCAN, South Carolina | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | (<i>Ex Officio</i>) |
| (<i>Ex Officio</i>) | |

SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE

PATRICK MEEHAN, Pennsylvania, *Chairman*

| | |
|---|---------------------------------|
| PAUL C. BROUN, Georgia, <i>Vice Chair</i> | JACKIE SPEIER, California |
| CHIP CRAVAACK, Minnesota | LORETTA SANCHEZ, California |
| JOE WALSH, Illinois | HENRY CUELLAR, Texas |
| BEN QUAYLE, Arizona | BRIAN HIGGINS, New York |
| SCOTT RIGELL, Virginia | VACANCY |
| BILLY LONG, Missouri | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | (<i>Ex Officio</i>) |
| (<i>Ex Officio</i>) | |

June 2, 2011

Ms. Kathleen C. Hochul of New York was elected to the Committee on June 2, 2011 pursuant to H. Res. 293.

The Committee on Homeland Security Membership and Subcommittee Membership was as follows:

COMMITTEE ON HOMELAND SECURITY

PETER T. KING, New York, *Chairman*

| | |
|-------------------------------|-----------------------------------|
| LAMAR SMITH, Texas | BENNIE G. THOMPSON, Mississippi |
| DANIEL E. LUNGREN, California | LORETTA SANCHEZ, California |
| MIKE ROGERS, Alabama | SHEILA JACKSON LEE, Texas |
| MICHAEL T. McCAUL, Texas | HENRY CUELLAR, Texas |
| GUS M. BILIRAKIS, Florida | YVETTE D. CLARKE, New York |
| PAUL C. BROUN, Georgia | LAURA RICHARDSON, California |
| CANDICE S. MILLER, Michigan | DANNY K. DAVIS, Illinois |
| TIM WALBERG, Michigan | BRIAN HIGGINS, New York |
| CHIP CRAVAACK, Minnesota | JACKIE SPEIER, California |
| JOE WALSH, Illinois | CEDRIC L. RICHMOND, Louisiana |
| PATRICK MEEHAN, Pennsylvania | HANSEN CLARKE, Michigan |
| BEN QUAYLE, Arizona | WILLIAM R. KEATING, Massachusetts |
| SCOTT RIGELL, Virginia | KATHLEEN C. HOCHUL, New York |
| BILLY LONG, Missouri | VACANCY |
| JEFF DUNCAN, South Carolina | |
| TOM MARINO, Pennsylvania | |
| BLAKE FARENTHOLD, Texas | |
| MO BROOKS, Alabama | |

SUBCOMMITTEE ON CYBERSECURITY, INFRASTRUCTURE PROTECTION,
AND SECURITY TECHNOLOGIES

DANIEL E. LUNGREN, California, *Chairman*

| | |
|--|-----------------------------------|
| MICHAEL T. McCAUL, Texas | YVETTE D. CLARKE, New York |
| TIM WALBERG, Michigan, <i>Vice Chair</i> | LAURA RICHARDSON, California |
| PATRICK MEEHAN, Pennsylvania | CEDRIC L. RICHMOND, Louisiana |
| BILLY LONG, Missouri | WILLIAM R. KEATING, Massachusetts |
| TOM MARINO, Pennsylvania | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON TRANSPORTATION SECURITY

MIKE ROGERS, Alabama, *Chairman*

| | |
|--|---------------------------------|
| DANIEL E. LUNGREN, California | SHEILA JACKSON LEE, Texas |
| TIM WALBERG, Michigan | DANNY K. DAVIS, Illinois |
| CHIP CRAVAACK, Minnesota | JACKIE SPEIER, California |
| JOE WALSH, Illinois, <i>Vice Chair</i> | CEDRIC L. RICHMOND, Louisiana |
| MO BROOKS, Alabama | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT

MICHAEL T. McCAUL, Texas, *Chairman*

| | |
|---|-----------------------------------|
| GUS M. BILIRAKIS, Florida | WILLIAM R. KEATING, Massachusetts |
| BILLY LONG, Missouri, <i>Vice Chair</i> | YVETTE D. CLARKE, New York |
| JEFF DUNCAN, South Carolina | DANNY K. DAVIS, Illinois |
| TOM MARINO, Pennsylvania | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

GUS M. BILIRAKIS, Florida, *Chairman*

| | |
|---|---------------------------------|
| JOE WALSH, Illinois | LAURA RICHARDSON, California |
| SCOTT RIGELL, Virginia | HANSEN CLARKE, Michigan |
| TOM MARINO, Pennsylvania, <i>Vice Chair</i> | VACANCY |
| BLAKE FARENTHOLD, Texas | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

CANDICE S. MILLER, Michigan, *Chairman*

| | |
|--|---------------------------------|
| MIKE ROGERS, Alabama | HENRY CUELLAR, Texas |
| MICHAEL T. McCAUL, Texas | LORETTA SANCHEZ, California |
| PAUL C. BROUN, Georgia | SHEILA JACKSON LEE, Texas |
| BEN QUAYLE, Arizona, <i>Vice Chair</i> | BRIAN HIGGINS, New York |
| SCOTT RIGELL, Virginia | HANSEN CLARKE, Michigan |
| JEFF DUNCAN, South Carolina | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE

PATRICK MEEHAN, Pennsylvania, *Chairman*

| | |
|---|---------------------------------|
| PAUL C. BROUN, Georgia, <i>Vice Chair</i> | JACKIE SPEIER, California |
| CHIP CRAVAACK, Minnesota | LORETTA SANCHEZ, California |
| JOE WALSH, Illinois | HENRY CUELLAR, Texas |
| BEN QUAYLE, Arizona | BRIAN HIGGINS, New York |
| SCOTT RIGELL, Virginia | VACANCY |
| BILLY LONG, Missouri | BENNIE G. THOMPSON, Mississippi |
| PETER T. KING, New York | <i>(Ex Officio)</i> |
| <i>(Ex Officio)</i> | |

ADDITIONAL VIEWS

Additional Views of the Democratic Members of the Committee on Homeland Security

INTRODUCTION

During the 112th Congress, Democratic Members of the Homeland Security Committee have diligently worked to assure that the programs, policies, and practices of the Department of Homeland Security are effective and efficient in safeguarding the nation from the terrorist threat; addressing the destructive impact of natural disasters; mitigating known and unknown vulnerabilities, and ensuring resiliency in the operation of both publicly and privately owned facilities and infrastructures. The Democratic Members are committed to protecting the homeland and ensuring that in the event of a terrorist attack or other catastrophic occurrence, the welfare of each and every impacted American is of paramount concern.

This Committee work has taken various forms, including the introduction of legislation, arranging briefings from Administration officials, and sending oversight requests to the Department of Homeland Security. Most importantly, these efforts have been a continuation of work done by the Democratic Majority in the 110th and 111th Congresses. Despite minority status, Democrats have found a way to follow through on our earlier efforts designed to protect the American people.

While we look forward to engaging in collaborative efforts with the Republican Majority, to date, its efforts have been predominantly non-inclusive. This lack of bipartisan collaboration has led to the filing of these Additional Views.

Under the Rules of the House, Activity Reports are intended to reflect a comprehensive review of a Committee's legislative and oversight activities. The goal must be to produce a report of the highest caliber to inform our constituents—the American taxpayer—of the actions we have taken on their behalf. In compiling and reporting the activities of the Committee, we create a record not for a political season, but for posterity.

Unfortunately, in producing this semiannual Activity Report, the Majority opted to compile records of Committee activities that were not officially noticed events. The report is replete with vague, dateless references to non-noticed meetings between Majority staff and external, non-governmental stakeholders. Not only does this raise questions about the influence these non-governmental stakeholders may have had, it also may unintentionally create a cloud over the work of this Committee. We hope that these deficiencies will not be perpetuated in future reports and the Committee's work will be carried out in a bipartisan and transparent manner.

Therefore, the Additional Views, filed herein are an attempt to convey both the concerns of the Democratic Members of the Committee and to provide a clear record of those activities that were either publicly noticed or involved participation of Democratic Members or staff.

LEGISLATIVE ACTIVITIES OF THE COMMITTEE

In the first quarter of the 112th Congress, 58 bills and resolutions were referred to the Committee. None of the measures referred to the Committee have been reported to the House. No measure referred to the Committee was considered on the House floor.

Of the 58 measures referred to the Committee, seven bills have been marked up and favorably forwarded to the Full Committee. One bill was favorably forwarded by the Cybersecurity, Infrastructure Protection, and Security Technologies Subcommittee on April 14, 2011; three bills were favorably reported by the Transportation Security Subcommittee on May 12, 2011; and three bills were favorably forwarded by the Border and Maritime Security Subcommittee on June 2, 2011. Two of the measures that were favorably forwarded to the Full Committee were authored by Committee Democrats. They are H.R. 915, the “Jaime Zapata Border Enforcement Security Task Force Act,” which was introduced by Border and Maritime Security Subcommittee Ranking Member Henry Cuellar (D-TX) and H.R. 1165, the “Transportation Security Administration Ombudsman Act of 2011,” which was introduced by Transportation Security Subcommittee Ranking Member Sheila Jackson Lee (D-TX). In the first quarter, Democratic Member offered six amendments at the three Subcommittee markups. None of these amendments were adopted.

The level of legislative activity in the first quarter stands in marked contrast to the Committee’s level of activity in previous Congresses for the same period as covered in the underlying report. In the 111th Congress, under the direction of then-Chairman Bennie G. Thompson (D-MS), thirteen measures that were referred to the Committee were approved by the House.¹ Five of the thir-

¹The thirteen measures are as follows: (1) H.R. 549, the “National Bombing Prevention Act of 2009,” introduced by then-Committee Ranking Member Peter T. King (R-NY); (2) H.R. 553, the “Reducing Over-Classification Act,” introduced by then-Rep. Jane Harman (D-CA); (3) H.R. 559, the “Fair, Accurate, Secure, and Timely Redress Act of 2009,” introduced by Rep. Yvette Clarke (D-NY); (4) H.R. 730, the “Nuclear Forensics and Attribution Act,” introduced by Rep. Adam Schiff (D-CA); (5) H.R. 1029, the “Alien Smuggling and Terrorism Prevention Act of 2009,” introduced by then-Rep. Baron Hill (D-IN); (6) H.R. 1148, a bill “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,” introduced by Rep. Gus Bilirakis (R-FL); (7) 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, and for other purposes,” introduced by Rep. Charlie Dent (R-PA); (8) H.R. 1617, the “Department of Homeland Security Component Privacy Officer Act of 2009,” introduced by then-Representative Chris Carney (R-PA); (9) H.R. 2200, the “Transportation Security Administration Authorization Act,” introduced by Rep. Jackson Lee; (10) H. Res. 14, a 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,” introduced by Rep. Darrell Issa (R-CA); (11) 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 Rep. Bilirakis; (12) H. Res. 201, a resolution “Recognizing Beverly Eckert’s service to the Nation and particularly the survivors and families of the September 11, 2001, attacks,” introduced by Rep. Louise Slaughter (D-NY); and (13) H. Res.

teen measures brought to the House floor were introduced by Republican Members of the House. In the 110th Congress, eighteen measures within the Committee's jurisdiction, including H.R. 1, the "Implementing the 9/11 Commission Recommendations Act of 2007" (P.L. 110-53) and H.R. 1684, the "Department of Homeland Security Authorization for Fiscal Year 2008," were approved by the House.

