

**Union Calendar No. 370**

112TH CONGRESS }  
*2nd Session*

HOUSE OF REPRESENTATIVES

{ REPORT  
112-522

REPORT ON LEGISLATIVE AND OVERSIGHT  
ACTIVITIES

OF THE

HOUSE COMMITTEE ON HOMELAND  
SECURITY

THIRD QUARTER

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

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



JUNE 12, 2012.—Committed to the Committee of the Whole House on  
the State of the Union and ordered to be printed

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**LETTER OF TRANSMITTAL**

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U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC, June 12, 2012.*

Hon. KAREN L. HAAS,  
*Clerk of the House of Representatives,*  
*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, attached is a report of the legislative and oversight activities of the Committee on Homeland Security for the Third Quarter of the 111th Congress.

Sincerely,

PETER T. KING,  
*Chairman.*



# Union Calendar No. 370

112TH CONGRESS }  
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## LEGISLATIVE AND OVERSIGHT ACTIVITIES OF THE COMMITTEE ON HOMELAND SECURITY

112TH CONGRESS

Third Quarter

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JUNE 12, 2012.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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

### R E P O R T

#### 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.

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## LEGISLATIVE HISTORY TO ACCOMPANY CHANGES TO RULE X

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

### Rule X and the Committee on Homeland Security

#### *Legislative History*

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

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

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

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

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

*Individual Committee Concerns*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 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	CEDRIC L. RICHMOND, Louisiana
JOE WALSH, Illinois	HANSEN CLARKE, Michigan
PATRICK MEEHAN, Pennsylvania	WILLIAM R. KEATING, Massachusetts
BEN QUAYLE, Arizona	KATHLEEN C. HOCHUL, New York
E. SCOTT RIGELL, Virginia	JANICE HAHN, California
BILLY LONG, Missouri	VACANCY
JEFF DUNCAN, South Carolina	
TOM MARINO, Pennsylvania	
BLAKE FARENTHOLD, Texas	
ROBERT L. TURNER, New York	

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Appointment of Mr. Peter T. King of New York as Chair, and Mr. Bennie G. Thompson of Mississippi as Ranking Minority Member on January 5, 2011, 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 on Homeland 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.

Ms. Janice Hahn of California was elected to the Committee pursuant to H. Res. 377 on July 28, 2011.

Mr. Mo Brooks of Alabama resigned as a Member of the Committee on Homeland Security on October 4, 2011, and Mr. Robert L. Turner of New York was elected to the Committee pursuant to H. Res. 420.

Ms. Jackie Speier of California resigned as a Member of the Committee on Homeland Security on February 16, 2012.

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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	CEDRIC L. RICHMOND, Louisiana
JOE WALSH, Illinois, <i>Vice Chair</i>	VACANCY
ROBERT L. TURNER, New York	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*

E. SCOTT RIGELL, Virginia	LAURA RICHARDSON, California
TOM MARINO, Pennsylvania, <i>Vice Chair</i>	HANSEN CLARKE, Michigan
BLAKE FARENTHOLD, Texas	KATHLEEN C. HOCHUL, New York
ROBERT L. TURNER, New York	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
E. 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, *Vice Chair*

CHIP CRAVAACK, Minnesota

JOE WALSH, Illinois

BEN QUAYLE, Arizona

E. SCOTT RIGELL, Virginia

BILLY LONG, Missouri

PETER T. KING, New York

*(Ex Officio)*

BRIAN HIGGINS, New York

LORETTA SANCHEZ, California

HENRY CUELLAR, Texas

KATHLEEN C. HOCHUL, New York

JANICE HAHN, California

VACANCY

BENNIE G. THOMPSON, Mississippi

*(Ex Officio)*





## FULL COMMITTEE

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
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JOE WALSH, Illinois	HANSEN CLARKE, Michigan
PATRICK MEEHAN, Pennsylvania	WILLIAM R. KEATING, Massachusetts
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E. SCOTT RIGELL, Virginia	JANICE HAHN, California
BILLY LONG, Missouri	VACANCY
JEFF DUNCAN, South Carolina	
TOM MARINO, Pennsylvania	
BLAKE FARENTHOLD, Texas	
ROBERT L. TURNER, New York	

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From January 2011 through the end of May 2012, the Committee on Homeland Security held 12 hearings, receiving testimony from 38 witnesses, and considered 17 measures.

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### 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, and both were adopted by unanimous consent.

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.

## FIRST QUARTER ACTIVITY REPORT

On June 22, 2011, the Committee on Homeland Security met pursuant to notice and adopted a report on the Oversight and Legislative Activities of the Committee on Homeland Security for the First Quarter of the 112th Congress. The Committee ordered the report to be reported to the House, without amendment, favorably, by voice vote.

## THIRD QUARTER ACTIVITY REPORT

On June 6, 2012, the Committee on Homeland Security met pursuant to notice and adopted a report on the Oversight and Legislative Activities of the Committee on Homeland Security for the Third Quarter of the 112th Congress. The Committee ordered the report to be reported to the House, without amendment, favorably, by voice vote.

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 LEGISLATIVE ACTIVITIES OF THE COMMITTEE

 ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS ACT  
 OF 2011

PUB. L. 112–54 S. 1487 (H.R. 2042 | H.R. 3312)

To require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

*Summary*

The Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 authorizes the Secretary of Homeland Security to issue, in coordination with the Secretary of State, Asia-Pacific Economic Cooperation business travel cards (ABT Cards) to approved individuals. S. 1487 requires the Secretary of Homeland Security to integrate the ABT Cards with other Department trusted traveler programs. Additionally, S. 1487 permits the Secretary of Homeland Security to consult with appropriate private sector entities and, if necessary, prescribe regulations to issue the ABT Cards. The bill also authorizes the Secretary to collect and adjust a user fee for establishing and operating the ABT Card program. The Secretary may terminate the program if it is in the interest of the United States.

*Legislative History*

S.1487 was introduced in the Senate on August 2, 2011, by Ms. Cantwell, Mr. Akaka, Mr. Inouye, and Mr. Johnson of Wisconsin, and referred to the Committee on Homeland Security and Governmental Affairs.

On October 19, 2011, the Senate Committee on Homeland Security and Governmental Affairs considered S.1487 and ordered the measure to be favorably reported to the Senate with an Amendment in the Nature of a Substitute.

The Senate Committee on Homeland Security and Governmental Affairs reported S. 1487 to the Senate on November 3, 2011 with no written report.

The Senate considered and passed S. 1487 on November 3, 2011, by unanimous consent.

On November 4, 2011, the House considered and passed S. 1487, under Suspension of the Rules, clearing the measure for the President.

The President signed S. 1487 into law on November 12, 2011, as Public Law 112–54.

H.R. 2042, the House companion measure, was introduced in the House on May 26, 2011, by Mr. Larsen of Washington, Mr. Herger, Mr. Crowley, Mr. Brady of Texas, and Mr. Daniel E. Lungren of California, and referred to the Committee on Homeland Security. Within the Committee, H.R. 2042 was referred to the Subcommittee on Border and Maritime Security.

On October 25, 2011, the House considered H.R. 2042 under Suspension of the Rules and passed the measure by voice vote.

H.R. 2042 was received in the Senate on October 31, 2011, and on November 3, 2011, was read twice, and placed on the Senate Legislative Calendar.

H.R. 3312 was introduced in the House on November 2, 2011, by Mr. Brady of Texas and Mr. Larsen of Washington, and referred to the Committee on Homeland Security. Within the Committee, H.R. 3312 was referred to the Subcommittee on Border and Maritime Security. H.R. 3312 consisted of the text of S. 1487, as ordered to be reported by the Senate Committee on Homeland Security and Governmental Affairs.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

PUB. L. 112–81 H.R. 1540 | S. 1867

To authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### *Summary*

The annual National Defense Authorization Act (NDAA) is the primary mechanism by which the United States Congress fulfills its Constitutional obligation to provide for the common defense.

The NDAA for fiscal year 2012 authorizes \$554 billion for the Defense base budget, and \$115.5 billion for overseas contingency operations. This represents a \$19 billion reduction from fiscal year 2011 and a \$24.1 billion reduction from the President’s request.

Although this legislation authorizes programs within the Department of Defense, the NDAA contains certain War on Terror detainee provisions that are of great interest to the Committee on Homeland Security. These include a prohibition on the transfer or release of detainees housed at Guantánamo Bay, Cuba into the United States, and a reaffirmation of the lawful detention of individuals from al-Qaeda, the Taliban, and associated forces engaged in an armed conflict with the United States.

Also of interest to the Committee on Homeland Security are the requirements for the detection of insider threats, in response to the dissemination of classified information on the WikiLeaks.org website, and the authorization of the Department of Defense's counter-narcotics activities on the Southern Border of the United States.

#### *Legislative History*

H.R. 1540 was introduced in the House on April 14, 2011, by Mr. McKeon and Mr. Smith of Washington, and referred to the Committee on Armed Services.

The Committee on Armed Services considered H.R. 1540 on May 11, 2011, and ordered the measure to be reported to the House, amended by a recorded vote of 60 yeas and 1 nay.

The Chair of the Committee on Homeland Security sent a letter on May 4, 2011, to the Chair of the Committee on Armed Services agreeing, that, in order to expedite consideration of H.R. 1540 by the Full House, the Committee would not seek a sequential referral of H.R. 1540. The letter further requested an appointment of Conferees should a House-Senate Conference be called. The Chair of the Committee on Armed Services responded on May 16, 2011, acknowledging the jurisdictional interests of the Committee on Homeland Security and the agreement to not seek a sequential referral.

The Committee on Armed Services reported H.R. 1540 to the House on May 17, 2011, as H. Rpt. 112-78. The Committee on Armed Services filed the supplemental report to H.R. 1540 on May 23, 2011 as H. Rpt. 112-78, Part II.

The House considered H.R. 1540 on May 24 and 25, 2011. The House continued consideration of H.R. 1540 on June 26, 2011, and passed H.R. 1540 by a recorded vote of 322 yeas and 96 nays (Recorded Vote No. 375).

H.R. 1540 was received in the Senate, read twice, and referred to the Senate Committee on Armed Services on June 6, 2011.

On November 15, 2011, the Senate Committee on Armed Services reported S. 1687, the Senate companion measure, to the Senate, with no written report.

The Senate considered S. 1687 on November 17, 18, 28, 29, and 30, 2011. On November 30, 2011, the Senate invoked cloture on S. 1687 by a recorded vote of 88 yeas and 12 nays (Record Vote No. 212). The Senate continued consideration on December 1, and passed S. 1687 by a recorded vote of 93 yeas and 7 nays (Record Vote No. 218.).

On December 1, the Senate Committee on Armed Services was discharged from further consideration of H.R. 1540 by unanimous consent. The Senate considered H.R. 1540 by unanimous consent; struck all after the enacting clause and substituted the text of S. 1687, as amended. The Senate then passed H.R. 1540, amended, by unanimous consent.

The Senate insisted upon its amendment to H.R. 1540 on December 1, 2011, requested a Conference with the House, and appointed Conferees: Senators Levin; Lieberman; Reed; Akaka; Nelson of Nebraska; Webb; McCaskill; Udall of Colorado; Hagan; Begich; Manchin; Shaheen; Gillibrand; Blumenthal; McCain; Inhofe; Ses-

sions; Chambliss; Wicker; Brown of Massachusetts; Portman; Ayotte; Collins; Graham; Cornyn; and Vitter.

On December 2, 2011, the Chair of the Committee on Homeland Security sent a letter to the Speaker of the House requesting to have Members of the Committee appointed as Conferees to the Committee of Conference on H.R. 1540.

The House, on December 7, 2011, by unanimous consent, agreed to disagree to the Senate amendment, and agreed to a Conference with the Senate thereon. The House agreed to instruct House Conferees by a recorded vote of 421 yeas and 2 nays (Recorded Vote No. 892).

The Chair appointed Conferees on the part of the House on December 7, 2011: From the Committee on Armed Services; the Permanent Select Committee on Intelligence; the Committee on Education and the Workforce; the Committee on Energy and Commerce; the Committee on Financial Services; the Committee on Foreign Affairs; the Committee on Homeland Security; the Committee on the Judiciary; the Committee on Natural Resources; the Committee on Oversight and Government Reform; the Committee on Science, Space, and Technology; the Committee on Small Business; the Committee on Transportation and Infrastructure; the Committee on Veterans Affairs; and the Committee on Ways and Means.