In this quarter, of the 58 bills referred to the Committee on Homeland Security, 33 were introduced by Democratic Members of the House. Twenty measures referred to the Committee were sponsored by Committee Democrats; these bills address a wide range of homeland security challenges—from border and transportation security to disaster preparedness and recovery to civil liberties and counterterrorism. Listed below are the measures, in the order of introduction.

- H.R. 71, the "FAMS Augmentation Act of 2011," as introduced by Transportation Security Subcommittee Ranking Member Sheila Jackson Lee (D-TX) on January 5, 2011.

- H.R. 76, the "Cybersecurity Education Enhancement Act of 2011," as introduced by Transportation Security Ranking Member Jackson Lee on January 5, 2011.

- H.R. 77, the "Border Security, Cooperation, and Act Now Drug War Prevention Act of 2011," as introduced by Transportation Security Ranking Member Jackson Lee on January 5, 2011.

- H.R. 174, the "Homeland Security Cyber and Physical Infrastructure Protection Act of 2011," as introduced by Committee Ranking Member Bennie G. Thompson (D-MS) on January 5, 2011.

- H.R. 175, the "Smart Housing in Disasters Act of 2011," as introduced by Committee Ranking Member Thompson on January 5, 2011.

- H.R. 176, the Federal Protective Service Improvement and Accountability Act of 2011," as introduced by Committee Ranking Member Thompson on January 5, 2011.

- H.R. 216, the "Border Security Search Accountability Act of 2011," as introduced by Rep. Loretta Sanchez (D-CA) on January 7, 2011.

- H.R. 225, the "Chemical Facility Security Improvement Act of 2011," as introduced by Transportation Security Ranking Member Jackson Lee on January 7, 2011.

- H. Res. 28, Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with existing law, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit systems and other modes of surface transportation; and for other purposes, as introduced by Transportation Security Subcommittee Ranking Member Jackson Lee on January 7, 2011.

- H.R. 685, the "Checkpoint Images Protection Act of 2011," as introduced by Transportation Security Subcommittee Ranking Member Jackson Lee and four non-Committee Members on February 14, 2011.

498, a resolution "Honoring and congratulating the U.S. Border Patrol on its 85th anniversary," introduced by then-Rep. Harry Teague (D-NM).

- H.R. 770, the “Border Enforcement Security Task Force Act of 2011,” as introduced by Border and Maritime Security Ranking Member Henry Cuellar (D–TX) on February 17, 2011.
- H.R. 915, the “Jaime Zapata Border Enforcement Security Task Force Act,” as introduced by Border and Maritime Security Ranking Member Cuellar on March 3, 2011.
- H.R. 1007, the “Fair, Accurate, Secure, and Timely Redress Act of 2011,” as introduced by CIPST Ranking Member Yvette D. Clarke (D–NY) on March 10, 2011. Identical legislation, H.R. 559, as introduced by Rep. Clarke, was approved by the House on February 3, 2009 by a vote of 413 to 3.
- H.R. 1128, the “Elementary and Secondary School Emergency Preparedness Planning Act,” as introduced by EPRC Ranking Member Laura Richardson (D–CA), Transportation Security Subcommittee Ranking Member Jackson Lee and six non-Committee Members on March 16, 2011.
- H.R. 1129, the “Homeland Security Grant Management Improvement Act,” as introduced by EPRC Ranking Member Richardson and two non-Committee Members on March 16, 2011. Last Congress, identical legislation, H.R. 5562, was favorably reported to the House on November 30, 2010.
- H.R. 1165, the “Transportation Security Administration Ombudsman Act of 2011” as introduced by Transportation Security Subcommittee Ranking Member Jackson Lee, Committee Ranking Member Thompson, Counterterrorism and Intelligence Subcommittee Ranking Member Jackie Speier (D–CA), and Rep. Danny K. Davis (D–IL) on March 17, 2011.
- H.R. 1447, the “Aviation Security Stakeholder Participation Act of 2011,” as introduced by Committee Ranking Member Thompson and Transportation Security Subcommittee Ranking Member Jackson Lee on April 8, 2011. Last Congress, H.R. 2200, the “Transportation Security Administration Authorization Act,” as approved by the House on June 4, 2009 by a vote of 397 to 25, contained this measure.
- H. Res. 240, Commending President Barack Obama and the men and women of the military and intelligence agencies for the successful completion of the operation that led to the death of Osama bin Laden, as introduced by Transportation Security Subcommittee Ranking Member Jackson Lee, Border and Maritime Security Ranking Member Cuellar, Oversight, Management, and Investigations Subcommittee Chairman Michael T. McCaul (R–TX), EPRC Ranking Member Richardson, and Rep. Cedric Richmond (D–LA) and 35 non-Committee Members on May 3, 2011.
- H.R. 1900, the “Surface Transportation and Mass Transit Security Act of 2011, as introduced by Transportation Security Subcommittee Ranking Member Jackson Lee, Committee Ranking Member Thompson, Cybersecurity, Infrastructure Protection, and Security Technologies Subcommittee Ranking Member Yvette D. Clarke (D–NY), and Rep. Danny K. Davis on May 13, 2011. Last Congress, major sections of this measure were approved by the House on June 4, 2009, with the approval of H.R. 2200, the “Transportation Security Administration Authorization Act,” by a vote of 397 to 25.

- H.R. 2265, to direct the President to forgo recoupment of liabilities relating to assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes, as introduced by Rep. Cedric L. Richmond and Committee Ranking Member Thompson on June 21, 2011.

Taken together, these twenty measures reflect the view of Committee Democrats that the risks to the homeland are multi-faceted. Additionally, they are the product of the Committee's extensive oversight into the activities of the Department of Homeland Security (DHS). In particular, the two measures that were marked up in Subcommittee, H.R. 915, the "Jaime Zapata Border Enforcement Security Task Force Act," and H.R. 1165, the "Transportation Security Administration Ombudsman Act of 2011," are the products of that oversight.

H.R. 915, which was named in honor of U.S. Immigration and Customs Enforcement (ICE) Special Agent Jaime Zapata, who was killed in the line of duty, while serving on a Border Enforcement Security Task Force (BEST) team in a Mexico, on Feb. 15, 2011, would enhance border security and reduce security threats by providing authorization for these ICE law enforcement units on the border. The Committee has done extensive oversight of the ICE BEST program which was formally launched in 2006 to bring Federal, state, local, tribal and foreign law enforcement and intelligence resources together to identify, disrupt, and dismantle organizations that seek to exploit vulnerabilities along the U.S. borders and threaten the overall safety and security of the American public. Enactment of H.R. 915 would mark the first time this ICE border enforcement program, where law enforcement collaborate to investigate, apprehend and prosecute individuals engaged in drug trafficking, arms smuggling, human smuggling and trafficking, violence and kidnapping along borders, would be authorized.

H.R. 1165, the "Transportation Security Administration Ombudsman Act of 2011," was introduced on March 17, 2011 to establish an ombudsman office within the Transportation Security Administration that has the independence, authority, and accountability to assist TSA's workforce in resolving employment issues, thereby enhancing the agency's ability to achieve its security mission. TSA's workforce is on the front lines of our nation's fight to protect the homeland. As one of the largest components of the Department, the stability of this workforce is vital to the security of our nation. Yet, since its inception, high attrition—nearly 20%—and low morale have plagued the agency, particularly among Transportation Security Officers (TSOs), responsible for screening 2 million air passengers each day.

In May 2008, the DHS Office of Inspector General (OIG) (OIG-08-62) found that TSA's Ombudsman was not trusted by the workforce, lacked adequate independence and authority, and failed to provide useful agency-wide trends analysis. The subject of the utility of a robust ombudsman operation was raised on September 23, 2010, in testimony by TSA Administrator John S. Pistole, appearing before the Subcommittee that handled transportation security for the first time since his Senate confirmation. Administrator Pistole acknowledged that TSA has "workplace issues" and that "the Ombudsman at TSA is one of many avenues through which TSA

employees may raise workplace issues and concerns to see them resolved I also know from my experience at the FBI that an effective Ombudsman program is a valuable resource for unfiltered, candid feedback on the state of the workplace environment, and I am committed to its advisory role to me and the rest of the TSA leadership team.”

As mentioned above, a number of other homeland security measures were introduced by Committee Democrats, however, because jurisdiction over homeland security has not been consolidated within the Committee on Homeland Security under the Rules of the House of Representatives, they were referred to other Committees. However, as the purpose of this semiannual report is to provide an official record of the activities of this Committee, Committee Democrats have refrained from listing measures that were not referred to the Committee in these Additional Views. The summary for the Full Committee oversight activities in the underlying report repeatedly discusses three measures that were not referred to the Committee—H.R. 495, H.R. 607, and H.R. 703.

No discussion about Committee Democrats contributions to the legislative activity of the Committee would be complete without acknowledging Committee Democrats impact on one of the seven measures acted upon at the Subcommittee level in this period—H.R. 1690, the “MODERN Security Credential Act.” Specifically, a number of provisions proposed by Committee Democrats were included in the Amendment in the Nature of a Substitute that Transportation Security Subcommittee Chair Mike Rogers (R-AL) offered at the May 12th Subcommittee markup of H.R. 1690. The Rogers’ Amendment in the Nature of a Substitute addressed concerns expressed at the May 4, 2011 legislative hearing on H.R. 1690 where the Committee heard troubling testimony about the potential negative impact of the measure, as introduced, on the airport operators. At that hearing, the Subcommittee heard from Randall H. Walker, the Director of Aviation for Las Vegas McCarron International Airport, who testified at the request of Transportation Security Subcommittee Ranking Member Jackson Lee, that the legislation risked driving up operating costs for airport operators and longstanding local oversight of credentialing for workers within their airports. In the week between the legislative hearing and the Subcommittee markup, Transportation Security Subcommittee Ranking Member Jackson Lee worked with Subcommittee Chairman Rogers, in a bipartisan manner, to reach agreement on an Amendment in the Nature of a Substitute that streamlines Federal credentialing programs while addressing stakeholder concerns.