Conferees from the Committee on Homeland Security, for consideration of sec. 1099H of the House bill; and sec. 1092 of the Senate amendment, and modifications committed to conference: Mr. Daniel E. Lungren of California, Mrs. Miller of Michigan and Mr. Thompson of Mississippi.

Conferees met on December 12, 2011, and agreed to file a Conference Report to accompany H.R. 1540. Conference Report to accompany H.R. 1540 filed in the House as H. Rpt. 112-329. As reported, the Conference Report struck section 1099H; section 1092 was retained by the Committee of Conference.

The Committee on Rules met on December 13, 2011, and reported a rule providing for the consideration of the Conference Report to accompany H.R. 1540. The Rule filed in the House as H. Res. 493 (H. Rpt. 112-330).

The House considered the Conference Report to accompany H.R. 1540 on December 14, 2011, under the provisions of H. Res. 493, after agreeing to the Rule by a recorded vote of 245 yeas and 169 nays, (Recorded Vote No. 926). During consideration, a motion to recommit the conference report to the Committee of Conference with instructions to the managers on the part of the House, was not agreed to by a recorded vote of 183 yeas and 234 nays, (Recorded Vote No. 931).

The House agreed to the Conference Report to accompany H.R. 1540 on December 14, 2011, by a recorded vote of 283 yeas to 136 nays (Recorded Vote No. 932). The House subsequently agreed to H. Con. Res. 92, to direct the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540.

The Senate considered the Conference Report to accompany H.R. 1540 on December 15, 2011, and agreed to the Conference Report by a recorded vote of 86 yeas and 13 nays (Record Vote No. 230.)

The Senate subsequently agreed to H. Con. Res. 92 by unanimous consent, clearing the measure for the President.

H.R. 1540 was presented to the President on December 21, 2011. On December 31, 2011, the President signed H.R. 1540 into law as Public Law 112–81.

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

PUB. L. 112–86 (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 the U.S. 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.

The Committee considered H.R. 1801 on September 21, 2011, and ordered the measure to be reported to the House, amended, with a favorable recommendation, by voice vote.

The Committee reported H.R. 1801 to the House on November 4, 2011, as H. Rpt. 112–271.

The House considered H.R. 1801 under Suspension of the Rules, and passed the measure by a two-thirds recorded vote of 404 yeas and none voting “nay”.

H.R. 1801 was received in the Senate on November 30, 2011, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration by unanimous consent on December 12, 2011. The Senate subsequently passed H.R. 1801, amended, by voice vote.

The House debated a motion to agree to concur in the Senate amendment to H.R. 1801 on December 19, 2011. On December 20, 2011, the House agreed to Suspend the Rules and concurred in the Senate amendment to H.R. 1801 by voice vote, clearing the measure for the President.

H.R. 1801 was presented to the President on December 23, 2011, and on January 3, 2012, was signed into law as Public Law 112–86.

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 codifies 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 cosponsors, 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.

On June 22, 2011, the Committee on Homeland Security met to consider H.R. 901 and ordered the measure to be reported to the House, amended, by voice vote.

The Committee filed a report on H.R. 901 in the House on September 26, 2011, as H. Rpt. 112–224, Pt. 1. Referral of the bill to the Committee on Energy and Commerce was extended on September 26, 2011, for a period ending not later than November 11, 2011. Referral of the bill to the Committee on Energy and Commerce was extended on November 11, 2011, for a period ending not later than January 6, 2012. Referral of the bill to the Committee on Energy and Commerce was extended on January 6, 2012, for a period ending not later than January 20, 2012. Referral of the bill

to the Committee on Energy and Commerce was extended on January 20, 2012, for a period ending not later than March 1, 2012. Referral of the bill to the Committee on Energy and Commerce was extended on March 1, 2012, for a period ending not later than March 9, 2012. Referral of the bill to the Committee on Energy and Commerce was extended on March 9, 2012, for a period ending not later than June 8, 2012.

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, 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. The bill 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 the borders of the United States.

*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 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.

On September 21, 2011, the Committee considered H.R. 915, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

The Committee reported H.R. 915 to the House on November 4, 2011, as H. Rpt. 112-268.

The House considered H.R. 915 on May 30, 2012, under Suspension of the Rules, and passed the measure by a  $\frac{2}{3}$  roll call vote of 391 yeas and 2 nays (Roll No. 296).

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*

H.R. 1165 enhances 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.

The Committee considered H.R. 1165 on September 21, 2011, and ordered the measure to be reported to the House, amended, with a favorable recommendation, by voice vote.

The Committee reported H.R. 1165 to the House on November 4, 2011, as H. Rpt. 112-270.

## 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*

In testimony before Congress, a Government Accountability Office witness reported 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 operational control [GAO-11-374T and GAO-11-508T). H.R. 1299 requires the Department of Homeland Security to develop a plan to gain operational control, as defined by the Secure Fence Act of 2006 (Pub. L. 109-367), of the borders of the United States 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 a National Laboratory for suitability in measuring control of the border. The Secretary must also develop a comprehensive new measurement system which captures the effectiveness of security at the ports of entry. Finally, it requires the U.S. Customs and Border Protection 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. 1299 and favorably reported the measure to the Full Committee for consideration, amended, by voice vote.

The Committee considered H.R. 1299 on September 21, 2011, and ordered the measure to be reported to the House, with a favorable recommendation, amended, by voice vote.

The Committee reported H.R. 1299 to the House on November 10, 2011, as H. Rpt. 112-274.

The House considered H.R. 1299 on May 30, 2012, under Suspension of the Rules and passed the measure by voice vote.

The Chair of the Committee on Ways and Means sent a letter to the Chair of the Committee on Homeland Security agreeing to waive consideration of H.R. 1299, the letter further requested the appointment of Conferees should a House-Senate Conference be convened. On June 5, 2012, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Ways and Means acknowledging the jurisdictional concerns of the Committee on Ways and Means, and agreeing to support the appointment of Conferees.

## AVIATION SECURITY STAKEHOLDER PARTICIPATION ACT OF 2011

## H.R. 1447

To amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes.

*Summary*

H.R. 1447 directs the Assistant Secretary of the Transportation Security Administration to establish an Aviation Security Advisory Committee. The Assistant Secretary is required to consult with the Advisory Committee on aviation security matters and the development of recommendations to improve aviation security.

*Legislative History*

H.R. 1447 was introduced in the House on April 8, 2011, by Mr. Thompson of Mississippi and Ms. Jackson Lee of Texas, and referred to the Committee on Homeland Security. Within the Committee, H.R. 1447 was referred to the Subcommittee on Transportation Security.

On September 21, 2011, the Chair discharged the Subcommittee on Transportation Security from further consideration of H.R. 1447. The Committee proceeded to the consideration of H.R. 1447 and ordered the measure to be reported to the House, without amendment, by voice vote.

The Committee reported H.R. 1447 to the House on November 4, 2011, as H. Rpt. 112–269.

## NATIONAL SECURITY AND FEDERAL LANDS PROTECTION ACT

## H.R. 1505

To prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes.

*Summary*

H.R. 1505 prohibits the Secretaries of the Interior and Agriculture from taking action on public lands which impede the Border Patrol from conducting security activities under the direction of the Secretary of Homeland Security. In order to effectively secure the border, the Department of Homeland Security is provided to have immediate access to any public land managed by the Federal Government; including access to maintain and construct roads, construct a fence, use patrol vehicles, and set up monitoring equipment.

*Legislative History*

H.R. 1505 was introduced in the House on April 13, 2011, by Mr. Bishop of Utah and 54 cosponsors, and referred to the Committee on Natural Resources, and in addition the Committees on Agriculture and Homeland Security. Within the Committee, H.R. 1505 was referred to the Subcommittee on Border and Maritime Security.

On October 5, 2011, the Natural Resources Subcommittee on National Parks, Forests, and Public Lands discharged H.R. 1505. On

October 5, 2011 the Committee on Natural Resources considered H.R. 1505, and ordered the measure to be reported to the House with a favorable recommendation, amended, by a recorded vote of 26 yeas and 17 nays.

The Chair of the Committee on Natural Resources sent a letter on December 14, 2011, to the Chair of the Committee on Homeland Security requesting that, in order to expedite consideration of H.R. 1505 by the Full House, the Committee would discharge H.R. 1505 from any further consideration. The Chair of the Committee responded on December 14, 2011 acknowledging the request of the Committee on Natural Resources by discharging H.R. 1505 from further consideration by the Committee. The response further requested an appointment of Conferees should a House-Senate Conference be called.

The Committee on Natural Resources reported H.R. 1505 to the House as H. Rpt. 112–448, Pt. I on April 17, 2012. The Committee on Agriculture and the Committee on Homeland Security were subsequently discharged from further consideration of H.R. 1505.

#### SECURE VISAS ACT

#### H.R. 1741

To authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, to provide for the immediate dissemination of visa revocation information, and for other purposes.

#### *Summary*

H.R. 1741, also known as the Secure Visas Act, provides the Secretary of Homeland Security authority to refuse or revoke any visa to an alien or class of aliens if deemed necessary or advisable to protect the security interests of the United States. The legislation mandates inspection of all visa applications and supporting documentation before the adjudication of the application at the 20 highest-risk visa issuing diplomatic and consular posts, as determined by the Secretary, and authorizes the Secretary to assign employees to those diplomatic consular posts.

#### *Legislative History*

H.R. 1741 was introduced in the House on May 5, 2011, by Mr. Smith of Texas and eight original cosponsors, and referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security. Within the Committee, H.R. 1741 was referred to the Subcommittee on Border and Maritime Security.

The Committee on the Judiciary considered H.R. 1741 on June 23, 2011, and ordered the measure to be reported to the House, amended, by a recorded vote of 17 yeas and 11 nays.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on the Judiciary on July 13, 2011, agreeing that, in order to expedite consideration on the House Floor, the Committee on Homeland Security would waive its right to consider H.R. 1741. The letter further requested the appointment of Conferees should a House-Senate Conference be called. On

that same date, the Chair of the Committee on the Judiciary sent a letter to the Chair of the Committee on Homeland Security agreeing to the waiving of consideration in order to expedite consideration.

The Committee on the Judiciary reported H.R. 1741 to the House as H. Rpt. 112–441, Pt. I on March 8, 2012. Subsequently, the Committee on Homeland Security was discharged from further consideration of H.R. 1741.

TO AMEND TITLE 49, UNITED STATES CODE, TO DIRECT THE ASSISTANT SECRETARY OF HOMELAND SECURITY (TRANSPORTATION SECURITY ADMINISTRATION) TO TRANSFER UNCLAIMED MONEY RECOVERED AT AIRPORT SECURITY CHECKPOINTS TO UNITED SERVICE ORGANIZATIONS, INCORPORATED, AND FOR OTHER PURPOSES.

#### H.R. 2179

To amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to United Service Organizations, Incorporated, and for other purposes.

#### *Summary*

This legislation directs the Transportation Security Administration (TSA) to transfer unclaimed money recovered at airport security checkpoints to United Service Organizations, Inc. for use in support of its airport centers. The legislation will support the continued efforts of the United Service Organizations, Inc. (USO) by providing funds to create a welcoming and comfortable atmosphere at airports for our dedicated military personnel and their families. Additionally, this bill also directs TSA to provide clothing assistance to homeless or needy veterans with unclaimed clothing recovered at airport security checkpoints.

#### *Legislative History*

H.R. 2179 was introduced in the House on June 14, 2011, by Mr. Miller of Florida, and referred to the Committee on Homeland Security. Within the Committee, H.R. 2179 was referred to the Subcommittee on Transportation Security.

On March 7, 2012, the Subcommittee on Transportation Security considered H.R. 2179 and reported the measure to the Full Committee with a favorable recommendation, without amendment, by voice vote.

The Full Committee considered H.R. 2179 on March 28, 2012, and ordered the measure to be favorably reported to the House, amended, by voice vote.

The Committee reported H.R. 2179 to the House on May 8, 2012, as H. Rpt. 112–468.

WMD PREVENTION AND PREPAREDNESS ACT OF 2011

#### H.R. 2356

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

### *Summary*

H.R. 2356 enhances homeland security by improving efforts to prevent, protect against, respond to, and recover from an attack with a weapon of mass destruction (WMD), and for other purposes. The bill addresses the range of actions necessary to counter the WMD threat as identified through the Committee on Homeland Security's oversight work and the recommendations of the Commission on the Prevention of WMD Proliferation and Terrorism in its report, "World At Risk." The approach is to include all aspects of the preparedness framework—prevention, protection, response, and recovery—for chemical, biological, radiological, and nuclear attacks and incidents.

### *Legislative History*

#### 111th Congress

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

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

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

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

H.R. 5498. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Foreign Affairs acknowledging the jurisdictional interests of the Committee on Foreign Affairs.

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

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

The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on November 18, 2010, for a period ending not later than December 3, 2010. The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on December 3, 2010, for a period ending not later than December 17, 2010. The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on December 17, 2010, for a period ending not later than December 21, 2010.

112th Congress

H.R. 2356 was introduced in the House on June 24, 2011, by Mr. Pascrell, Mr. King of New York, Mr. Thompson of Mississippi, and eight original cosponsors, and referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the House Permanent Select Committee on Intelligence. Within the Committee, H.R. 2356 was referred to the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies and the Subcommittee on Emergency Preparedness, Response, and Communications.

The Chair discharged the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies and the Subcommittee on Emergency Preparedness, Response, and Communications from further consideration of H.R. 2356 on May 9, 2012.

The Full Committee considered H.R. 2356 on May 9, 2012, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

#### WMD INTELLIGENCE AND INFORMATION SHARING ACT OF 2011

#### H.R. 2764

To amend the Homeland Security Act of 2002 to establish weapons of mass destruction intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes.

#### *Summary*

This legislation requires the Department of Homeland Security's Office of Intelligence and Analysis to support the analysis and dissemination of information regarding threats involving chemical, biological, radiological, and nuclear weapons throughout the Department and among other Federal, State, local, and private sector partners.

*Legislative History*

H.R. 2764 was introduced in the House on August 1, 2011, by Mr. Meehan, Ms. Speier, Mr. Pascrell, Mr. Marino, Mr. King of New York, and Mr. Rogers of Alabama, and referred to the Committee on Homeland Security. Within the Committee, H.R. 2764 was referred to the Subcommittee on Counterterrorism and Intelligence.

The Subcommittee on Counterterrorism and Intelligence considered H.R. 2764 on November 15, 2011, and ordered the measure to be reported to the Full Committee with a favorable recommendation, without amendment, by voice vote.

The Full Committee considered H.R. 2764 on March 28, 2012, and ordered the measure to be favorably reported to the House, amended, by voice vote.

The Committee reported H.R. 2764 to the House on May 8, 2012, as H. Rpt. 112-466.

The House considered H.R. 2764 on May 30, 2012, under Suspension of the Rules, and passed the measure by voice vote.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR  
FISCAL YEAR 2012

H.R. 3116

To authorize certain programs of the Department of Homeland Security, and for other purposes.

*Summary*

H.R. 3116 authorizes several existing components and positions of the Department and provides metrics for programs operated by the Department of Homeland Security. In addition, H.R. 3116 clarifies authorities among various operating officers and policy offices in order to promote greater coordination among Departmental programs. H.R. 3116 also proposes several measures designed to bring about greater fiscal discipline within the Department. For example, H.R. 3116 requires Department-wide cost and efficiency reviews for existing expenditures, independent valuations for major acquisitions, and intra-Department consultation for acquisitions.

H.R. 3116 provides extensive direction and metrics carried out in the fields of border security, information sharing, preparedness, and response to terrorist attacks and natural disasters and science and technology research and development. Moreover, H.R. 3116 authorizes pragmatic improvements for security, including providing liability protections for citizens who make good faith reports of suspected terrorist activity and establishing a commission to reevaluate the causes of the attacks of September 11, 2001, and the Federal Government's ability to carry out the resulting recommendations.

*Legislative History*

H.R. 3116 was introduced in the House on October 6, 2011, by Mr. King of New York and 12 original cosponsors, and referred to the Committee on Homeland Security.



On October 12 and 13, 2011, the Committee considered H.R. 3116 and ordered the measure to be favorably reported to the House, amended, by a recorded vote of 20 yeas and 12 nays.

On October 20, 2011 the Chair of the Committee on Science, Space, and Technology sent a letter to the Speaker of the House requesting a sequential referral of H.R. 3116. On November 21, 2011, the Chair of the Committee on Transportation and Infrastructure sent a letter to the Speaker of the House requesting a sequential referral of H.R. 3116. On December 14, 2011, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Natural Resources requesting the waiving of a request to seek a referral of H.R. 3116. The Chair of the Committee on Committee on Natural Resources agreed to not insist on a sequential referral of H.R. 3116. On December 15, 2011, the Chair of the Committee on Energy and Commerce sent a letter to the Speaker of the House requesting a referral of H.R. 3116.

#### MASS TRANSIT INTELLIGENCE PRIORITIZATION ACT

#### H.R. 3140

To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to prioritize the assignment of officers and analysts to certain State and urban area fusion centers to enhance the security of mass transit systems.

#### *Summary*

This legislation requires the Secretary of Homeland Security to prioritize the assignment of officers and analysts to participate in State and local fusion centers in jurisdictions with mass transit systems. These officers and analysts will be responsible for the creation of mass transit intelligence products to assist in the effective protection of mass transit systems and promote consistent and timely distribution of mass transit information, relevant to security, among these jurisdictions.

#### *Legislative History*

H.R. 3140 was introduced in the House on October 6, 2011, by Ms. Speier and Mr. Meehan, and referred to the Committee on Homeland Security. Within the Committee, H.R. 3140 was referred to the Subcommittee on Counterterrorism and Intelligence.

The Subcommittee on Counterterrorism and Intelligence considered H.R. 3140 on November 15, 2011, and ordered the measure reported to the Full Committee with a favorable recommendation, without amendment, by voice vote.

The Full Committee considered H.R. 3140 on March 28, 2012, and ordered the measure to be favorably reported to the House, without amendment, by voice vote.

The Committee reported H.R. 3140 to the House on May 8, 2012, as H. Rpt. 112-467.

The House considered H.R. 3140 on May 30, 2012, under Suspension of the Rules, and passed the measure by voice vote.

TO DIRECT THE SECRETARY OF HOMELAND SECURITY TO REFORM THE PROCESS FOR THE ENROLLMENT, ACTIVATION, ISSUANCE, AND RENEWAL OF A TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC) TO REQUIRE, IN TOTAL, NOT MORE THAN ONE IN-PERSON VISIT TO A DESIGNATED ENROLLMENT CENTER.

#### H.R. 3173

To direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center.

##### *Summary*

The Transportation Worker Identification Credential (TWIC) program was created to ensure all individuals who require admittance into secure areas of regulated maritime facilities and vessels are properly vetted and do not pose a threat to maritime and supply chain security. Current TWIC requirements compel applicants go to an enrollment center twice to complete the application and confirm the biometric information embedded into the card. The Committee believes that this is an onerous burden for workers in the maritime industry, such as merchant vessel operators and truck drivers, who rely on obtaining the credential for employment.

H.R. 3173 provides the Transportation Security Administration with the ability to streamline the process for TWIC application and require not more than one in-person visit.

##### *Legislative History*

H.R. 3173 was introduced in the House on October 12, 2011, by Mr. Scalise, Mr. Young of Alaska, Mr. King of New York, Mr. Thompson of Mississippi, Mr. Cummings, and Mr. Richmond, and referred to the Committee on Homeland Security. Within the Committee, H.R. 3173 was referred to the Subcommittee on Border and Maritime Security.

The Subcommittee on Border and Maritime Security was discharged from further consideration of H.R. 3173 on May 9, 2012.

The Full Committee considered H.R. 3173 on May 9, 2012, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

#### INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION ACT OF 2011

#### H.R. 3563

To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes.

##### *Summary*

H.R. 3563 requires the Secretary of Homeland Security to modernize and implement the National integrated public alert and warning system through the establishment of common alert and warning protocols, standards, terminology, and an operating sys-

tem. Among other things, H.R. 3563 requires the Secretary to develop alerting capabilities for diverse modes of communications, the ability to adapt to future technologies, mechanisms to protect individual privacy, and the ability to alert non-resident visitors to an affected area. The bill further requires that the system be developed to ensure alerts and warnings are provided to individuals with disabilities and access and functional needs.

Within one year of the system becoming fully functional, and every six months thereafter, the Secretary is required to report to the Committee on Homeland Security and the Senate Homeland Security and Governmental Affairs Committee on the functionality and performance of the system.

H.R. 3563 authorizes \$13.4 million for the system for each of fiscal years 2012 through 2016. This amount is equal to the Federal Emergency Management Agency's budget request for fiscal year 2012, and approximately \$5 million less than the appropriated amount for fiscal year 2011.

#### *Legislative History*

H.R. 3563 was introduced in the House on December 6, 2011, by Mr. Bilirakis and Ms. Richardson, and referred to the Committee on Homeland Security, and the Committee on Transportation and Infrastructure. Within the Committee, H.R. 3563 was referred to the Subcommittee on Emergency Preparedness, Response, and Communications.

The Subcommittee considered H.R. 3563 on December 8, 2011, and reported the measure to the Full Committee with a favorable recommendation, amended, by voice vote.

The Full Committee considered H.R. 3563 on March 28, 2012, and ordered the measure to be favorably reported to the House, amended, by voice vote.

TO REQUIRE THE TRANSPORTATION SECURITY ADMINISTRATION TO COMPLY WITH THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT.

#### H.R. 3670 (S. 1990)

To require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

#### *Summary*

This legislation amends the Aviation and Transportation Security Act (Pub. L. 107-71) to require the Transportation Security Administration (TSA) to be fully compliant with the Uniformed Services Employment and Reemployment Rights Act (Pub. L. 103-353). TSA has stated that current practice conforms to the requirements of H.R. 3670, the legislation would mandate this practice.

#### *Legislative History*

H.R. 3670 was introduced in the House on December 14, 2011, by Mr. Walz of Minnesota, Mr. Bilirakis, and Mr. Owens, and referred to the Committee on Homeland Security, and the Committee on Veterans' Affairs. Within the Committee, H.R. 3670 was referred to the Subcommittee on Transportation Security.

The Committee on Veterans' Affairs considered H.R. 3670 on April 27, 2012, and ordered the measure to be reported to the House by voice vote. The Committee on Veterans' Affairs reported H.R. 3670 to the House on May 18, 2012 as H. Rpt. 112-487, Pt. I.

The House considered H.R. 3670 on May 30, 2012, under Suspension of the Rules and passed the measure by voice vote.

S. 1990, the Senate companion measure, was introduced in the Senate on December 14, 2011, by Mr. Lieberman and six original co-sponsors, and referred to the Senate Committee on Commerce, Science, and Transportation.

PROMOTING AND ENHANCING CYBERSECURITY AND INFORMATION  
SHARING EFFECTIVENESS ACT OF 2011

H.R. 3674

To amend the Homeland Security Act of 2002 to make certain improvements in the laws relating to cybersecurity, and for other purposes.

*Summary*

This measure provides authority for the Department of Homeland Security to perform its current cybersecurity mission, provides personnel authority, authorizes the National Cybersecurity and Communications Integration Center at the Department of Homeland Security and authorizes cybersecurity research and development activities.

*Legislative History*

H.R. 3674 was introduced in the House on December 15, 2011, by Mr. Daniel E. Lungren of California and 11 original cosponsors, and referred to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, the Committee on Science, Space, and Technology, the Committee on the Judiciary, and the House Permanent Select Committee on Intelligence. Within the Committee, H.R. 3674 was referred to the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies.

On February 1, 2012, the Subcommittee considered H.R. 3674 and ordered the measure reported to the Full Committee for consideration, with a favorable recommendation, amended, by voice vote.

The Committee on Homeland Security considered H.R. 3674 on April 18, 2012, and ordered the measure to be reported to the House with a favorable recommendation, amended, by a recorded vote of 16 yeas and 13 nays.

On April 20, 2012, the Chair of the Committee on Homeland Security sent letters to the Chairs of the Committee on the Judiciary, the Committee on Oversight and Government Reform, and the Chair of the House Permanent Select Committee on Intelligence requesting that, in order to expedite consideration on the House Floor, the Committees be discharged from further consideration of H.R. 3674. On that same date, the Chair of the Committee on Oversight and Government Reform sent a letter to the Chair of the

Committee on Homeland Security agreeing to waive further consideration of H.R. 3674. The Chairs of the Committee on the Judiciary and the House Permanent Select Committee on Intelligence sent letters to the Chair of the Committee on Homeland Security on April 23, 2012, agreeing to waive further consideration of H.R. 3674.