H.R. 1690, as amended, requires the establishment of a task force to comprehensively examine operational impacts and costs to industry associated with transportation worker credentialing harmonization. The task force provision replaced previous language in the bill which granted the Department broad authority to impose potentially costly credentialing regulations and processes for transportation workers in airports and other transportation environments.

OVERSIGHT ACTIVITIES OF THE COMMITTEE
RADICALIZATION

Despite numerous requests from Ranking Member Thompson, other Members of Congress, and over 150 non-governmental organizations to broaden the scope of the radicalization hearings to include testimony on all forms of domestic extremism, the Majority has chosen to focus solely on radicalization within the American Muslim Community.²

The Committee has held two hearings on the topic of radicalization within the American Muslim community. On March 10, 2011, the Committee held a hearing entitled “The Extent of Radicalization in the American Muslim Community and That Community’s Response”, and on June 15, 2011, the Committee held the second hearing entitled “The Threat of Muslim-American Radicalization in U.S. Prisons.”

Unfortunately, the narrow focus of each hearing has led to them being widely criticized as “Un-American, divisive, demonizing, and McCarthy-like.”³

Contrary to the testimony heard during these hearings, the objective evidence appears to show that the Muslim community has been helpful in preventing or thwarting terrorist attacks and countering the lure of radicalization. United States Attorney General Eric Holder stated that the cooperation of Muslim and Arab-American communities has been absolutely “essential in identifying, and preventing terrorist threats.”⁴ On February 9, 2011, Michael Leiter, Director of the National Counterterrorism Center, testifying before the Committee, stated, “many of our tips to uncover active terrorist plots in the United States have come from the Muslim community. So we have to make quite clear that the communities are part of the solution and not part of the problem.”⁵ Further, some statistics show that Muslim communities have stepped forward to help prevent 1 out of 3 Al-Qaeda related terror plots since September 11, 2001.⁶

According to the Attorney General Holder “the [terrorist] threat has changed from simply worrying about foreigners coming here, to worrying about people in the United States, American citizens—raised here, born here, and who for whatever reason, have decided that they are going to become radicalized and take up arms against the nation in which they were born.”⁷ Domestic terrorism threats include animal rights extremists, eco-terrorists, anarchists, anti-government extremists, black separatists, white supremacists, anti-

²Thompson, Bennie, “Homegrown Terrorists are not just Muslims.” *Politico*. January 27, 2011. Lukens, Mark, et. al, February 20, 2011.

³Packman, David. *The David Packman Show*; Opinion, *The Times Tribune*, February 25, 2011 available at <http://im-tribune.com/opinion/hearing-itself-radicalized-1.1109529#axzzlEvyl9tnI>.

⁴Holder, Eric. Remarks at the Muslim Advocates Annual Dinner. December 10, 2010. Available at <http://www.justice.gov/iso/opa/ag/speeches/2010/ag-speech-1012101.html>.

⁵United States Congress. Committee on Homeland Security. “Understanding the Homeland Threat Landscape—Considerations for the 112th Congress.” February 9, 2011.

⁶Butel, Alejandro, Policy Report, “Data on Post 9/11 Terrorism in the United States,” Muslim Public Affairs Council, at 3, (updated Jan. 2011) available at <http://www.mpac.org/assets/docs/publications/MPAC-Post-911-Terrorism-Data.pdf>.

⁷Interview, Good Morning America. ABC News. December 21, 2010.

abortion extremists, as well as Islamic extremists.⁸ According to a recent report by the Muslim Public Affairs Council, there were 77 total terrorist plots by U.S.-originated non-Muslim perpetrators against the United States since 9/11.⁹ In comparison, there have been 44 total terrorist plots by U.S. and foreign-originated Muslim perpetrators since 9/11.¹⁰ Recent examples of non-Muslim terrorist plots include the sophisticated explosive device found at the site of a Martin Luther King Day Parade in Spokane, Washington, which was likely the work of white supremacists.¹¹

A review of successfully executed terrorist attacks in America since 9/11 indicates that non-Muslim plots are more likely to reach the implementation stage than Muslim extremist plots. For instance, using publicly available U.S. government sources, the Congressional Research Service reports that non-jihadist successful attacks outnumber jihadist attacks 30 to 3 since 9/11.¹² Additionally, a study conducted by the Institute for Homeland Security Solutions, found that only 40 out of the 86 terrorist cases examined from 1999 to 2009 had links to Al Qaeda.¹³ Further, the RAND Corporation reports that between September 11, 2001 and the end of 2009, a total of 46 cases of domestic radicalization and recruitment to jihadist terrorism were reported in the United States.¹⁴

Placed in context, of the approximately 3 million Muslims in the U.S., it appears that approximately 100 have joined terrorist attacks—suggesting an American Muslim population that is not interested in jihadist ideology.¹⁵

Given that the experts overwhelmingly agree that the violent terrorist threat from Muslim extremists within the United States is miniscule, the focus of the Committee's examination of violent extremists within this population is misplaced.

According to the Southern Poverty Law Center (SPLC), in 2010, the number of hate groups topped 1,000, making the count the highest on record since the (SPLC) began maintaining its database in the 1980s.¹⁶ The most dramatic growth in the radical right came in the antigovernment "Patriot" movement.¹⁷ One of these members of the Patriot movement, the Hutaree Militia 9, a homegrown militia, was charged last March with conspiracy to kill law enforcement officers in Michigan.¹⁸ Conspiracy-minded organizations, such as the Hutaree Militia 9 and other members of the Patriot move-

⁸ See also Federal Bureau of Investigation, "Domestic Terrorism in the Post-9/11 Era," September 7, 2009, http://www.fbi.gov/news/stories/2009/september/domterror_090709.

⁹ Butel, Alejandro, Policy Report, "Data on Post 9/11 Terrorism in the United States," Muslim Public Affairs Council, updated Jan. 2011, available at http://www.mpac.org/assets/docs/publications/MPAC-Post-911-Terrorism_Data.pdf.

¹⁰ *Id.*

¹¹ See http://seattletimes.nwsources.com/html/localnews/2014398518_apwamlkparadeexplosivelstldwritethru.html.

¹² Jerome P. Bjelopera, Congressional Research Service, Memorandum, *Counting Terrorist Plots and Attacks Targeting the Homeland* (Mar. 1, 2011).

¹³ Institute for Homeland Security Solutions, *Building on Clues: Examining Successes and Failures in Detecting U.S. Terrorist Plots, 1999–2009* (Oct. 2010).

¹⁴ Brian Michael Jenkins, Rand Corp., *Would be Warriors*, at 4 (2010).

¹⁵ Brian Michael Jenkins, Rand Corp., *Would be Warriors*, at vii (2010).

¹⁶ Potok, Mark. "The Year in Hate & Extremism, 2010" Southern Poverty Law Center. Spring 2011, available at <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2011/spring/the-year-in-hate-extremism-2010>.

¹⁷ *Id.*

¹⁸ Butel at 15.

ment see the Federal government as their primary enemy and grew by 61 percent over the previous year.¹⁹

In addition to terrorist actions undertaken by ideologically motivated groups, the threat of acts intended to instill fear and undermine legitimate authority may be undertaken by individuals. Acting alone, these so called “lone-wolf” extremists may pose a danger. It should be noted that formal affiliation with a group is not a necessary predicate to radicalization, nor is it a necessary predicate to training, obtaining resources, or otherwise supporting an operational capability. Before the Department of Homeland Security’s “Rightwing Extremism” report (issued in April 2009), was taken offline, the Department reported “lone wolves and small terrorist cells embracing rightwing extremist ideology are the most dangerous domestic terrorism threat in the United States.”²⁰ These findings were supported by a recent Institute for Homeland Security Solutions report that noted that lone wolf plots have been the most successful, reaching execution more than twice as often as plots by groups.²¹ In April 2010, FBI Director Robert Mueller testified before a Senate Commerce Subcommittee that homegrown extremists and lone wolf activity are as serious a threat to the homeland as al Qaeda and its affiliates.²² Sadly, these statements by top officials in the counterintelligence community have been substantiated by the shooting of Rep. Giffords in Arizona, the foiled attempt to bomb a mosque in Dearborn, Michigan, and the Holocaust Museum shooting by James W. Von Brunn, a white supremacist.

Unfortunately, the failure to accurately assess and address the threat is not merely an issue of philosophical debate. Such a failure could yield dangerous consequences to national security interests, at home and abroad.

By examining violent extremism through the lens of one particular ethnicity or religion, the Majority ignores other potentially dangerous homeland security threats posed by domestic extremists. Because domestic extremism—in all forms—is a serious threat to the United States, combating the terrorist threat depends on accurate intelligence, a cogent assessment of the extent of the threat, and a thoughtful determination of actions necessary to mitigate and engage the threat. Unreliable information, hyperbolic statements, and narrowly focused assessments of the nature and extent of the threat will not further the goal of reducing or eliminating the possibility of future attacks.

OVERSIGHT OF WASTE, FRAUD, AND ABUSE

One of the Committee’s primary responsibilities is to ensure that American taxpayer dollars are spent wisely by eliminating waste, fraud, and abuse. The Committee believes that conducting effective oversight ensures that American taxpayer dollars are tracked and are being spent wisely. As a result, the Committee should make it

¹⁹Potok, “The Year in Hate & Extremism, 2010”.

²⁰Department of Homeland Security, Office of Intelligence and Analysis, “Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment.” April 19, 2009, p. 7.

²¹Institute for Homeland Security Solutions, *Building on Clues: Examining Successes and Failures in Detecting U.S. Terrorist Plots, 1999–2009* (Oct. 2010).

²²U.S. Congress. Senate Committee on Appropriations. Subcommittee on Commerce, Justice, Science, and Related Agencies. “Hearing on FY 2011 FBI Budget.” April 15, 2010.

a priority to identify high-risk programs and ensure transparency within the Department.

Unfortunately, the Committee Majority has failed to actively engage in diligent and on-going oversight of the basic management and administrative functions of the Department. Thus, the systems used in the day-to-day operations of this \$60 billion Department, including acquisitions, financial management, human resources, and information technology, have gone unexamined and virtually unnoticed by the Majority.

While the staff of the Subcommittee on Oversight, Investigations, and Management held informal meetings on the Department's Transformation and Systems Consolidation (TASC) solicitation, neither the Subcommittee nor the Full Committee has held hearings on this troubled multi-million dollar procurement cancelled by the Department. The failure to subject this procurement to critical public examination will hamper the American taxpayer's ability to determine whether waste, fraud or abuse occurred during the two-year period of the now-cancelled TASC solicitation.