PUBLIC TRANSIT SECURITY AND LOCAL LAW ENFORCEMENT SUPPORT  
ACT

H.R. 3857

To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to require the Secretary of Homeland Security to include as an eligible use the sustainment of specialized operational teams used by local law enforcement under the Transit Security Grant Program, and for other purposes.

*Summary*

To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to require the Secretary of Homeland Security to include as an eligible use the sustainment of specialized operational teams used by local law enforcement under the Transit Security Grant Program, and for other purposes. The bill also authorizes \$400 million for TSGP grants for each of fiscal years 2012 and 2013, except that no more than 50 percent of those funds in each of the fiscal years may be used for operational costs.

*Legislative History*

H.R. 3857 was introduced in the House on January 31, 2012, by Mr. Turner of New York, Mr. King of New York, Mr. Rogers of Alabama, and Mr. Grimm, and referred to the Committee on Homeland Security. Within the Committee, H.R. 3857 was referred to the Subcommittee on Emergency Preparedness, Response, and Communications and the Subcommittee on Transportation Security.

The Subcommittee on Emergency Preparedness, Response and Communications and the Subcommittee on Transportation Security were discharged from further consideration of H.R. 3857 on May 9, 2012.

The Full Committee considered H.R. 3857 on May 9, 2012, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

The Committee reported H.R. 3857 to the House on May 30, 2012 as H. Rpt. 112-498.

GAUGING AMERICAN PORT SECURITY ACT

H.R. 4005

To direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them.

*Summary*

H.R. 4005 provides for the Secretary of Homeland Security to conduct a study on the remaining gaps in port security. Not later than one year after the enactment of the bill, a classified report

must be submitted to the Congress. This report should clearly prioritize the port security gaps and provide a plan to address them.

*Legislative History*

H.R. 4005 was introduced in the House on February 9, 2012, by Ms. Hahn, and referred to the Committee on Homeland Security. Within the Committee, H.R. 4005 was referred to the Subcommittee on Border and Maritime Security.

The Subcommittee on Border and Maritime Security was discharged from further consideration of H.R. 4005 on May 9, 2012.

The Full Committee considered H.R. 4005 on May 9, 2012, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

The Committee reported H.R. 4005 to the House on May 30, 2012 as H. Rpt. 112-499.

BORDER TUNNEL PREVENTION ACT OF 2012

H.R. 4119 (S. 1236)

To reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

*Summary*

H.R. 4119 enhances the penalties of anyone who attempts or assists in the construction of a tunnel other passage that crosses the international border between the United States and another country with the intent of using the tunnel for smuggling. The legislation also encourages the Department of Homeland Security to continue outreach efforts to educate landowners and residents in areas along the border between the United Mexican States and the United States about cross-border tunnels and requests their assistance in combating tunnel construction.

The Secretary of Homeland Security is also required to submit an annual report to Congress indicating the number of tunnels located, and efforts to prevent these means of smuggling.

*Legislative History*

H.R. 4119 was introduced in the House on March 1, 2012, by Mr. Reyes, Mr. Dreier, Mr. Quayle, and Mr. Thompson of Mississippi, and referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means and the Committee on Homeland Security. Within the Committee, H.R. 4119 was referred to the Subcommittee on Border and Maritime Security.

The Committee on the Judiciary considered H.R. 4119 on March 6, 2012, and ordered the measure to be reported to the House, without amendment, by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on the Judiciary on March 15, 2012, agreeing that, in order to expedite consideration on the House Floor, the Committee would discharge itself from consideration of H.R. 4119. On that same date, the Chair of the Committee on the Judiciary sent a letter to the Chair of the Committee on Homeland

Security acknowledging the decision to forego consideration of H.R. 4119.

The Committee on the Judiciary reported H.R. 4119 to the House on March 21, 2012, as H. Rpt. 112–418, Pt. I. Subsequently, the Committee on Ways and Means and the Committee on Homeland Security were discharged from further consideration.

The House considered H.R. 4119 under Suspension of the Rules on May 15, 2012, and on May 16, 2012 passed the bill by a two-thirds vote of 416 yeas and 4 nays (Recorded Vote No. 256).

The Senate considered and passed H.R. 4119 on May 17, 2012, by unanimous consent.

H.R. 4119 was presented to the President on May 29, 2012.

S. 1236, the Senate companion measure, was introduced in the Senate on June 20, 2011, by Mrs. Feinstein, Mr. Kyl, Ms. Landrieu, and Ms. McCaskill, and referred to the Senate Committee on the Judiciary.

The Senate Committee on the Judiciary considered S. 1236 on December 15, 2011, and ordered the measure to be reported to the Senate, without amendment. The Senate Committee on the Judiciary reported the measure on that same date, with no written report.

The Senate passed S. 1236, without amendment, by unanimous consent on January 30, 2012.

S. 1236 was received in the House and held at the Desk on January 31, 2012.

SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE 2007 PASSENGER NAME RECORD AGREEMENT BETWEEN THE UNITED STATES AND THE EUROPEAN UNION

H. RES. 255

Expressing the sense of the House of Representatives that effective sharing of passenger information from inbound international flight manifests is a crucial component of our national security and that the Department of Homeland Security must maintain the information sharing standards required under the 2007 Passenger Name Record Agreement between the United States and the European Union.

*Summary*

H. Res. 255 expresses the sense of the House of Representatives that effective sharing of passenger information from inbound international flight manifests is a crucial component of our National security and that the Department of Homeland Security must maintain the information sharing standards required under the 2007 Passenger Name Record Agreement (PNR) between the United States and the European Union. H. Res. 255 calls for the Department to refute any attempt to modify the current PNR regime if the modifications imposed new limitations that materially reduced access by the United States to PNR data. In May 2011, the Senate passed a companion resolution, S. Res. 174.

*Legislative History*

H. Res. 255 was introduced in the House on May 10, 2011, by Mr. King of New York, and nine original cosponsors, and referred

to the Committee on Homeland Security. Within the Committee, H. Res. 255 was retained at the Full Committee.

On September 21, 2011, the Committee considered H.Res. 255 and ordered the measure to be favorably reported to the House, without amendment, by voice vote.

The Committee reported H. Res. 255 to the House on November 4, 2011, as H. Rpt. 112–272.

SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE  
SEPTEMBER 11, 2001, 10TH ANNIVERSARY

H. RES. 391

Expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001, on the 10th anniversary of that date.

*Summary*

Through H. Res. 391, the House of Representatives recognizes September 11 as a day of solemn commemoration and extends its deepest sympathies to the innocent victims of the September 11, 2001 terrorist attacks and their families, friends, and loved ones.

The resolution further commends the military and intelligence personnel involved in the removal of Osama bin Laden and reasserts the commitment to opposing violent extremism against American interests and to providing the U.S. military, intelligence, and law enforcement communities with the resources and support to achieve this.

*Legislative History*

H. Res. 391 was introduced in the House on September 7, 2011, by Mr. Cantor and Ms. Pelosi, and referred to the Committee on Oversight and Government Reform, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Transportation and Infrastructure, the Committee on the Judiciary, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence.

On September 9, 2011, the House agreed to discharge the Committee on Oversight and Government Reform, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Transportation and Infrastructure, the Committee on the Judiciary, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence from further consideration of H. Res. 391, and agreed to the measure by voice vote.

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OVERSIGHT ACTIVITIES OF THE COMMITTEE

CURRENT TERRORIST THREATS

Since September 11, 2001, there have been over 50 plots and terrorist attacks against the Homeland; two of them successful in killing innocent Americans. Additionally, law enforcement officers have arrested dozens of individuals plotting attacks against the



Homeland and our allies. On December 21, 2010, the Attorney General stated that in the last 2 years there have been 126 people indicted on terrorism charges, including 50 citizens of the United States. 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.

Throughout the 112th Congress Members of the Committee received regular monthly 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, March 18, June 17, July 22, September 16, October 22, and November 18, 2011; February 17, March 30, and May 18, 2012, Committee staff received classified intelligence briefings from the Department on threats to the Nation's 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.

On September 8, 2011, the Committee held a hearing entitled "The Attacks of September 11th: Where are We Today." The Committee received testimony from Hon. Lee Hamilton, Former Vice-Chairman, The National Commission on Terrorist Attacks Upon the United States; Hon. Tom J. Ridge, Former Secretary of Homeland Security; and Hon. Eugene L. Dodaro, Comptroller General of the United States.

On October 11, 2011, Members of the Committee conducted a site visit of the NCTC and the Office of the Director of National Intelligence.

The Chair of the Full Committee and the Chair of the Subcommittee on Counterterrorism and Intelligence sent a letter to the Secretary of State on March 30, 2012, requesting that the Nigerian Islamist group Boko Haram be designated as a Foreign Terrorist Organization. On May 18, 2012, the Chair of the Full Committee and the Chair of the Subcommittee on Counterterrorism and Intel-

ligence sent a follow-up letter to the Secretary of State regarding the Department of State's inaction on the designation of Boko Haram as a Foreign Terrorist Organization.

PRESIDENTIAL BUDGET REQUESTS FOR THE DEPARTMENT OF  
HOMELAND SECURITY

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.

FY 2013 BUDGET REQUEST

On February 15, 2012, the Committee held a hearing entitled "An Examination of the President's FY2013 Budget Request for the Department of Homeland Security." The Committee received testimony from Hon. Janet Napolitano, Secretary, Department of Homeland Security. 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 Islamist 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, Committee 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. 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.

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.

One platform for Islamist radicalization is within the U.S. prison system. In advance of a hearing on radicalization within the U.S. prison system, Committee staff visited the Administrative Maximum (ADX) prison in Florence, Colorado in May 2011. Staff toured the facility and received a briefing on the on-going security threats at the prison, which houses a number of former al-Qaeda members and affiliates.

On June 15, 2011, the Committee held the second in the 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.

The Committee held the third in the series of radicalization hearings on July 27, 2011, "Al Shabaab: Recruitment and Radicalization within the Muslim American Community and the Threat to the Homeland." The Committee received testimony from Mr. Ahmed Hussen, Canadian Somali Congress National President; Mr. Thomas Joscelyn, Senior Fellow, Foundation for Defense of Democracies; Mr. William Anders Folk, Former Assistant United States Attorney, District of Minnesota; and Mr. Thomas E. Smith, Chief of Police, Saint Paul, Minnesota.

On September 13, 2011, the Full Committee Chair testified in the United Kingdom before the Home Affairs Committee of the House of Commons. The Chair responded to an invitation from the Home Affairs Committee to appear as the first witness to testify on the Committee's inquiry into the "Roots of Violent Radicalisation." The Chair presented evidence based upon findings from the series of hearings held this Congress.

On December 7, 2011, the Committee held a joint hearing with the Senate Committee on Homeland Security and Governmental Affairs entitled "Homegrown Terrorism: The Threat to Military Communities Inside the United States." This hearing was the fourth in the Committee's series of hearings on radicalization, and marked the first-ever joint hearing between the House and Senate Homeland Security Committees since the inception of the House Committee on Homeland Security in 2005. The Committees received testimony from Hon. Paul N. Stockton, Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, Office of Undersecretary of Defense for Policy, Department of De-

fense, *accompanied by*: Mr. Jim Stuteville, United States Army Senior Advisor, Counterintelligence Operations and Liaison to the Federal Bureau of Investigation; LTC Reid L. Sawyer, Director, Combating Terrorism Center at West Point; and Mr. Daris Long, Private Citizen.

In advance of the hearing, joint House and Senate Committee staffs held a number of briefings with Government officials and experts from this field, including: A counterterror expert and advisor to the Army Counterintelligence Operations; a prosecutor in the case against Farooque Ahmed; a U.S. Navy Medical Service Corps Commander, Middle East Foreign Area Officer; the Deputy Executive Director of the American Muslim Armed Forces and Veteran Affairs Council; and representatives from think tanks.

Committee staff also received a number of official Government briefings on the terrorist threat to military communities in the United States. Briefers included: the Defense Intelligence Agency's Joint Intelligence Task Force-Combating Terrorism (JITF-CT); the Naval Criminal Investigative Service (NCIS); the Joint Chiefs of Staff (JCS); the Department of Homeland Security's Office of Intelligence and Analysis (I&A); and the Federal Bureau of Investigation (FBI).

In addition to the hearing, the Committee also released a majority investigative report entitled "Homegrown Terrorism: The Threat To Military Communities Inside The United States." Additionally, in light of the testimony received, Mr. King of New York and 12 original cosponsors introduced H.R. 5144 on April 27, 2012. This legislation allows members of the Armed Forces who were killed or wounded as a result of a terrorist attack on US soil to be eligible for the Award of the Purple Heart. Similar legislation, S. 2885, was introduced by Senator Lieberman on May 8, 2012.