The Majority concludes its discussion of oversight by pointing to approximately five letters sent during a five-month period—each on a different topic. Unfortunately, neither outcomes nor savings were listed. Therefore, the letters provide an indication of the occurrence of oversight; however, the Majority's report provides no indication of the effectiveness of its oversight efforts.

SUBCOMMITTEE ON TRANSPORTATION SECURITY

Since January, Majority staff has held many briefings with non-governmental entities. However, in most cases, the Minority was neither invited nor informed. This section of the report reflects only those activities that were either officially noticed or open to bipartisan participation.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

THREATS TO AVIATION AND SURFACE TRANSPORTATION SECURITY

The Subcommittee conducted oversight activities to assess the threats to aviation and surface transportation. Committee staff met with a wide range of representatives from the Transportation Security Administration (TSA), the transportation industry, and other stakeholders to examine information sharing, coordination among Federal, State, and local partners, and other security matters. Recent intelligence collected from bin Laden's compound further emphasizes the threat to both our aviation and surface transportation systems.

Subcommittee Members and staff have met with various stakeholders regarding aviation and surface transportation security, including the TSA Administrator, the Department of Homeland Security, the Government Accountability Office (GAO), as well as multiple industry associations and corporations to discuss particular issues related to transportation security.

On February 10, 2011, the Subcommittee held a hearing entitled "Terrorism and Transportation Security." The Subcommittee received testimony from Hon. John S. Pistole, Administrator, Transportation Security Administration, Department of Homeland Security.

rity. The purpose of this hearing was to examine the TSA's progress in developing meaningful security measures, discuss the future of the agency as a nimble counterterrorism organization, and identify areas for operational improvements and cost savings in order to strengthen TSA's effectiveness and efficiency at preventing terrorism and protecting the traveling public.

On February 16, 2011, the Subcommittee held a classified Member briefing on current threats to the Nation's aviation and surface transportation security. Representatives from the Transportation Security Administration were present to respond to Member questions.

These activities are in furtherance of the Oversight Plan. However, it is unclear whether cost savings have resulted.

AIR COMMERCE

On August 1, 2010, the Department of Homeland Security met the mandate in the Implementing Recommendations of the 9/11 Commission Act (Pub. L. 110-53) to screen 100 percent of air cargo transported on domestic passenger aircraft flights and flights departing the United States. The Transportation Security Administration (TSA) is not currently able to screen 100 percent of all inbound cargo on international passenger flights but recently estimated it would meet the mandate by December 2011. TSA is working with foreign nations to increase air cargo security standards on passenger aircraft in an effort to achieve the requirement of 100 percent of in-bound cargo more expeditiously.

On March 9, 2011, the Subcommittee held a hearing entitled "Securing Air Commerce From the Threat of Terrorism." The Subcommittee received testimony from Mr. John Sammon, Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration, Department of Homeland Security; and Mr. Stephen Lord, Director, Homeland Security & Justice Issues, Government Accountability Office. The purpose of this hearing was to examine on-going challenges for securing inbound cargo on international passenger flights to the United States; TSA's efforts to develop screening measures in collaboration with industry and foreign partners; and the technology available to conduct those screening measures.

These activities are in furtherance of the Oversight Plan. However, it is unclear whether cost savings have resulted.

TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

The Subcommittee has conducted oversight of TSA on transportation security credentialing programs, including the Transportation Worker Identification Credential (TWIC) in order to eliminate inefficiencies and redundancies within the threat assessment process and reduce costs 11 for card applicants. In addition to providing oversight of TSA, Committee staff met with multiple private sector stakeholders representing different modes of transportation.

On April 6, 2011, the Subcommittee held a Member briefing on the Transportation Worker Identification Credential (TWIC) Program. Representatives from the Transportation Security Administration and the United States Coast Guard were present to respond to Member questions.

These activities are in furtherance of the Oversight Plan. However, it is unclear whether cost savings have resulted.

AVIATION SECURITY

The Subcommittee has continued to examine passenger and baggage screening technology and procedures, international cooperation issues, and Transportation Security Administration's (TSA) security programs in order to identify where progress has been made, and where shortfalls remain in strengthening aviation security.

On April 7, 2011, the Subcommittee held a hearing entitled "Strengthening International Cooperation on Aviation Security." The Subcommittee received testimony from Mr. John W. Halinski, Assistant Administrator, Office of Global Strategies, Transportation Security Administration; Mr. Filip Cornelis, Head of Unit for Aviation Security, Directorate General for Mobility and Transport, European Commission; Mr. Rafi Ron, President, New Age Security Solutions; and Mr. Jim Marriott, Chief, Aviation Security Branch, International Civil Aviation Organization. This hearing examined international standards that are designed to ensure the security of both passenger and all cargo aircraft; how the United States works with its foreign partners to ensure screening equipment is up-to-date and adequate for the volume and type of passengers, baggage, and cargo it needs to screen; the success of the foreign airport assessments program; and how TSA shares information on security technology, passenger name record data, and other vital security protocols with foreign partners.

On June 14, 2011 the Subcommittee received a Members briefing on the TSA Screening of Passengers by Observation Techniques (SPOT) program. Members were briefed by representatives from the Transportation Security Administration.

These activities are in furtherance of the Oversight Plan. However, it is unclear whether cost savings have resulted.

TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION

On May 25, 2011 the Subcommittee received a Member briefing on the Transportation Security Administration's authorization for fiscal years 2012 and 2013. Members were briefed by representatives from the Transportation Security Administration.

On June 2, 2011, the Subcommittee held a hearing entitled "Authorizing the Transportation Security Administration for Fiscal Years 2012 and 2013." The Subcommittee received testimony from Hon. John S. Pistole.

Subcommittee staff has met with various industry stakeholders from the surface and aviation transportation industries to solicit their input for the Transportation Security Administration Authorization bill for fiscal years 2012 and 2013.

SUBCOMMITTEE HEARINGS HELD

"Terrorism and Transportation Security." February 10, 2011. (Serial No. 112-2)

"Securing Air Commerce From the Threat of Terrorism." March 9, 2011. (Serial No. 112-8)

- “Strengthening International Cooperation on Aviation Security.”*
April 7, 2011. (Serial No. 112–17)
- “H.R. 1690, the MODERN Security Credentials Act.”* May 4, 2011.
(Serial No. 112–23)
- “Authorizing the Transportation Security Administration for Fiscal Years 2012 and 2013.”* June 2, 2011.

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND
COMMUNICATIONS

Since January, Majority staff has held many briefings with non-governmental entities. However, in most cases, the Minority was neither invited nor informed. This section of the report reflects only those activities that were either officially noticed or open to bipartisan participation.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

DISASTER PREPAREDNESS, RESPONSE AND RECOVERY

Since the beginning of the 112th Congress, States and localities have experienced thwarted terror plots, severe winter storms, tornados, a tsunami, and widespread flooding. It is imperative that the Federal Government, along with its partners at the State and local levels and the private sector, works to prepare for and respond to terrorist attacks, natural disasters, and other emergencies.

On February 8, 2011, the Subcommittee held a Member site visit to the Federal Emergency Management Agency’s (FEMA) National Response Coordination Center in Washington, DC. This visit provided Subcommittee Members with an overview of FEMA’s mission and operations and efforts to work with its State, local, and private sector partners. Members met with officials from throughout the agency including the Administrator and Deputy Administrator of FEMA. Following the briefing, Members toured the National Response Coordination Center.

On May 31, 2011, the Subcommittee held a Member site visit to the American Red Cross’ disaster operations center. The visit provided information on the Red Cross’ role in disaster response and services it provides through its local chapters.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST
RESPONDERS

On June 10, 2011, the Subcommittee held a field hearing in Clearwater, Florida entitled “Weathering the Storm: A State and Local Perspective on Emergency Management.” The Subcommittee received testimony from Mr. Bryan Koon, Director, Florida Division of Emergency Management; Ms. Nancy Dragani, Director, Ohio Emergency Management Agency (testifying on behalf of the National Emergency Management Association); Mr. Gerald Smith, Director, Lake County Division of Emergency Management (testifying on behalf of the Florida Emergency Preparedness Association); Mr. John “Rusty” Russell, Director, Huntsville—Madison County (AL) Emergency Management Agency (testifying on behalf of the International Association of Emergency Managers); Ms. Chauncia Willis,

Emergency Coordinator, City of Tampa, Florida; and Ms. Linda Carbone, Chief Executive Officer, Tampa Bay Chapter, American Red Cross.

The purpose of this hearing was to receive testimony regarding the State and local perspective on emergency management, including successes, challenges, and innovations. Additionally, the hearing provided an opportunity for State and local officials to discuss the Federal Emergency Management Agency's progress in implementing the Post-Katrina Emergency Management Reform Act of 2006.

This field hearing furthered the intention expressed in the Oversight Plan to examine the impact of the Departments grant programs upon the efforts of state and local agencies to improve all-hazards preparedness. This hearing did not reveal cost-savings to the Federal government.

MANAGEMENT AND OPERATIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

The President's fiscal year 2012 budget request includes \$10.06 billion for FEMA, a \$283 million reduction from the level in the Fiscal Year (FY) 2011 Continuing Resolution. The request included reductions in the Management and Administration account, which were largely attributed to efficiencies and streamlined business processes. The request also proposed to restructure homeland security grant programs through the elimination and consolidation of a number of smaller grant programs into the large State Homeland Security Grant Program and Urban Area Security Initiative funding accounts.

On March 9, 2011, the Subcommittee held a hearing entitled "Ensuring Effective Preparedness and Response—An Assessment of the Fiscal Year (FY) 2012 Budget Request for the Federal Emergency Management Agency." The Subcommittee received testimony from Hon. W. Craig Fugate, Administrator, Federal Emergency Management Agency, and Department of Homeland Security.

The purpose of this hearing was to receive testimony on FEMA's budget priorities, as expressed in the President's Fiscal Year (FY) 2012 Budget Request submitted to Congress on February 14, 2011. Under the President's \$43.22 billion budget request for the Department of Homeland Security (DHS), the Federal Emergency Management Agency (FEMA) would receive \$6.79 billion in FY 2012, a decrease of \$323.32 million in total budget authority from the amount anticipated under the FY 2011 Continuing Resolution (CR) budget.

On April 15, 2011, Subcommittee Chairman Bilirakis, Ranking Member Thompson, and Senators Lieberman, Collins, and Akaka sent a letter to the Comptroller General requesting that the Government Accountability Office conduct a review of the Federal Emergency Management Agency's (FEMA) workforce planning and management efforts.

MEDICAL PREPAREDNESS

The mission of the Office of Health Affairs (OHA) is to provide health and medical expertise in support of the Department of

Homeland Security's mission to prepare for, respond to, and recover from all hazards impacting the Nation's health security.

On March 17, 2011, the Subcommittee held a hearing entitled "Ensuring Effective Preparedness, Response, and Recovery for Events Impacting Health Security." The Subcommittee received testimony from Dr. Alexander G. Garza, MD, MPH, Assistant Secretary for Health Affairs, Chief Medical Officer, Department of Homeland Security.

The purpose of this hearing was to provide Subcommittee Members with an opportunity to examine the President's fiscal year 2012 budget request for OHA and OHA's progress in developing its mission to provide for health security, to discuss the future of the agency as a nimble and effective provider in this regard, and to identify areas for improvements and cost savings. During the hearing, Subcommittee Members expressed concern about Project BioWatch.

This hearing allowed the Subcommittee to further its oversight in accordance with its Oversight Plan for the 112th Congress through the examination of the significant challenges posed by chemical, biological, radiological, and nuclear (CBRN) weapons to homeland security. Although the hearing allowed for the examination of the FY 2012 Budget Request for OHA, it did not reveal any obvious cost savings to the Federal government.

Following the hearing, on April 5, 2011, the Subcommittee Chair Bilirakis and Ranking Member Richardson joined Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies Chairman Lungren and Ranking Member Clarke in sending a letter to the Secretary of Homeland Security expressing concern about the Department of Homeland Security's Project BioWatch acquisition processes.

As a result of information obtained during the Subcommittees hearing, on April 7, 2011, Subcommittee Chairman Bilirakis and Ranking Member Richardson introduced H.R. 1411, the "Metropolitan Medical Response System Program Act," which would authorize the activities of the Metropolitan Medical Response System, including medical surge capacity and countermeasures distribution.

EXERCISES AND SIMULATIONS

The Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) requires the FEMA Administrator to carry out a national training and exercise program that should be as realistic as practicable, stress State, local, and tribal emergency response capacity, and provide a systemic evaluation of readiness.²³ As one component of this national exercise program, PKEMRA further requires the Administrator to perform periodic national level exercises that "evaluate the capability of Federal, state, local and tribal governments to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction."²⁴

On April 1, 2011, the Subcommittee held a Member briefing on preparations for National Level Exercise (NLE) 2011. NLE 2011

²³ P.L. 109-295, sec. 648(b)(2), 6 U.S.C. 748.

²⁴ P.L. 109-295, sec. 648(b)(3), 6 U.S.C. 748.

was designed to prepare and coordinate a multiple- jurisdictional integrated response to a national catastrophic event. Members were briefed by FEMA's Deputy Administrator for National Preparedness and the Director of the National Exercise Program.

This briefing furthered the Oversight Plan for the 112th Congress by allowing Members the opportunity to discuss plans to implement new policy affecting PPD-8. This hearing did not identify any instances or waste, fraud or abuse or identify any cost savings to the Federal government.

PREPAREDNESS AND RESPONSE TO CHEMICAL, BIOLOGICAL,
RADIOLOGICAL, AND NUCLEAR THREATS

At a 2010 Committee on Homeland Security hearing with the Commissioners of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (WMD Commission), the Commissioners noted that "it is more likely than not that there will be a weapon of mass destruction used someplace on earth by a terrorist group before the end of the year 2013 and that it is more likely that the weapons will be biological rather than nuclear." In the WMD Commission's report card on U.S. Government efforts to protect the Nation from WMD terrorism, the Federal government received a grade of "F" on its efforts to enhance the Nation's capabilities for rapid response to prevent biological attacks from inflicting mass casualties.

On April 13, 2011, the Subcommittee began a series of hearings entitled "Taking Measure of Countermeasures." At the first hearing, entitled "A Review of Government and Industry Efforts to Protect the Homeland Through Accelerated Research, Development, and Acquisition of Chemical, Biological, Radiological, and Nuclear Medical Countermeasures," the Subcommittee received testimony from Ms. Cynthia Bascetta, Managing Director, Health Care, Government Accountability Office; Dr. Segaran P. Pillai, Chief Medical and Science Advisor, Chemical and Biological Division, Science and Technology Directorate, Department of Homeland Security; Dr. Richard J. Hatchett, Chief Medical Officer and Deputy Director, Strategic Sciences and Management, Department of Health and Human Services; Dr. Gerald W. Parker, Deputy Assistant to the Secretary of Defense, Chemical and Biological Defense, Department of Defense; Ms. Phyllis Arthur, Senior Director, Vaccines, Immunotherapeutics, and Diagnostics Policy, Biotechnology Industry Organization; Mr. John M. Clerici, Principal, Tiber Creek Partners LLC; and Dr. Daniel Fagbuyi, Medical Director, Disaster Preparedness and Emergency Management, Children's National Medical Center.

The purpose of this hearing was to receive testimony from governmental and industry witnesses regarding efforts to identify and develop medical countermeasures (MCMs) in response to chemical, biological, radiological, and nuclear (CBRNE) threats. Members had the opportunity to question witnesses about the level of cross-departmental/agency coordination, the pharmaceutical industry's participation in MCM research and development (R&D), and efforts to address impediments to MCM development.

This hearing furthered the Oversight Plan for the 112th Congress, by allowing Members the opportunity to more closely exam-

ine the nation's level of preparedness to respond to a chemical, biological, radiological, and nuclear (CBRNE) event affecting the general population. It did not uncover any instances of waste, fraud or abuse or identify any cost savings.

On May 12, 2011, the Subcommittee convened a hearing, entitled "A Review of Efforts to Protect the Homeland Through Distribution and Dispensing of CBRN Medical Countermeasures." The Subcommittee received testimony from Dr. Alexander Garza, Assistant Secretary for Health Affairs and Chief Medical Officer, Office of Health Affairs, Department of Homeland Security; Rear Admiral Ali Khan, Director, Office of Public Health Preparedness and Response, Centers for Disease Control and Prevention, Department of Health and Human Services; Mr. Mike McHargue, Director of Emergency Operations, Division of Emergency Medical Operations; Florida Department of Health; Mr. David Starr, Director, Countermeasures Response Unit; New York City Department of Health and Mental Hygiene; Chief Lawrence E. Tan, Emergency Medical Services Division, New Castle County, Delaware, and Dr. Jeffrey Levi, Executive Director, Trust for America's Health.

The purpose of this hearing was to receive testimony regarding coordination between Federal, State, local, and private preparedness stakeholders for the distribution and dispensing of medical countermeasures²⁵ (MCMs) to the American public in the event of a public health emergency. Members had the opportunity to question officials about management and distribution processes of the Strategic National Stockpile (SNS), funding, coordination efforts, challenges, and lessons learned from the 2009 H1N1 pandemic. This hearing furthered the Oversight Plan for the 112th Congress by providing Members a chance to discuss the challenges of the distribution and dispensing of medical countermeasures following a CBRNE attack. It did not uncover any waste of federal funds.

On May 13, 2011, the Subcommittee in conjunction with the Subcommittee on Counterterrorism and Intelligence, and the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, held a classified Member briefing on the threat posed by WMD terrorism. Members were briefed by representatives of the National Counterterrorism Center and the National Counterproliferation Center.

SUBCOMMITTEE HEARINGS HELD

"Ensuring Effective Preparedness and Response: An Assessment of the Fiscal Year 2012 Budget Request for the Federal Emergency Management Agency." March 9, 2011. (Serial No. 112-7)

"Ensuring Effective Preparedness, Response, and Recovery for Events Impacting Health Security." March 17, 2011. (Serial No. 112-12)

"Taking Measure of Countermeasures: A Review of Government and Industry Efforts To Protect the Homeland Through Accelerated Research, Development, and Acquisition of Chemical, Biological, Radiological, and Nuclear Medical Countermeasures." April 13, 2011. (Serial No. 112-18)

²⁵ MCMS refers to diagnostic tests, drugs, vaccines, and other treatments.

“Taking Measure of Countermeasures: A Review of Efforts to Protect the Homeland Through Distribution and Dispensing of CBRN Medical Countermeasures.” May 12, 2011. (Serial No. 112–18)

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

Since January, Majority staff has held many briefings with non-governmental entities. However, in most cases, the Minority was neither invited nor informed. This section of the report reflects only those activities that were either officially noticed or open to bipartisan participation.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

BORDER SECURITY BETWEEN THE PORTS OF ENTRY

On February 15, 2011, the Subcommittee held a hearing entitled “Securing Our Borders Operational Control and the Path Forward.” The Subcommittee received testimony from Mr. Michael J. Fisher, Chief, Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office; and Hon. Raul G. Salinas, Mayor, City of Laredo, Texas. The purpose of the hearing was to examine DHS’ efforts to gain and maintain operational control of the border.

On March 15, 2011, the Subcommittee held a hearing entitled “Strengthening the Border-Finding the Right Mix of Personnel, Infrastructure and Technology.” The Subcommittee received testimony from Mr. Michael J. Fisher, Chief of the Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Mark Borkowski, Assistant Commissioner, Office of Technology Innovation and Acquisition, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Michael C. Kostelnik, (Maj. Gen. Ret.), Assistant Commissioner, Office of CBP Air & Marine, U.S. Customs and Border Protection, Department of Homeland Security; Major General Hugo E. Salazar, Adjutant General, Arizona National Guard; and Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office. The purpose of the hearing was to receive testimony about CBP’s use of personnel, technology, and infrastructure to gain and maintain operational control of the Nation’s borders.

On April 1, 2011, the Majority Members of the Subcommittee sent a letter to the President of the United States requesting an extension of the current National Guard deployment at the Southwest border, past the June 30, 2011 deadline. The letter further requested that the National Guard not be limited to assisting civilian law enforcement, but to function to the full extent allowed under Title 32, Section 502(f) duty status.

On May 3, 2011, hearing entitled “Border Security and Enforcement—Department of Homeland Security’s Cooperation with State and Local Law Enforcement Stakeholders.” The Subcommittee received testimony from Mr. Kumar Kibble, Deputy Director, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Mr. Ronald Vitiello, Deputy Chief, U.S. Customs and Border Protection, Department of Homeland Security; Sheriff Larry Dever, Cochise County Sheriffs Office, Arizona; Sheriff Todd

Entrekin, Etowah County Sheriffs Office, Alabama; and Mr. Gomecindo Lopez, Commander, Special Operations Bureau, El Paso County Sheriffs Office, Texas. The purpose of the hearing was to examine the relationship between DHS and state and local law enforcement agencies on matters of border security and immigration enforcement. Members questioned the witnesses regarding relevant border security and immigration enforcement programs, explored the appropriate roles for Federal, State, and local agencies, and discussed potential areas for improving cooperation and coordination.