In addition to the Committee's investigative hearings, Committee staff have been engaged in oversight of the Federal Government's efforts to counter radicalization. Committee staff were briefed by officials from the Department of Homeland Security, including the Principal Deputy Counterterrorism Coordinator and Senior Advisor to the Secretary, who has been directed to serve as the Department's lead on countering violent extremism (CVE). The Committee's oversight has focused specifically on the administration's recently released strategies, entitled "Empowering Local Partners to Prevent Violent Extremism in the United States" and "Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States." In addition, Committee staff attended the Department's National Countering Violent Extremism Workshop in August 2011.

The Committee also included two provisions within H.R. 3116, the "Department of Homeland Security Authorization Act for Fiscal Year 2012", to address the administration's efforts to counter violent extremism. The first provision requires the Secretary of Homeland Security to designate an official of the Department to coordinate efforts to counter homegrown violent Islamist extremism. The second requires the Director of the Federal Law Enforcement Training Center to report to the House and Senate Committees on its counter-violent extremism training.

On December 14, 2011, Committee staff met with representatives from the Department of Homeland Security and the White House for a briefing on the administration's Strategic Implementation Plan (SIP) as part of its countering violent extremism strategy. On April 13, 2012, Committee staff met with individuals from DHS and the Federal Law Enforcement Training Center (FLETC) for a briefing on the CVE curriculum being developed and implemented at FLETC. Committee staff will continue to monitor this issue closely.

On April 26, 2012, the Chair of the Full Committee sent a letter to the Deputy Attorney General expressing concerns over the FBI's revisions of its counterterrorism training curriculum. No reply has yet been received.

#### OVERSIGHT OF WASTE, FRAUD, AND ABUSE

One of the Committee's primary oversight responsibilities is to ensure that American taxpayer dollars are spent wisely by eliminating waste, fraud, and abuse. As a result, the Committee has made it a priority to identify high-risk programs and ensure transparency within the Department of Homeland Security.

Committee staff held multiple meetings on the Department's Transformation and Systems Consolidation (TASC) solicitation. On May 20, 2011, Committee staff met with the Department's Chief Financial Officer on the Department's decision to cancel TASC following the Government Accountability Office's recommendation to reevaluate the 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 this 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 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 is to address redundant and burdensome security background checks conducted by the Transportation Security Administration (TSA) 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.

On June 16, 2011, the Chair and Ranking Member of the Full Committee 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.

In response to these management difficulties, the Committee engaged in other oversight activities aimed at identifying and addressing waste, fraud, and abuse within the Department. The Chairs of the Subcommittee on Emergency Preparedness, Response, and Communications and the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies sent a letter, on April 5, 2011, to the Secretary of Homeland Security requesting information on the procurement of detection systems for biological agents. 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. In-depth staff briefings continued on a bi-weekly basis to ensure that the S&T Directorate activities are addressing critical priorities. The Under Secretary has also appeared before the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies to address budget prioritizations going forward.

The Subcommittee on Oversight, Investigations, and Management held a hearing on March 8, 2012, entitled "Eliminating Waste, Fraud, Abuse, and Duplication in the Department of Homeland Security." The Subcommittee received testimony from Hon. James Gilmore III, Former Governor of Virginia and Chairman of the Congressional Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction; Ms. Cathleen Berrick, Managing Director, Homeland Security and Justice Issues, Government Accountability Office; Mr. Charles K. Edwards, Acting Inspector General, Department of Homeland Security; and Mr. Scott Lilly, Senior Fellow, Center for American Progress.

The Chair of the Full Committee and the Chair of the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies sent a letter on April 26, 2012, to the Comptroller General of the United States regarding the Department of Homeland Security's Protective Security Advisors. The letter requested that the Comptroller General address concerns over the general responsibilities of the Protective Security Advisors, the vulnerability assessments conducted, or the possibility of duplication with other

Departmental components conducting separate vulnerability assessments.

#### 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 still 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. Throughout the 112th Congress, 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 the Chair and Ranking Member of the Full Committee 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. This hearing reviewed the state of public safety communications, and evaluated the progress that has been made since the attacks of September 11, 2001. 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. This hearing provided Committee Members with an opportunity to hear from State, local, and non-Governmental officials on their successes and challenges as they work to prepare for and respond to natural disasters and terrorist attacks. On February 8, 2012, the Chair of the Full Committee sent a letter to the Chair of the Senate Committee on Finance, the Chair of the House Committee on Ways and Means, and Members of the Committee of Conference on H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2012 urging the inclusion of provisions allocating the D Block to public safety. H.R. 3630 was signed into law on February 22, 2012 (Pub. L. 112-96). Title VI of the Act, Public Safety

Communications and Electromagnetic Spectrum Action, reallocated the D Block spectrum to public safety, one of the Committee's primary goals in the 112th Congress.

#### 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, traveling more than 55 billion miles annually.<sup>1</sup> An attack on one system could impact not only the immediately affected system, but disrupt public transit systems throughout the United States, thereby affecting the way tens of millions of citizens 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 an attractive terrorist target. On February 28, 2011, the Chair 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, the Chair of the Full Committee and Ms. Clarke of New York 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.org 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 jeopardizing National security. The threat was compounded when WikiLeaks.org, in November 2010, released another trove of documents which included thousands 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 the Treasury seeking the have WikiLeaks and its

<sup>1</sup>[http://www.apta.com/resources/statistics/Documents/FactBook/APTA\\_2010\\_Fact\\_Book.pdf](http://www.apta.com/resources/statistics/Documents/FactBook/APTA_2010_Fact_Book.pdf).



founder designated on the Specially Designated Nationals List on January 12, 2011.

On May 11, 2011, the Chair of the Full Committee sent a letter to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff requesting an explanation of news reports that the Defense Department may allow terrorist detainees held at Guantánamo Bay to receive visits from wives and other family members. The Chair of the Full Committee expressed grave concern with the potential damage to our National security posed by the prospect of such visits. The Committee received a response on June 23, 2011, updating the Committee on the procedures at Guantánamo Bay, Cuba relating to detainees and their interactions with family members.

On February 7, 2012, Chair sent a letter to the General Counsel of the Department of Defense (DoD) regarding concerns about the disclosure of classified information to al-Qaeda detainees at Guantánamo Bay, Cuba. While a response was received, the Committee is still awaiting the information requested.

The Chair of the Full Committee sent a letter to the Director of the Federal Bureau of Investigation on May 21, 2012, requesting a full investigation of reported leaks of highly classified information regarding penetration of al-Qaeda in the Arabian Peninsula. The requested investigation was to include the Intelligence Community, the Department of Defense, the Department of Homeland Security, Federal law enforcement and the White House, including the National Security staff. The Chair of the Full Committee expressed concern with implications of the leaks including the lives of unique intelligence sources and other being jeopardized, the aborting of operations, and damage to critical intelligence relationships.

#### PROSECUTION OF UNINDICTED CO-CONSPIRATORS

On May 27, 2009, the United States District Court in Northern Texas handed down a decision to sentence the Holy Land Foundation and its leaders on charges of providing material support to Hamas, a designated foreign terrorist organization. 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.

#### SEE SOMETHING, SAY SOMETHING

The “If You See Something, Say Something,” program originally implemented by New York City’s Metropolitan Transportation Authority, 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, the Chair of the Full Committee introduced, H.R. 495, the “See Something Say Something Act of 2011”.

Provisions of H.R. 495 were included in H.R. 3116, the Department of Homeland Security Authorization Act of 2011. For further discussion, see H.R. 3116 listed above.

#### 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 expressing concern over the risk-based and effective allocation of grant funds for the Urban Area Security Initiative. On April 29, 2011, the Committee received a response.

The Chair of the Full Committee sent two letters to the Director of National Intelligence and the Director of the Central Intelligence Agency on April 24, 2012 requesting more intelligence access and dissemination for first responders. No replies have yet been received.

Committee staff received, and has requested further, briefings on the domestic threat of remote-controlled bombs, pursuant to a request by State and local police bomb squads for jammer technology.

#### AVIATION SECURITY

On June 16, 2011, the Chair and Ranking Member of the Full Committee sent a letter to the Administrator of the Transportation Security Administration requesting more information regarding a recent report of racial profiling by Behavior Detection Officers at Newark Liberty International Airport.

The Chair of the Full Committee and the Chair Subcommittee sent a letter on November 15, 2011, to the Assistant Secretary of Homeland Security for the Transportation Security Administration.

#### TERROR THREAT FROM IRAN

The Committee began an investigation into the exposure of Iran's plot to assassinate the ambassador of the Kingdom of Saudi Arabia to the United States in Washington, DC. Committee staff met with a number of experts on this issue, including representatives from the Foundation for Defense of Democracies and the American Enterprise Institute. On November 22, 2011, the Chair of the Full Committee and the Chairs of the Subcommittee on Oversight, Investigations, and Management, and the Subcommittee on Counterterrorism and Intelligence sent a letter to the President requesting a strong and effective response to Iran's dangerous provocations.

On March 21, 2012, the Committee held a hearing entitled "Iran, Hezbollah, and the Threat to the Homeland." The Committee received testimony from Mr. Mitchell Silber, Director, Intelligence Analysis, NYPD Intelligence Division, New York City Police Department; Mr. Michael A. Braun, Managing Partner, Spectre Group International, LLC.; Dr. Matthew Levitt, Director, Stein Program on Counterterrorism and Intelligence, The Washington Institute for Near East Policy; Mr. Christopher E. Swecker, Private Citizen, and Dr. Colin Kahl, Associate Professor, Georgetown University, Senior Fellow, Center for a New American Security.

In advance of the hearing, Committee staff met with a number of experts on this issue, including representatives from, or formerly with, the following organizations: The Federal Bureau of Investigation's Office of International Operations; the Center for Law and Counterterrorism at the Foundation for Defense of Democracies; the Office of the Secretary of Defense and an Assistant Director for Terrorism and Financial Intelligence at the U.S. Department of the Treasury; Georgetown University; the Council on Foreign Relations; the RAND Corporation; the Bipartisan Policy Center; and the Director of Central Intelligence.

#### DOD/CIA INVOLVEMENT IN BIN LADEN MISSION FILM

On August 9, 2011, the Chair of the Full Committee sent a letter to the Inspectors General of the Department of Defense (DoD) and the Central Intelligence Agency (CIA) expressing concern regarding on-going leaks of classified information concerning sensitive military operations, specifically allegations that administration officials may have provided filmmakers with details of the raid that successfully killed Osama bin Laden. The Chair further requested an investigation and classified briefing into this matter from the DoD and the CIA's Inspectors General. On November 17, 2011, Committee staff met with the Deputy Inspector General, Office of the Inspector General for Intelligence and Special Program Assessments, Department of Defense, to discuss further actions the office plans to take with regard to this issue.

On February 2, 2012, staff requested an update from the Department of Defense's Inspector General on the investigation into leaks about the Osama bin Laden raid. To date, the Committee has not been briefed.

On May 22, 2012, in response to a Freedom of Information Act request made by Judicial Watch, a Federal judge ordered the release of electronic communications regarding the cooperation of the Department of Defense and the Central Intelligence Agency with the filmmakers of the bin Laden movie. The Chair of the Full Committee sent letters on May 23, 2012, to the Under Secretary of Defense for Intelligence and the Deputy Director of the CIA expressing concern over the central role Administration officials, including them, played in granting individuals without appropriate security clearances unprecedented access to classified and sensitive information. The Chair further expressed concern that leaks pertaining to the raid would jeopardize the capabilities of the Special Operations Forces to eliminate terrorist leaders who pose a threat to the U.S. Homeland and risk the safety of special operators and their families.

#### FUSION CENTERS

In the aftermath of the information-sharing failures of September 11, 2001, State and local governments, working with the Department of Homeland Security, established a National Network of Fusion Centers to facilitate two-way threat information sharing and enhance counterterrorism partnerships and analysis. As part of the Committee's oversight, Committee staff visited 20 of the 77 fusion centers within the National Network, meeting with State

and local law enforcement, intelligence analysts and other fusion center personnel, emergency managers, State homeland security advisors, Department of Homeland Security intelligence officers, reports officers, intelligence analysts, and regional directors, and Federal Bureau of Investigation personnel. Additionally, Committee staff attended the National Fusion Center Training Event held in Phoenix, Arizona in April 2012.