The above hearings furthered the Committee oversight plan by examining policies and resources necessary for DHS to gain operational control over the borders of the United States, and to include staffing, technology, infrastructure, and improved coordination. The Committee's oversight in this matter has not resulted in savings to the Federal government.

SECURITY AT THE PORTS OF ENTRY

On April 5, 2011, the Subcommittee held a hearing entitled "Using Resources Effectively to Secure Our Border at Ports of Entry—Stopping the Illicit Flow of Money, Guns, and Drugs." The Subcommittee received testimony from Mr. Thomas Winkowski, Assistant Commissioner, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Stan Korosec, Vice President, Operations, Blue Water Bridge Canada; Mr. Timothy J. Koerner, Vice President & Chief Security Officer; and Hon. Richard F. Cortez, Mayor, City of McAllen, Texas. The purpose of the hearing was to examine DHS' efforts to identify and interdict security threats at U.S. ports of entry (POEs), and particularly land border POEs. Members had the opportunity to question witnesses about staffing, technology, and infrastructure as well as DHS' security and facilitation programs at POEs.

On June 1, 2011, Chairmen King and Miller and Ranking Members Thompson and Cuellar sent a letter to CBP Commissioner Alan Bersin requesting staffing information for CBP personnel at ports of entry.

These activities furthered the Committee oversight plan by examining policies and resources necessary for DHS to gain operational control over the borders of the United States, including staffing, technology, infrastructure, and improved coordination. The Committee's oversight in this matter has not resulted in savings to the Federal government.

PORT AND MARITIME SECURITY

The United States Coast Guard (USCG) plays a vital role within the Department of Homeland Security. The USCG safeguards U.S. ports, waterways, and coastal waters; interdicts illegal drug smuggling; performs search and rescue operations; inspects and ensures safety for all maritime vessels entering the United States; and aids in law enforcement on the water, all while maintaining a state of defensive readiness. Following September 11, 2001, the USCG greatly increased its maritime security operations, including its focus on Ports and Waterways Coastal Security (PWCS) and defense readiness missions.

On April 13, 2011, the Subcommittee conducted a site visit to USCG Headquarters in Washington, DC. Subcommittee Members met with the Commandant of the Coast Guard and examined security-related issues.

On June 14, 2011, the Subcommittee held a hearing on “Securing the Nation’s Ports and Maritime Border—A Review of the Coast Guard Post 9/11 Homeland Security Missions.” The Subcommittee received testimony from Admiral Papp, Commandant of the USCG. The purpose of the hearing was to receive testimony on the USCG’s efforts to identify and address maritime security threats within U.S. ports, waterways, and coastal waters, including issues related to training, technology, programs, and the future of the USCG’s homeland security missions.

These activities furthered the Committee oversight plan by examining the Coast Guard’s homeland security missions to include ports, waterways, and coastal security; drug interdiction; migrant interdiction; law enforcement; and defense readiness. The Committee’s oversight in this matter has not resulted in savings to the Federal government.

SUBCOMMITTEE HEARINGS HELD

“*Securing Our Borders—Operational Control and the Path Forward.*” February 15, 2011. (Serial No. 111–4)

“*Strengthening the Border—Finding the Right Mix of Personnel, Infrastructure, and Technology.*” March 15, 2011. (Serial No. 112–10)

“*Using Resources Effectively to Secure Our Border at Ports of Entry—Stopping the Illicit Flow of Money, Guns, and Drugs.*” April 15, 2011. (Serial No. 112–15)

“*Border Security and Enforcement—Department of Homeland Security’s Cooperation with State and Local Law Enforcement Stakeholders.*” May 3, 2011. (Serial No. 112–20)

“*Securing the Nation’s Ports and Maritime Border—A Review of the Coast Guard Post 9/11 Homeland Security Mission.*” June 14, 2011 (Serial No.—)

SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT

Since January, Majority staff has held many briefings with non-governmental entities. However, in most cases, the Minority was neither invited nor informed. This section of the report reflects only those activities that were either officially noticed or open to bipartisan participation.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

WAR AGAINST MEXICAN DRUG CARTELS

The Subcommittee examined the role the Department of Homeland Security is playing to address Mexican drug-related violence at and near the border.

On March 31, 2011, the Subcommittee held a hearing entitled “The U.S. Homeland Security Role in the Mexican War Against Drug Cartels.” The Subcommittee received testimony from Mr. Luis Alvarez, Assistant Director, Immigration and Customs Enforce-

ment, Department of Homeland Security; Mr. Brian Nichols, Deputy Assistant Secretary, International Narcotics and Law Enforcement Affairs, U.S. Department of State; Mr. Frank Mora, Deputy Assistant Secretary of Defense, Western Hemisphere Affairs, Department of Defense; Dr. Kristin Finklea, Analyst, Domestic Social Policy Division, Congressional Research Service; Mr. Jon Adler, President, Federal Law Enforcement Officers Association; Dr. David Shirk, Director, Trans-Border Institute, University of San Diego; Mr. John Bailey, Professor, Government and Foreign Service, Georgetown University; and Dr. Ricardo C. Ainslie, Department of Educational Psychology, College of Education, The University of Texas at Austin. The Subcommittee's Oversight Plan for the 112th Congress (Oversight Plan) does not address the examination of Mexican Drug-Related Organizations or the security of the Southwestern Border. As a result, this hearing does not comport with the Subcommittee's Oversight Plan or Clause 2(d)(F) of the Rules of the House of Representatives, which require the Committee to identify potential opportunities to eliminate duplicative or unnecessary programs, find efficiencies that will contribute to the Department's ability to meet its vital missions, and identify areas for cost savings.

During a speech given March 24, 2011, the Secretary of Homeland Security stated: "the border is better now than it ever has been." However, on May 11, 2011, the Subcommittee held a follow-up hearing entitled "On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security, and Drug Cartel Violence," to examine current border security efforts and reports of spillover violence. The Subcommittee received testimony from Mr. Grayling Williams, Director, Office of Counternarcotics Enforcement, Department of Homeland Security; Ms. Amy Pope, Deputy Chief of Staff & Counselor, Criminal Division, Office of Assistant Attorney General, U.S. Department of Justice; Mr. Steven C. McCraw, Director, Texas Department of Public Safety; Hon. Thomas C. Horne, Attorney General, State of Arizona; Sheriff Sigifredo Gonzalez, Zapata County, State of Texas; and Chief Victor Rodriguez, McAllen Police Department, State of Texas. The Subcommittee's Oversight Plan does not address the examination of Mexican Drug-Related Organizations or the security of the Southwestern Border. As a result, this hearing did not comport with the Subcommittee's Oversight Plan or Clause 2(d)(F) of the Rules of the House of Representatives, which require the Committee to identify potential opportunities to eliminate duplicative or unnecessary programs, find efficiencies that will contribute to the Department's ability to meet its vital missions, and identify areas for cost savings.

As a follow-up to the May 11 hearing, Subcommittee Chairman McCaul sent a letter to the Government Accountability Office requesting among other things an audit of the Merida Initiative.

DHS INFORMATION TECHNOLOGY

The Department of Homeland Security is the largest procurer of information technology (IT) systems in the Federal civilian Government with a fiscal year 2011 IT budget of roughly \$6 billion. The Department plans to use these funds to manage 90 "major" IT investments intended to assist the Department in carrying out its

mission of leading the National effort to secure America against terrorist attacks and other threats and hazards. Recently DHS has reported that over half of these “major” investments have encountered or are at risk of encountering significant cost and schedule shortfalls.

On May 27, 2011, Subcommittee Chairman McCaul and Ranking Member Keating sent two letters to the Government Accountability Office (GAO), the first requesting GAO to review how well the Department is managing at-risk investments; the second, to assess the extent to which the Department has established IT governance and oversight structures, and how these are used to manage and oversee IT investments.

DENYING TERRORIST SAFE HAVENS

The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 and the National Defense Authorization Act (NDAA) of 2010 require the Administration to report on U.S. efforts to deny terrorists safe havens. A June 2011 GAO report titled, “Combating Terrorism: US Government Should Improve Its Reporting on Terrorist Safe Havens,” reviewed the extent to which the Department of State (DoS) identified and assessed terrorist safe havens and interagency efforts to deny terrorists safe havens. GAO found that although DoS does identify existing terrorist safe havens in its Country Reports on Terrorism, that report lacks the level of detail required by Congress. Specifically, GAO states that “the DoS report is incomplete without including the contributions of its various interagency partners to address terrorist safe havens.”

Additionally, the GAO notes that the U.S. Government has not developed a list of all U.S. efforts to deny safe haven to terrorists. DoS has identified only a few efforts that it funds, but does not include other US government funding efforts, including funding by the Department of Defense (DoD). The Department of Homeland Security (DHS) currently receives its funding for programs and activities that deny safe havens from DoS and DoD.

Following the release of the GAO report on June 3, 2011, the Subcommittee held a hearing to examine the threat of safe havens to the U.S. Homeland and what the Department of Homeland Security, working in conjunction with other Federal government agencies, is doing to combat this threat. The Committee seeks to assess whether further actions are needed by the United States to deny terrorist safe havens and strengthen at-risk States. The subcommittee heard testimony from Ms. Jacquie Williams-Bridgers, Managing Director, International Affairs and Trade, Government Accountability Office; Mr. Mark Koumans, Deputy Assistant Secretary for Policy, International Affairs, Department of Homeland Security; Ms. Shari Villarosa, Deputy Coordinator for Regional Affairs, Department of State; Mr. James Q. Roberts, Principal Director for Special Operations and Combating Terrorism, Office of Special Operations/Low-intensity Conflict & Interdependent Capabilities, Department of Defense; Mr. Steve Coll, President and CEO, New America Foundation; Dr. Bruce Hoffman, Director of the Center for Peace and Security Studies and Professor, Georgetown University; and Dr. Daniel Byman, Director of Research and Senior Fellow, Saban Center for Middle East Policy, Brookings Institution.

The Subcommittee's Oversight Plan does not address the examination of terrorist safe havens or threat of overseas terrorist activities on the U.S. homeland. As a result, this hearing did not comport with the Subcommittee's Oversight Plan or Clause 2(d)(F) of the Rules of the House of Representatives, which require the Committee to identify potential opportunities to eliminate duplicative or unnecessary programs, find efficiencies that will contribute to the Department's ability to meet its vital missions, and identify areas for cost savings.

DHS ACQUISITION MANAGEMENT

The Department of Homeland Security has been criticized in the past for, among other things, failing to supervise projects and allowing the costs of certain contracts to exceed initial estimates. As a result of this lapse, on May 27, 2011 Subcommittee Chairman McCaul and Ranking Member Keating sent a letter to GAO requesting a review of the contracting mechanisms at the Department.

DHS WORKFORCE MORALE

In recent years, the Department of Homeland Security has ranked as one of the Departments with the lowest morale among employees within the Federal Government. Understanding why the Department is considered such a difficult place to work is imperative. The "Best Places to Work in the Federal Government" rankings compiled by the Partnership for Public Service and American University's Institute for the Study of Public Policy Implementation showed DHS in 28th place out of 32 agencies in 2010, the same ranking as in 2009. Additionally, in 2010, the Department administered an internal survey, which returned more than 10,000 completed responses. The findings of this survey show leading indications of dissatisfaction ranging from the Department not dealing with poor work performers to the way promotions are decided. As a result, on May 27, 2011, Subcommittee Chairman McCaul and Ranking Member Keating sent a letter to GAO requesting an investigation into why this is the case, specifically; to what extent the Department has identified the root causes that have contributed to low employee morale, and what progress has made in addressing these issues within the Department.

OVERSIGHT OF ST. ELIZABETHS CONSTRUCTION

The construction of the Department of Homeland Security Headquarters at the St. Elizabeths facility is the largest Federal construction project to occur in Washington, DC area since the construction of the Pentagon. The project will bring the Department components together under one roof and house roughly 14,000 employees on the campus. Approximately \$1 billion has been appropriated for its construction. On May 31, 2011, Members conducted a site visit to the St. Elizabeths campus to examine the progress of construction and plans moving forward. This site visit furthers the Subcommittee's Oversight Plan, which states that the Subcommittee will monitor the progress of the Department's headquarters consolidation to ensure the plan is completed on time and

within budget. This oversight has the potential to identify areas for cost savings.

SUBCOMMITTEE HEARINGS HELD

“The U.S. Homeland Security Role in the Mexican War Against Drug Cartels.” March 31, 2011. (Serial No. 112–14)

“On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence.” May 11, 2011. (Serial No. 112–24)

“Denying Terrorist Safe Havens: Homeland Security’s Efforts to Counter Threats from Pakistan, Yemen and Somalia.” June 3, 2011. (Serial No. 112–29)

SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE

Since January, Majority staff has held many briefings with non-governmental entities. However, in most cases, the Minority was neither invited nor informed. This section of the report reflects only those activities that were either officially noticed or open to bipartisan participation.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

On February 15, 2011, the Subcommittee received a classified Member-only briefing by the Deputy Assistant Secretary of Defense, Special Operations and Combating Terrorism, the Defense Intelligence Agency (DIA); the Deputy Director for Special Operations, J3, The Joint Staff; a Senior Intelligence Analyst, Middle East Branch of the Joint Intelligence Task Force on Counterterrorism; a Yemen Analyst, Middle East Branch of the Joint Intelligence Task Force on Counterterrorism; a Senior Intelligence Officer, Middle East and North Africa Branch, the Defense Intelligence Agency (DIA), Directorate of Intelligence; and a Yemen Analyst, Middle East and North Africa Analysis branch of the DIA Directorate of Intelligence, on the threat from al-Qaeda in the Arabian Peninsula.

Committee staff also conducted an in-depth examination of the various terrorism threats and U.S. counterterrorism policy, and as a result, on March 2, 2011, the Subcommittee held a hearing entitled “Terrorist Threat to the U.S. Homeland al-Qaeda in the Arabian Peninsula (AQAP).” The Subcommittee received testimony from Dr. Jarret Brachman, Managing Director, Cronus Global; Dr. Christopher Boucek, Associate, Carnegie Endowment for International Peace; and Mr. Barak Barfi, Research Fellow, New America Foundation. The Subcommittee hearing was followed by a classified Member-only briefing from the National Counterterrorism Center, the Department of Homeland Security, and the Federal Bureau of Investigation.

RECENT UNREST IN NORTH AFRICA AND THE MIDDLE EAST: THE IMPLICATIONS FOR U.S. HOMELAND SECURITY

Committee staff attended briefings regarding the uprisings across North Africa and the Middle East. On April 6, 2011 the Subcommittee held a hearing entitled “Unrest in the Middle East and North Africa: Ramifications for U.S. Homeland Security.” The Sub-

committee received testimony from Mr. Philip Mudd, Senior Research Fellow, New America Foundation; Mr. Thomas Joscelyn, Senior Fellow and Executive Director, Center for Law and Counter Terrorism, Foundation for the Defense of Democracies; Mr. Rick “Ozzie” Nelson, Director and Senior Fellow, Homeland Security and Counterterrorism Program, Center for Strategic and International Studies; and Mr. Brian Katulis, Senior Fellow, Center for American Progress.

SUBCOMMITTEE OVERSIGHT OF THE DEPARTMENT OF HOMELAND
SECURITY’S INTELLIGENCE AND ANALYSIS DIRECTORATE

As part of its oversight, the Subcommittee met with officials from a number of offices and agencies within the Department of Homeland Security (DHS), including the Office of Intelligence and Analysis, the Office of the Assistant Secretary for Policy, the Federal Emergency Management Agency, the Office of Operations Coordination and Planning, the DHS Counter Intelligence mission and the Fusion Center program office, and programs within the U. S. Secret Service.

On June 1, 2011, the Committee on Homeland Security’s Subcommittee on Counterterrorism and Intelligence held a hearing entitled “The DHS Intelligence Enterprise—Past, Present, and Future.” The Subcommittee received testimony from the Honorable Caryn Wagner, Under Secretary for the Office of Intelligence and Analysis, Department of Homeland Security; Rear Admiral Thomas Atkin, Assistant Commandant for Intelligence and Criminal investigation, U.S. Coast Guard; Mr. Daniel Johnson, Assistant Administrator for Intelligence, U.S. Transportation Security Administration; Mr. James Chaparro, Assistant Director for Intelligence, U.S. Immigration and Customs Enforcement; and Ms. Susan Mitchell, Deputy Assistant Commissioner, Office of Intelligence and Operations Coordination, U.S. Customs and Border Protection.

DOMESTIC RADICALIZATION

The Subcommittee aided the Full Committee in its efforts to understand domestic radicalization, violent extremism, and threat mitigation. On April 14, 2011, the Subcommittee held a classified briefing provided by the National Counterterrorism Center on the issue of domestic radicalization.

THREAT TO THE U.S. HOMELAND FROM SOUTH ASIA

The Subcommittee has continued to examine events in South Asia as they relate to the U.S. homeland, and in particular, monitored events in Pakistan, including the killing of Osama Bin Laden. Committee staff was briefed by multiple experts with personal experiences in Pakistan, Afghanistan, and India regarding conditions on the ground in these critical areas and implications for counterterrorism policy and intelligence gathering. On May 3, 2011 the Subcommittee held a hearing entitled “The Threat to the U.S. Homeland Emanating from Pakistan.” The Subcommittee received testimony from Dr. Frederick Kagan, Resident Scholar and Director, American Enterprise Institute Critical Threats Project; Dr. Seth Jones, Senior Political Scientist, The RAND Corporation; Mr.

Stephen Tankel, Visiting Fellow, South Asia Program, The Carnegie Endowment for International Peace; and Mr. Shuja Nawaz, Director, South Asia Center, The Atlantic Council. The hearing focused on the death of Bin Laden and Pakistan's role in the War on Terror.

TERROR FINANCE

The Subcommittee has examined issues surrounding terror financing. Majority staff has held numerous meetings with the Federal Bureau of Investigation's Terrorist Financing Operations Section, the Drug Enforcement Agency's Special Operations Division, and the former Ambassador to the Organization of American States. Unfortunately, the Minority staff was not invited to the overwhelming majority of these meetings.

WEAPONS OF MASS DESTRUCTION (WMD)

Committee staff visited the Defense Threat Reduction Agency and received a briefing on the Agency's Strategic Command Center. Topics of discussion included cooperative threat reduction and international engagement; planning, readiness, and operational support; research and development; and integration of technology with tactics, techniques, and procedures to work across the inter-agency process on the key WMD issues of nonproliferation, counter proliferation, and consequence management.

On May 13, 2011, the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, the Subcommittee on Counterterrorism and Intelligence, and the Subcommittee on Emergency Preparedness, Response, and Communications received a classified Member-only briefing by representatives from the National Counterterrorism Center (NCTC) and the National Counterproliferation Center (NCPC), both of the Office of the Director of National Intelligence, on the threat from four categories of WMDs that terrorists may seek to acquire and use in a WMD terrorist attack chemical, biological, radiological, and nuclear (CBRN).

SUBCOMMITTEE HEARINGS HELD

"Terrorist Threat to the U.S. Homeland Al-Qaeda in the Arabian Peninsula (AQAP)." March 2, 2011. (Serial No. 112-5)

"Unrest in the Middle East and North Africa: Ramifications for U.S. Homeland Security." April 6, 2011. (Serial No. 112-16)

"The Threat to the U.S. Homeland Emanating from Pakistan." May 3, 2011. (Serial No. 112-21)

"The DHS Intelligence Enterprise-Past, Present, and Future." June 1, 2011. (Serial No. ____)

SUBCOMMITTEE ON CYBERSECURITY, INFRASTRUCTURE PROTECTION, AND SECURITY TECHNOLOGIES

Since January, Majority staff has held many briefings with non-governmental entities. However, in most cases, the Minority was neither invited nor informed. This section of the report reflects only those activities that were either officially noticed or open to bipartisan participation.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

CHEMICAL SECURITY

On February 11, 2011, the Subcommittee held a hearing entitled "Preventing Chemical Terrorism: Building a Foundation of Security at Our Nation's Chemical Facilities." This hearing reviewed the Department of Homeland Security's risk-based efforts to strengthen the security of hundreds of chemical facilities around the Nation; assessed progress of the Chemical Facility Anti-Terrorism Standards (CFATS) implementation; examined actions that DHS and chemical facilities have taken to date under the CFATS regulations and discussed near-term steps to strengthen the program going forward in order to reach longer-term goals; and examined whether the Department's approach is striking an appropriate balance between strengthening security and enabling growth in this vital sector of our economy. The Subcommittee received testimony from Hon. Rand Beers, Under Secretary, National Protection and Programs Directorate, Department of Homeland Security; Mr. Timothy J. Scott, Chief Security Officer, The Dow Chemical Company (testifying on behalf of the American Chemistry Council); Dr. M. Sam Mannan, PhD, PE, CSP, Regents Professor and Director, Mary Kay O'Connor, Process Safety Center, Texas A&M University System; and Mr. George S. Hawkins, General Manager, District of Columbia Water and Sewer Authority.