#### DETENTION OF AMERICAN CONTRACTORS

The Chair of the Full Committee sent a letter to the Prime Minister of Iraq and the Secretary of State on December 21, 2011, regarding three American contractors detained in Iraq. Their release was secured on December 27, 2011.

On January 4, 2012, the Chair sent a letter to the Secretary of State regarding concerns over the Department's inadequate response to the detention of American contractors in Iraq. The Department of State replied on January 24, and subsequently a follow-up letter was sent on February 21, 2012, and a response was received on March 15, 2012.

#### ANWAR AL-AWLAKI

On May 26, 2011, the Chair of the Full Committee sent a letter to the Attorney General of the United States requesting 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.

On October 25, 2011, the Chair of the Full Committee sent letters to the Director of the Defense Intelligence Agency, the Secretary of Homeland Security, the Secretary of State, and the Attorney General of the United States seeking an investigation into the roles of Anwar al-Awlaki, Eyad al-Rababah, and Daoud Chehazeh in facilitating the attacks of September 11, 2011.

The Chair of the Full Committee and Committee staff received classified briefings in February and March 2012 from the Federal Bureau of Investigation on Anwar al-Awlaki's possible role in the attacks of September 11, 2001.

On February 16, and March 15, 2012, the Chair of the Full Committee and the Committee Staff received classified briefings from the Federal Bureau of Investigation on Anwar al-Awlaki's possible role in the attacks of September 11.

Committee staff met with lawyers from law firms representing clients on April 11, 2012, to discuss an on-going lawsuit against the Kingdom of Saudi Arabia over compensation for families of the 9/11 victims. In addition, Committee staff spoke with former Senator Bob Graham (who co-Chaired the Joint Intelligence Committee Inquiry into the 9/11 attacks) and former Senator Bob Kerry concerning unresolved aspects of the 9/11 investigation.

#### UNITED STATES SECRET SERVICE

On April 19, 2012, the Committee Chair initiated an investigation into an alleged incident involving United States Secret Serv-

ice's personnel and foreign nationals in Cartagena, Colombia. The investigation is on-going.

The Chair of the Full Committee sent a letter to the Director of the Secret Service on April 20, 2012, with questions relating to the alleged incident in Cartagena, Colombia. On May 1, 2012, the Committee received a response letter from the USSS.

On May 4, 2012, Committee staff received a briefing from multiple representatives from the USSS and the Department of Homeland Security to provide additional information in response to the April 20 letter.

The Chair of the Full Committee sent a letter to the Secretary of State on May 15, 2012, requesting that three State Department personnel on the ground in Colombia would be made available to the Committee for its investigation.

#### WEAPONS OF MASS DESTRUCTION

On June 1, 2012, the Committee on Homeland Security held a Member-Only briefing on the threat from weapons of mass destruction, including baseline assessments and any recent threat information on chemical, biological, radiological, and nuclear weapons. Representatives from the Central Intelligence Agency, the Defense Intelligence Agency, the Federal Bureau of Investigation Weapons of Mass Destruction Directorate, the National Counterterrorism Center, the National Guard Bureau of the Department of Defense, and the New York City Police Department were present to respond to Member questions.

#### CONGRESSIONAL DELEGATIONS

##### CODEL ROGERS (MARCH 20–27, 2011)

From March 20 through March 27, 2011, the Subcommittee on Transportation Security Chair 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.

##### CODEL McCAUL (NOVEMBER 4–11, 2011)

From November 4 through 11, 2011, the Subcommittee on Oversight, Investigations, and Management Chair led a Congressional Delegation to the Islamic Republic of Afghanistan, the Islamic Republic of Pakistan, the Republic of Turkey, and the Republic of Iraq. Members on the trip examined counterterrorism efforts including general threats to the U.S. Homeland; reviewed the Department of Homeland Security overseas presence, including port

security; examined local and regional threats; and met with foreign officials.

As a result of information garnered during the CODEL, the Subcommittee on Oversight, Investigations, and Management Chair sent a letter to the National Security Advisor to the President, requesting the administration consider several observations and recommendations from the trip, which would enhance National security.

CODEL KING (FEBRUARY 19–22, 2012)

From February 19 through 22, 2012, the Chair of the Full Committee visited the United Kingdom as part of an effort to examine security and counterterror issues related to the 2012 Summer Olympics. During the trip, the Full Committee Chair met with various intelligence and counterterrorism officials, including: The U.S. Ambassador to the Court of Saint James; a British Security Service official responsible for counterterror investigations (which included a tour of the Olympic site); the Director General of the British Security Service; the British Secret Intelligence Service; the Commissioner of the Metropolitan Police; officials from the U.S. Embassy in London; and member of the British Special Forces.

CODEL ROGERS (MARCH 31–APRIL 6, 2012)

From March 31 through April 6, 2012, the Chair of the Subcommittee on Transportation Security led a Congressional Delegation to the People's Republic of China, South Korea, and Japan, to examine critical transportation infrastructure and security in these countries, and gain an in-depth first-hand perspective on commercial and passenger transportation security issues that impact U.S. National security and the economy.

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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)
- “*The Threat of Muslim-American Radicalization in U.S. Prisons.*” June 15, 2011. (Serial No. 112–9)
- “*Al Shabaab: Recruitment and Radicalization within the Muslim American Community and the Threat to the Homeland.*” July 27, 2011. (Serial No. 112–9)
- “*The Attacks of September 11th: Where are We Today?*” September 8, 2011. (Serial No. 112–42)

- "Homegrown Terrorism: The Threat to Military Communities Inside the United States."* December 7, 2011. Joint hearing with the Senate Committee on Homeland Security and Governmental Affairs. (Serial No. 112-63)
- "An Examination of the President's FY 2013 Budget Request for the Department of Homeland Security."* February 15, 2012. (Serial No. 112-69)
- "Iran, Hezbollah, and the Threat to the Homeland."* March 21, 2012. (Serial No. 112-80)





## 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)*

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From January 2011 through the end of May 2012, the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held 15 hearings, receiving testimony from 60 witnesses, and considered three measures.

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### 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 codifies 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 cosponsors, 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.

On June 22, 2011, the Committee on Homeland Security met to consider H.R. 901 and ordered the measure to be reported to the House, amended, by voice vote.

The Committee filed a report on H.R. 901 in the House on September 26, 2011, as H. Rpt. 112–224, Pt. 1. Referral of the bill to the Committee on Energy and Commerce was extended on September 26, 2011, for a period ending not later than November 11, 2011. Referral of the bill to the Committee on Energy and Commerce was extended on November 11, 2011, for a period ending not later than January 6, 2012. Referral of the bill to the Committee on Energy and Commerce was extended on January 6, 2012, for a period ending not later than January 20, 2012. Referral of the bill to the Committee on Energy and Commerce was extended on January 20, 2012, for a period ending not later than March 1, 2012. Referral of the bill to the Committee on Energy and Commerce was extended on March 1, 2012, for a period ending not later than March 9, 2012. Referral of the bill to the Committee on Energy and Commerce was extended on March 9, 2012, for a period ending not later than June 8, 2012.

#### WMD PREVENTION AND PREPAREDNESS ACT OF 2011

#### H.R. 2356

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

#### *Summary*

H.R. 2356 enhances homeland security by improving efforts to prevent, protect against, respond to, and recover from an attack with a weapon of mass destruction (WMD), and for other purposes. The bill addresses the range of actions necessary to counter the WMD threat as identified through the Committee on Homeland Security's oversight work and the recommendations of the Commission on the Prevention of WMD Proliferation and Terrorism in its

report, “World At Risk.” The approach is to include all aspects of the preparedness framework—prevention, protection, response, and recovery—for chemical, biological, radiological, and nuclear attacks and incidents.

*Legislative History*

111th Congress

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

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

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

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

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

Subsequently, the Committee on Agriculture, the Committee on Transportation and Infrastructure, the Committee on Foreign Af-

fairs, and the House Permanent Select Committee on Intelligence were discharged from further consideration of H.R. 5498.

The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on November 18, 2010, for a period ending not later than December 3, 2010. The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on December 3, 2010, for a period ending not later than December 17, 2010. The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on December 17, 2010, for a period ending not later than December 21, 2010.

112th Congress

H.R. 2356 was introduced in the House on June 24, 2011, by Mr. Pascrell, Mr. King of New York, Mr. Thompson of Mississippi, and eight original cosponsors, and referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the House Permanent Select Committee on Intelligence. Within the Committee, H.R. 2356 was referred to the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies and the Subcommittee on Emergency Preparedness, Response, and Communications.

The Chair discharged the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies and the Subcommittee on Emergency Preparedness, Response, and Communications from further consideration of H.R. 2356 on May 9, 2012.

The Full Committee considered H.R. 2356 on May 9, 2012, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

#### FEDERAL PROTECTIVE SERVICE REFORM AND ENHANCEMENT ACT

#### H.R. 2658

To amend the Homeland Security Act of 2002 to enhance the ability of the Federal Protective Service to provide adequate security for the prevention of terrorist activities and for the promotion of homeland security, and for other purposes.

#### *Summary*

The Government Accountability Office (GAO) issued a series of scathing reports highlighting deficiencies in the ability of the Federal Protective Service (FPS) to protect Federal facilities, specifically with regard to ability of FPS to provide proper oversight over contract guards and provide sufficient training [GAO-11-705R, GAO-11-554, GAO-11-492, and GAO-11-813T]. H.R. 2658 will improve security at Federal facilities by directing the Secretary of Homeland Security to establish minimum training standards, improve systems for verifying guard certifications, and standardize training. The legislation requires the FPS to provide at least 16 hours of X-ray and magnetometer training before a guard may stand post. It also requires the Secretary to submit to Congress a 5-year staffing needs plan designed to addressing GAO's concerns that FPS is unable to focus on its long-range needs. Further, the bill authorizes FPS to conduct a covert testing program to test guard competency and training. The legislation also establishes baseline standards for contracts for security services, establishes a

toll-free hotline to report security violations, and requires the Secretary to establish a standardized list of items to be prohibited from entering a Federal facility.

*Legislative History*

H.R. 2658 was introduced in the House on July 26, 2011, by Mr. Daniel E. Lungren of California, and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security. Within the Committee, H.R. 2658 was referred to the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies.

On July 28, 2011, the Subcommittee considered H.R. 2658 and ordered the measure reported to the Full Committee for consideration, with a favorable recommendation, amended, by voice vote.

PROMOTING AND ENHANCING CYBERSECURITY AND INFORMATION  
SHARING EFFECTIVENESS ACT OF 2011

H.R. 3674

To amend the Homeland Security Act of 2002 to make certain improvements in the laws relating to cybersecurity, and for other purposes.

*Summary*

This measure provides authority for the Department of Homeland Security to perform its current cybersecurity mission, provides personnel authority, authorizes the National Cybersecurity and Communications Integration Center at the Department of Homeland Security and authorizes cybersecurity research and development activities.

*Legislative History*

H.R. 3674 was introduced in the House on December 15, 2011, by Mr. Daniel E. Lungren of California and 11 original cosponsors, and referred to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, the Committee on Science, Space, and Technology, the Committee on the Judiciary, and the House Permanent Select Committee on Intelligence. Within the Committee, H.R. 3674 was referred to the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies.

On February 1, 2012, the Subcommittee considered H.R. 3674 and ordered the measure reported to the Full Committee for consideration, with a favorable recommendation, amended, by voice vote.

The Committee on Homeland Security considered H.R. 3674 on April 18, 2012, and ordered the measure to be reported to the House with a favorable recommendation, amended, by a recorded vote of 16 yeas and 13 nays.

On April 20, 2012, the Chair of the Committee on Homeland Security sent letters to the Chairs of the Committee on the Judiciary, the Committee on Oversight and Government Reform, and the Chair of the House Permanent Select Committee on Intelligence requesting that, in order to expedite consideration on the House Floor, the Committees be discharged from further consideration of

H.R. 3674. On that same date, the Chair of the Committee on Oversight and Government Reform sent a letter to the Chair of the Committee on Homeland Security agreeing to waive further consideration of H.R. 3674. The Chairs of the Committee on the Judiciary and the House Permanent Select Committee on Intelligence sent letters to the Chair of the Committee on Homeland Security on April 23, 2012, agreeing to waive further consideration of H.R. 3674.