Committee staff participated in numerous meetings, including conferences, with CFATS stakeholders. Through the January to June time frame, staff met with various representatives from the private sector in addition to Federal Government entities impacted, or prospectively impacted, by CFATS, including the DHS National Protection and Programs Directorate, the United States Coast Guard, the Environmental Protection Agency, and the Nuclear Regulatory Commission.

These oversight activities led to the introduction of H.R. 901.

NUCLEAR REACTOR FACILITY SECURITY

On March 11, 2011, an earthquake and tsunami struck Japan causing an on-going nuclear emergency at the Fukushima Daiichi Nuclear Power Station and a global impact on the nuclear sector. Committee staff have been examining the integrated effort of numerous U.S. Government agencies to support Japan's effort to respond to this event, as well as take lessons learned and apply them to U.S. nuclear security activities, and the related role of DHS, in order to better prepare the nuclear sector for extreme events including terrorist attacks on the homeland.

On March 25, 2011, Committee staff visited the Calvert Cliffs Nuclear Power Plant on the Chesapeake Bay in Lusby, Maryland. This facility is located approximately 50 miles southeast of Washington, DC. The purpose of the trip was to observe nuclear power plant security measures (physical security, cybersecurity, and personnel security) to determine how the facility interacts with the Department of Homeland Security and State and local first responders to address vulnerabilities and respond to a potential attack or accident at the facility.

Committee staff toured the Nuclear Regulatory Commission (NRC) Emergency Operations Center on May 6, 2011, and received briefings on the mission, goals, and functions of the NRC and, specifically, on the NRC Emergency Preparedness and Response Program and the NRC's security policy and operations.

On May 12, 2011, Committee staff met with representatives from the Indian Point Energy Center, a nuclear energy plant in Buchanan, New York, on the Hudson River, approximately 25 miles north of Manhattan. Similarly, these representatives provided their perspective on the implications of the events at Fukushima for the U.S. nuclear energy industry.

These activities have not resulted in a hearing or other product therefore it is difficult to assess whether the Oversight Plan goals have been met.

WEAPONS OF MASS DESTRUCTION

Weapons of Mass Destruction (WMD) pose a daunting challenge to homeland security because of their great potential to cause catastrophic consequences. Terrorists actively seek to acquire, build, and use such weapons and technologies. Dangerous chemical, biological, radiological, and nuclear (CBRN) materials, technology, and knowledge, often dual-use, circulate with ease in our globalized economy and are controlled unevenly around the world, making it difficult to limit their access and movement and ultimately prevent terrorist acts.

On April 5, 2011, the Chair of the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies along with Chairman Bilirakis and Ranking Member Richardson of the Subcommittee on Emergency Preparedness, Response, and Communications, sent an oversight letter to the Secretary of Homeland Security requesting responses related to the procurement of Generation-3 BioWatch detection systems. No response has been received.

On April 7, 2011, Committee staff observed the Securing the Cities (STC) full-scale exercise in New York City, New York (NYC). STC is a DNDO initiative designed to reduce the risk of a radiological or nuclear attack on the NYC region by enhancing regional capabilities to detect, identify, and interdict illicit radioactive materials. STC involves 13 principal partners coordinated through the New York Police Department (NYPD).

The Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies along with the Subcommittee on Counterterrorism and Intelligence, and the Subcommittee on Emergency Preparedness, Response, and Communications held a joint classified Member briefing on the present and evolving threat of WMD terrorism on May 13, 2011. Representatives from the Office of the Director of National Intelligence, National Counterterrorism Center (NCTC), and the National Counter proliferation Center (NCPC) briefed Members.

SCIENCE AND TECHNOLOGY DIRECTORATE MANAGEMENT AND COORDINATION

During the 112th Congress, Committee staff has conducted extensive meetings with Federal officials, academic experts, the private sector, and other stakeholders on the mission and operations

of the Science and Technology (S&T) Directorate, the component of the Department of Homeland Security responsible for research, development, testing, and evaluation of homeland security technologies. The Subcommittee's oversight has focused on examining: (1) the linkage between the S&T's strategic plan and its programs; (2) inadequate transparency and detail in its budget justifications; (3) the persistent lack of responsiveness to the needs of its customers and end-users; (4) S&T's ability to provide scientific and technical support to components throughout a technology's acquisition lifecycle; (5) leveraging of the scientific capital of the Department of Energy National laboratories, other Federal Departments and Agencies, academia, and the private sector; and (6) the failure to more rapidly develop and transition homeland security technologies.

On May 13, 2011, Committee staff held a roundtable discussion with Dr. Tara O'Toole, Under Secretary for Science and Technology at the Department. Dr. O'Toole addressed the shifting strategy of the Directorate toward rapid fielding of technology and acquisition support, interagency collaboration on research priorities, and the implications of proposed research and development budget cuts on homeland security.

These meetings have not resulted in any hearings or other products therefore it is difficult to assess whether the Oversight Plan goals have been met.

SAFETY ACT IMPLEMENTATION

The Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act), (6 U.S.C. 441 et seq.; Title VIII, Subtitle G of Pub. L. 107 09296, the Homeland Security Act of 2002) is intended to encourage the development and deployment of anti-terrorism technologies by limiting the liability of sellers of the technology and others in the distribution and supply chain for third-party claims arising out of acts of terrorism where the technology has been deployed to prevent, respond to, or recover from such act.

Committee staff met with Department officials to monitor the program's progress and consulted with various stakeholders concerned with the pace and requirements of the SAFETY Act review process.

On May 26, 2011, the Subcommittee held a hearing entitled "Unlocking the SAFETY Act's Potential to Promote Technology and Combat Terrorism." The Subcommittee received testimony from Mr. Paul Benda, Acting Deputy Under Secretary, Science & Technology Directorate, Department of Homeland Security; Mr. Marc Pearl, President and Chief Executive Officer, Homeland Security and Defense Business Counsel; Mr. Brian Finch, Partner, Dickstein Shapiro LLP; Mr. Scott Boylan, Vice President and General Counsel, Morpho Detection, Inc.; and Mr. Craig Harvey, Chief Operations Officer and Executive Vice President, NVision Solutions, Inc. This hearing furthered the Oversight Plan's intention to examine SAFETY Act implementation. However, no Federal cost savings have been revealed.

CYBERSECURITY THREAT

The threat posed by hackers, nation states, terrorists, and common thieves to the critical infrastructure of the Nation has increased in recent years.

On February 11, 2011, Members of the Subcommittee received a classified Member-only briefing on an assessment of the current cybersecurity threat. Representatives from the Department of Homeland Security and the National Security Agency were present.

On March 16, 2011 the Subcommittee held a hearing entitled "Examining the Cyber Threat to Critical Infrastructure and the American Economy." The Subcommittee received testimony from Hon. Phillip Reiting, Deputy Under Secretary, National Protection and Programs Directorate, Department of Homeland Security; Mr. Gregory C. Wilshusen, Director, Information Security Issues, Government Accountability Office; Dr. Phyllis Schneck, Vice President and Chief Technical Officer, McAfee Inc.; Mr. James A. Lewis, Director and Senior Fellow, Technology and Public Policy Program, Center for Strategic and International Studies; and Ms. Mischel Kwon, President, Mischel Kwon Associates.

CYBERSECURITY MISSION OF THE DEPARTMENT OF HOMELAND
SECURITY

The Department of Homeland Security is the primary point of contact and coordination for all civilian, non-intelligence U.S. Government networks as well as privately held critical infrastructure. Understanding how the Department currently fulfills that role and how it can improve its relationship with other Federal agencies as well as with the private sector is an important function of the Subcommittee. Committee staff participated in numerous meetings with private stakeholders as well as the Department to support the Members of the Subcommittee in their conduct of oversight.

On April 15, 2011 the Subcommittee held a hearing entitled "The DHS Cybersecurity Mission: Promoting Innovation and Securing Critical Infrastructure." The Subcommittee received testimony from Mr. Sean McGurk, Director, National Cybersecurity and Communications Integration Center, Department of Homeland Security; Mr. Gerry Cauley, President and CEO, North American Electric Reliability Corporation; Ms. Jane Carlin, Chair, Financial Services Sector Coordinating Council; and Mr. Edward Amoroso, Senior Vice President and Chief Security Officer, AT&T.

FEDERAL PROTECTIVE SERVICE

On February 25, 2011, Committee staff visited a Federal Protective Service (FPS) facility in Alexandria, Virginia. Staff received an overview of FPS' mission to secure Federal buildings. The visit included a brief on the agency's legal authorities, as well as its budget, recruiting, and training challenges.

On May 23, 2011, the Federal Protective Service Deputy Director, Kris Cline provided staff briefing on bombing attempt and corrective actions taken at the Detroit Federal Building.

These meetings have not resulted in any hearings or other products therefore it is difficult to assess whether the Oversight Plan goals have been met.

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

On June 1, 2011 Chairman King and Chairman Lungren sent an oversight letter to Assistant Secretary Rand Beers notifying him that the reorganization of the National Programs and Protection Directorate without notice to Congress was in violation of the Homeland Security Act of 2002. The letter requested an immediate and complete briefing on the matter to the full committee. Unfortunately, the Minority was not invited to sign this letter.

SUBCOMMITTEE HEARINGS HELD

“Preventing Chemical Terrorism: Building a Foundation of Security at Our Nation’s Chemical Facilities.” February 11, 2011. (Serial No. 112–3)

“Examining the Cyber Threat to Critical Infrastructure and the American Economy.” March 16, 2011. (Serial No. 112–11)

“The DHS Cybersecurity Mission: Promoting Innovation and Securing Critical Infrastructure.” April 15, 2011. (Serial No. 112–19)

“Unlocking the SAFETY Act’s Potential to Promote Technology and Combat Terrorism.” May 26, 2011. (Serial No. 112–27)

BENNIE G. THOMPSON,
Ranking Member.

SHEILA JACKSON LEE,
Ranking Member, Subcommittee on Transportation Security.

YVETTE D. CLARKE,
Ranking Member, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies.

DANNY K. DAVIS,
Member of Congress.

JACKIE SPEIER,
Ranking Member, Subcommittee on Counterterrorism and Intelligence.

HANSEN CLARKE,
Member of Congress.

KATHLEEN HOCHUL,
Member of Congress.

LORETTA SANCHEZ,
Member of Congress.

HENRY CUELLAR,
Ranking Member, Subcommittee on Border and Maritime Security.

LAURA RICHARDSON,
Ranking Member, Subcommittee on Emergency Preparedness, Response, and Communications.

BRIAN HIGGINS,

Member of Congress.
CEDRIC L. RICHMOND,
Member of Congress.
WILLIAM R. KEATING,
Ranking Member, Sub-
committee on Oversight,
Investigations and Man-
agement.