TO AUTHORIZE, ENHANCE, AND REFORM CERTAIN PORT SECURITY PROGRAMS THROUGH INCREASED EFFICIENCY AND RISK-BASED COORDINATION WITHIN THE DEPARTMENT OF HOMELAND SECURITY

#### H.R. 4251

To authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, and for other purposes.

#### *Summary*

The purpose H.R. 4251 is to expand and update the Security and Accountability For Every Port Act of 2006 (SAFE Port Act Pub.L. 109–347) by enhancing security measures overseas before threats reach U.S. shores, to foster a collaborative environment between Customs and Border Protection and the U.S. Coast Guard in sharing port security duties, and to leverage the maritime security work of trusted allies of the U.S. such as the United Kingdom, Canada, and New Zealand.

H.R. 4251 is based upon three fundamental themes: (1) Encouraging Department of Homeland Security (DHS) components with shared jurisdiction to cooperate in maritime operations and partner with State and local law enforcement agencies to enhance the Nation's maritime security; (2) securing the supply chain through the use of risk-based methodology; and (3) finding cost savings through increased collaboration with international, Federal, State, and local partners.

Key provisions in the bill include: (1) A Port Security Grant Program management provision that sets timelines for responses that DHS and the Federal Emergency Management Agency (FEMA) must provide in regards to Port Security Grant Applications; (2) authorizing the Coast Guard and Royal Canadian Mounted Police maritime Shiprider program, including funding of \$2 million per year, which is the current level of funding for the program; (3) port security training program with accreditation from the Federal Law Enforcement Training Center; and (4) requiring DHS to publish its spending regulations regarding Transportation Worker Identification Credential readers and including a firm deadline of December 31, 2014, for full deployment of readers.

#### *Legislative History*

H.R. 4251 was introduced in the House on March 22, 2012, by Mrs. Miller of Michigan, Mr. King of New York, Mr. Cuellar, Mr. McCaul, and Mr. Clarke of Michigan, and referred to the Committee on Homeland Security. Within the Committee, H.R. 4251

was referred to the Subcommittee on Border and Maritime Security.

The Subcommittee considered H.R.4251 on March 26, 2012, and favorably reported the measure to the Full Committee, amended, by voice vote.

The Committee considered H.R. 4251 on June 6, 2012, and ordered the measure to the favorably reported to the House, amended, by voice vote.

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## 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 (DHS) 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. Committee 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 U.S. Coast Guard, the Environmental Protection Agency, and the Nuclear Regulatory Commission.

On May 11, 2011, the Chair of the Full Committee sent a letter to the Speaker of the House requesting a referral of H.R. 908, the Full Implementation of the Chemical Facility Anti-Terrorism Standards Act, which was referred to the Committee on Energy and Commerce, based on the jurisdiction of the Committee on Homeland Security on CFATS matters.

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. In addition, Committee staff will continue to monitor 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).

In response to the contents of a leaked internal memo which revealed management and implementation problems within the CFATS program, on January 11, 2012, the Subcommittee held a bipartisan, bicameral staff briefing with program leadership on the contents of the memo and the Department's plan to address the issues contained therein.

On February 8, 2012, the Subcommittee held a Member briefing on Chemical Facilities Anti-Terrorism Standards (CFATS). Members were briefed on the challenges CFATS faces to its complete implementation, including those identified in a leaked internal memo by representatives from the National Protection and Programs Directorate (NPPD) of the U.S. Department of Homeland Security.

In February 2012, the Chair of the Subcommittee sent two requests for study of the CFATS program to the Government Accountability Office (GAO). The first, sent on February 17, 2012 requested an analysis of the chemical facility tiering process. The second was sent on February 28, 2012 and asked for analysis of the roles of unions and contractors in the employ of the CFATS program. Similar letters were sent from the Chair of the Subcommittee to the Undersecretary of the National Protection and Programs Directorate (NPPD).

In response to concerns about an Environmental Protection Agency (EPA) decision to post the locations and inventory of chemical facilities, the Chair of the Subcommittee sent a letter to the EPA Administrator questioning the decision. The potential rule-making was subsequently abandoned.

The Subcommittee held a hearing on March 6, 2012, entitled "The Chemical Facilities Anti-Terrorism Standards Program: Addressing Its Challenges and Finding a Way Forward." The Subcommittee received testimony from Hon. Rand Beers, Under Secretary, National Protection and Programs Directorate, Department of Homeland Security; Ms. Penny J. Anderson, Director, Infrastructure Security Compliance Division, Office of Infrastructure Protection, Department of Homeland Security; Mr. David Wulf, Deputy Director, Infrastructure Security Compliance Division, Office of Infrastructure Protection, Department of Homeland Security; Mr. Bill Allmond, Vice President, Government and Public Relations, Society of Chemical Manufacturers and Affiliates; Mr. Timothy J. Scott, Chief Security Officer and Corporate Director, Emergency Services and Security, Dow Chemical; and Mr. David L. Wright, President, American Federation of Government Employees Local 918. This hearing provided Members with information concerning the management and administration problems in the program. The Subcommittee further requested that the Department provide Members with a quarterly update on the progress of the program.

During the month of April 2012 Committee staff had numerous meetings with private industry interests on the status and progress of the CFATS program. This included briefings and updates on industry's interactions with the Department and whether those interactions were within the spirit of the CFATS public-private partnership model. Other meetings were subject matter specific. Those in-



cluded discussions on the status of the personnel surety component of CFATS and the disputed fuel mixtures rule.

On May 31, 2012, the Subcommittee Members received an update on the status of the CFATS program. Representatives from the National Protection and Programs Directorate (NPPD) of the U.S. Department of Homeland Security (DHS) responded to Member concerns and provided an update on the progress CFATS' management has taken to correct management and personnel problems identified during March 6 Subcommittee hearing.

#### NUCLEAR REACTOR FACILITY SECURITY

On March 11, 2011, an earthquake and tsunami struck Japan causing a nuclear emergency at the Fukushima Daiichi Nuclear Power Station and a global impact on the nuclear sector. Committee staff examined the integrated effort of numerous U.S. Government agencies to support Japan's effort to respond to this event. The lessons learned were applied to nuclear security activities in the United States as well as the appropriate role of the Department of Homeland Security (DHS) of better preparing the nuclear sector for extreme events, including terrorist attacks.

On March 25, 2011, Committee staff conducted a site visit to 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 trip provided staff with an opportunity 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, the Domestic Nuclear Detection Office, the National Protection and Programs Directorate, and State and local entities were explored.

On May 12, 2011, Committee staff met with representatives from the Indian Point Energy Center, a nuclear energy plant in Buchanan, New York, situated along the Hudson River, approximately 25 miles north of Manhattan. 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 potential 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 global economy and are controlled unevenly around the world, making it difficult to limit their access and movement and ultimately prevent terrorist acts. The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (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, Mr. King of New York and Mr. 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 informed of advances being made, as well as gaps that persist. Additionally, Mr. Pascrell, the Chair of the Full Committee, and nine current Members of the Committee on Homeland Security introduced H.R. 2356 on June 24, 2011.

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 and 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 and the Chair and Ranking Member of the Subcommittee on Emergency Preparedness, Response, and Communications sent a letter to the Secretary of Homeland Security requesting responses related to the procurement of Generation-3 BioWatch detection systems. The response was deemed inadequate to assure the Committee that 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. As such, the Subcommittee Chairmen requested on November 17, 2011, that the Government Accountability Office investigate further.

Committee staff observed the Securing the Cities (STC) full-scale exercise in New York City, New York (NYC) on April 7, 2011. 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 City 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 cities in the United States. 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 that Members were informed and in a position to conduct appropriate oversight. In particular, Committee 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)." The DNDO subsequently provided the Committee with information on how it is addressing the recommendations from NAS on the ASP program. On July 25, 2011, the DNDO Director notified the Committee of the termination of the ASP program and on August 9, 2011, the DNDO briefed Committee staff on the plan going forward.

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 Counter Proliferation Center (NCPC) briefed Members on terrorist intent, capability, and plans to develop, acquire, and use 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.

On June 23, 2011, the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies and the Subcommittee on Emergency Preparedness, Response, and Communications held a joint hearing, prior to introduction, on H.R. 2356, the "WMD Prevention and Preparedness Act of 2011." The Subcommittees received testimony from Hon. William J. Pascrell, Jr., a Representative in Congress from the 8th District of New Jersey; Senator Jim Talent, Vice Chairman, The Bipartisan WMD Center; Dr. Robert P. Kadlec, Former Special Assistant to the President for Biodefense; and Mr. Richard H. Berdnik, Sheriff, Passaic County, New Jersey. Following the hearing, Mr. Pascrell and 10 current Members of the Committee on Homeland Security introduced H.R. 2356 on June 24, 2011. H.R. 2356 was referred to the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence.

Between June and December 2011, Committee staff met with stakeholders, including Federal officials and the private sector, to examine progress in the development of alternatives to Helium-3 for radiation detection equipment. On September 23, 2011, DHS officials provided an update to Committee staff on the recent outcome of tests on alternative neutron detection technology and plans going into FY2012. Throughout the 112th session, Committee staff will continue to assess progress toward replacement technologies that address the Helium-3 shortage.

Throughout the month of July 2011, Committee staff attended a seminar series entitled "Nuclear Weapons and Nuclear Security: History, Policy, and Outlook" organized by the Center for Science, Technology, and Security Policy at the American Association for the Advancement of Science. Through December 2011, Committee staff also attended seminars offered to Congressional staff by the Center for Biosecurity at the University of Pittsburgh Medical Center on U.S. preparedness for biological and nuclear attacks. The insight offered by nuclear and biological experts improved the Committee awareness of current gaps in preparedness and will continue to inform the Committee's oversight of WMD activities.

On July 26, 2011, the Subcommittee held a hearing entitled "The Last Line of Defense: Federal, State, and Local Efforts to Prevent Nuclear and Radiological Terrorism Within the United States." The hearing examined Federal, State, and local efforts to implement the domestic portion of the Global Nuclear Detection Architecture (GNDA), with a focus on efforts to build capability in the interior of the U.S. including through the Securing the Cities program. The Subcommittee received testimony from Mr. Warren M. Stern, Director, Domestic Nuclear Detection Office, Department of Homeland Security; Mr. Carl Pavetto, Deputy Associate Administrator, Office of Emergency Operations, National Nuclear Security Administration, Department of Energy; Mr. Richard Daddario, Deputy Commissioner for Counterterrorism, New York City Police Department; Mr. Mark Perez, Homeland Security Advisor, Florida Department of Law Enforcement; and Mr. David C. Maurer, Director, Homeland

Security and Justice Issues, Government Accountability Office. This hearing examined Federal, State, and local efforts to implement the domestic portion of GNDA, with a focus on efforts to build capability within the interior of the United States. The hearing addressed issues including how the Federal Government works with State and local stakeholders to build basic detection architectures and enhance awareness of radiological and nuclear threats; whether a clear delineation of roles and responsibilities exists; the extent of integration of efforts and technology across all levels of government; and cost-effective approaches to meet the needs of the GNDA.

From August 10 through 17, 2011, Committee staff traveled to the United Kingdom and Austria to engage government and international officials on nuclear security issues of mutual interest. Staff visited the Ministry of Defence and Aldermaston Weapons Establishment while in the United Kingdom, and the Comprehensive Nuclear Test Ban Treaty Organization and the International Atomic Energy Agency in Vienna, Austria.

On December 13, 2011, Committee staff received a briefing from representatives from the Central Intelligence Agency to discuss possible chemical weapons in Syria.

On February 21, 2012, Committee staff received a briefing from the Domestic Nuclear Detection Office on that agency's fiscal year 2013 budget request.

Committee staff received a briefing from the Science and Technology Directorate on March 6, 2012, on the 2012 Site-Specific Biosafety and Biosecurity Mitigation Risk Assessment for the National Bio and Agro-defense Facility.

On March 19, 2012, the Chair of the Full Committee sent a letter to DNDO requesting detailed information on plans on distribution and deployment of Radiation Portal Monitors. DNDO and CBP jointly and responded on April 20, 2012.

Committee staff were briefed by the Domestic Nuclear Detection Office on March 29, 2012, about their activities with respect to Department of Homeland Security and Department of Energy National laboratories. As a follow-up, staff were briefed on April 4, 2012 by the Department of Energy on the breadth of its laboratories, its funding processes for them, and its partnerships with the Department of Homeland Security in utilizing the labs.

On April 24, 2012, Committee staff participated in the 1st Annual Global Nuclear Detection Architecture (GNDA) symposium. This symposium brought together all cooperating agencies and the first responder community to establish an integrated inter- and intra-agency plan for the GNDA.

Committee staff visited DNDO headquarters on April 26, 2012, and met with the Director to discuss the strategy, plans, and issues of the Office. Staff also received a tour of the DNDO Joint Analysis Center.

On May 2, 2012, Committee staff attended the Domestic Preparedness meeting in New York City. The focus of this meeting was on nuclear preparedness of major urban areas and associated inter-agency coordination. The Secure the Cities program was highlighted as a successful model for equipping first responders for WMD prevention and preparedness.

Committee staff received a briefing on the GNDA program, its accomplishments, and plans on May 15, 2012. . On May 16, Committee staff received a briefing from the Director of the DNDA on the Implementation Plan. This Plan, which was requested by the Committee, provides the programmatic details that support the implementation of the GNDA Strategic Plan.

The Members of the Subcommittee received a classified threats briefing on June 1, 2012, and examined the current status of the potential threats to the homeland from weapons of mass destruction.

#### AMMONIUM NITRATE

Between June and December 2011, Committee staff met with stakeholders from the private sector and the Federal Government to discuss 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)). Following the release of the Notice of Proposed Rulemaking (NPRM), Department of Homeland Security officials briefed Committee staff on August 3, 2011, on the path forward for the Ammonium Nitrate NPRM; however, Department policy restrictions prevented further discussions with the Committee until after the comment period closed on December 1, 2011.

Through H.R. 3116, the “Department of Homeland Security Authorization Act for Fiscal Year 2012,” the Committee addressed initial concerns that the Department is overreaching beyond the Congressional intent established within the Ammonium Nitrate Act. The Committee does not intend for the Department to regulate the entire chain of custody of ammonium nitrate, just the point of sale. Thus, H.R. 3116 includes a provision to clarify that transportation providers who are already subject to a sufficient security program will be exempt from the ammonium nitrate regulations.

During March 2012, Committee staff met with stakeholders regarding concerns with the Ammonium Nitrate program. Staff heard concerns about the administration of the program and how efforts to begin the regulatory process would be impacted by the issues with the CFATS program. On April 13, 2012, DHS leadership briefed staff from the Committee on Homeland Security and the Committee on Appropriations.

See additional discussion of H.R. 3116, listed above.

#### SCIENCE AND TECHNOLOGY

During the 112th Congress, to-date, Committee staff conducted meetings with Federal officials, academic experts, the private sector, and other stakeholders on the mission and operations of the Department of Homeland Security’s (DHS) Science and Technology (S&T) Directorate. The S&T Directorate is the component responsible for research, development, testing, and evaluation of homeland security technologies. The Directorate was established upon the creation of the Department and has experienced considerable growing pains and Congressional scrutiny during its 8 years of existence.

In 2009, the S&T Directorate underwent a structural realignment, developed a strategic plan, and conducted an expansive portfolio analysis that informed resource allocation and FY2012 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. The Subcommittee will continue to monitor the Directorate as it evolves and assess whether it is achieving the goals and objectives 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 June 6, 2011, Committee staff held a roundtable discussion with the Under Secretary for Science and Technology at the Department. The Under Secretary 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.

Additionally, on June 15, August 3, and August 9, 2011, Committee staff attended briefings with the S&T Directorate regarding issues including international collaborative research and development efforts; agriculture security activities; and approaches to protect against and mitigate damage to New York City's network of tunnels.

Committee staff met with representatives from the Commonwealth of Australia on October 5, 2011, to discuss mechanisms for coordinating research and development internationally and cost-sharing in order to advance National security and innovation.

Beginning on October 18, 2011, Committee staff initiated a series of Committee staff briefings at which the DHS S&T provided in-depth discussions of the activities of each of its divisions on a bi-weekly basis. To-date, representatives from DHS have briefed staff on the Explosives Division, the Borders and Maritime Division, the Human Factors Division, the Chemical and Biological Defense Divi-

sion, and the Cybersecurity Division. The S&T briefing series is expected to continue throughout the remainder of the 112th Congress.

On November 17, 2011 the Subcommittee held a hearing entitled “S&T on a Budget: Finding Smarter Approaches to Spur Innovation, Impose Discipline, Drive Job Creation, and Strengthen Homeland Security.” Given the new reality facing S&T of significant budgetary pressures going forward, the hearing examined S&T’s evolving mission, organization, assets, and activities. Particular emphasis was placed on: (1) The balance of the directorate’s programs (*e.g.*, long-term vs. near-term R&D, S&T, acquisition support); (2) its priorities and how they are set; (3) its relationships with other R&D organizations and the allocation of resources between Government, industry, and academia; (4) its strategic planning process; (5) stakeholder involvement in setting research priorities; and other concerns. The Subcommittee received testimony from Hon. Tara O’Toole, Under Secretary, Science and Technology Directorate, Department of Homeland Security; and Mr. David C. Maurer, Director, Homeland Security and Justice Issues, Government Accountability Office.

The Subcommittee’s detailed oversight of the activities of the Science and Technology Directorate continued with its bi-weekly briefing series from Directorate officials. During the first half of 2012, representatives from DHS briefed staff on their work with the strategic investor In-Q-Tel, the Office of University Programs, the First Responder Group, the Office of National Laboratories, research to support the United States Secret Service, efforts to develop technologies to secure the commercial supply chain, international partnerships, and infrastructure protection and disaster management.

On February 14, 2012, Committee staff received a briefing from the Science and Technology Directorate on its fiscal year 2013 budget request.

Committee staff received a briefing on March 1, 2012, from Pacific Northwest National Laboratories on the lab’s biological and chemical defense work for the Department of Homeland Security.

On March 16, 2012, Committee staff attended an open session of the National Academies of Science Committee on the Evaluation of the Updated Site-Specific Risk Assessment for the National Bio and Agro-defense Facility.

Committee staff received a briefing on April 4, 2012, from the directors of the DHS Centers of Excellence. This provided an opportunity to better understand the role that universities play in the DHS S&T strategy, and the relationships with industry and National laboratories.

Committee staff were briefed on April 17, 2012, about the overall S&T Directorate strategy by the Deputy Under Secretary for Science and Technology.

Committee staff received numerous briefings from the Department of Energy National Laboratories that work with the Department of Homeland Security in preparation for the hearing and for general oversight purposes.

On April 19, 2012, the Subcommittee held a hearing entitled “The DHS and DOE National Labs: Finding Efficiencies and Opti-



mizing Outputs in Homeland Security Research and Development.” The Subcommittee received testimony from Dr. Daniel M. Gerstein, Deputy Under Secretary for Science and Technology, Department of Homeland Security; Dr. Huban Gowadia, Deputy Director, Domestic Nuclear Detection Office, Department of Homeland Security; Dr. Daniel Morgan, Specialist in Science and Technology Policy, Resources, Sciences, and Industry Division, Congressional Research Service; Ms. Jill Hruby, Vice President, International, Homeland and Nuclear Security, Sandia National Laboratories; and Dr. Michael Robert Carter, Senior Scientist, National Ignition Facility and Photon Science Directorate, Lawrence Livermore National Laboratory.

On April 25, 2012, Committee staff received a briefing from the National Institute of Standards and Technology of the Department of Commerce in preparation for the joint subcommittee hearing on first responder technologies.

The Subcommittee on Emergency Preparedness, Response, and Communications and the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held a joint hearing on May 9, 2012, entitled, “First Responder Technologies: Ensuring a Prioritized Approach for Homeland Security Research and Development.” The Subcommittees received testimony from Dr. Robert Griffin, Director of First Responder Programs, Science and Technology Directorate, Department of Homeland Security; Ms. Mary H. Saunders, Director, Standards Coordination Office, National Institute of Standards and Technology; Chief Edward Kilduff, Chief of Department, New York City Fire Department, New York City, New York; Ms. Annette Doying, Director, Office of Emergency Management, Pasco County, Florida; and Ms. Kiersten Todt Coon, President and CEO, Liberty Group Ventures.

#### SAFETY ACT IMPLEMENTATION

The Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act), (6 USC. 441 *et seq.*; Title VIII, Subtitle G of the Homeland Security Act of 2002 Pub.L. 107–296) was 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 events. 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 of Homeland Security 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 the Department's Under Secretary for 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.

The Subcommittee held a hearing on May 26, 2011, 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 and 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.

On September 14, 2011, Committee staff received their first quarterly briefing from the Department on the status of SAFETY Act implementation after the May 26 hearing. Topics discussed included: Progress of the SAFETY Act in terms of numbers of certifications and designations, addition of new block designations and certifications, and other accomplishments to-date as well as challenges.

#### 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. The Subcommittee has continued these briefings every three months throughout the 112th Congress.

The Subcommittee held a hearing on March 16, 2011, 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

The Department of Homeland Security (DHS) 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.

The Subcommittee held a hearing on April 15, 2011, 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. The Department is the primary agency in coordinating the protection of privately owned critical infrastructure and it is important for the Committee to understand how the Department performs this mission. This hearing focused on how the Department interacts with those owners and operators of critical infrastructure.

On June 24, 2011, the Subcommittee held a hearing entitled "Examining the Homeland Security Impact of the Obama Administration's Cybersecurity Proposal." The Subcommittee received testimony from Ms. Melissa Hathaway, President, Hathaway Global Strategies, LLC; Dr. Greg Shannon, Chief Scientist for Computer Emergency Readiness Team, Software Engineering Institute, Carnegie Mellon University; Mr. Leigh Williams, BITS President, The Financial Services Roundtable; and Mr. Larry Clinton, President, Internet Security Alliance. This hearing examined an Administration proposal for cybersecurity and that proposal's impact on the Department of Homeland Security and the owners and operations of critical infrastructure."

The Subcommittee Chair received a classified cybersecurity operations briefing on July 14, 2011, from the Department of Homeland Security's Under Secretary for National Protection and Programs Directorate.

On August 25, 2011, Committee staff received a classified briefing on the status of the Einstein 3 program by DHS National Cyber Security Division.

Committee staff received a briefing on September 9, 2011, from the Department's Acting Assistant Secretary for Cybersecurity and Communications on cybersecurity training and educational outreach efforts.

On September 22, 2011, the Subcommittee Chair received a classified cybersecurity operations briefing from the Acting Deputy Under Secretary for National Protection and Programs Directorate.

The Subcommittee held a hearing on October 6, 2011, entitled "Cloud Computing: What are the Security Implications?" The Sub-

committee received testimony from Hon. Richard Spires, Chief Information Officer, Department of Homeland Security; Dr. David McClure, Associate Administrator, Office of Citizen Services and Innovative Technologies, General Services Administration; Mr. Greg Wilshusen, Director of Information Security Issues, Government Accountability Office; Mr. James W. Sheaffer, President, North American Public Sector, Computer Sciences Corporation; Mr. Timothy Brown, Senior Vice President, and Chief Architect for Security, CA Technologies; Mr. James R. Bottum, Vice Provost for Computing and Information Technology, and Chief Information Officer, Clemson University; and Mr. John Curran, Chief Executive Officer, American Registry of Internet Numbers.

Committee staff received a series of briefings on October 14, November 8, and November 10, 2011, on issues including: The National Critical Infrastructure Protection Program; the United States Computer Emergency Readiness Team (US-CERT); and the Office of Federal Network Security.

On November 16, 2011, the Subcommittee Chair and Ranking Member received a classified cybersecurity operations briefing by Acting Deputy Under Secretary National Protection and Programs Directorate.

The Subcommittee held a hearing on December 6, 2011, entitled "Hearing on Draft Legislative Proposal on Cybersecurity." The Subcommittee received testimony from Ms. Cheri McGuire, Vice President of Global Government Affairs and Cybersecurity Policy, Symantec Corporation; Dr. Greg Shannon, Chief Scientist for Computer Emergency Readiness Team, Software Engineering Institute, Carnegie Mellon University; Mr. Gregory T. Nojeim, Senior Counsel and Director, Project on Freedom, Security and Technology, Center for Democracy and Technology; and Mr. Kevin R. Kosar, Analyst in American Government, Congressional Research Service.

This hearing examined the Directorate's evolving mission, organization, assets, and activities. Particular emphasis was placed on prioritization of the Directorate's programs, its relationships with other organizations and the allocation of resources between government, industry, and academia, its strategic planning process, and stakeholder involvement in setting research priorities.

#### CRITICAL INFRASTRUCTURE PROTECTION MISSION OF THE DEPARTMENT OF HOMELAND SECURITY

Committee staff received multiple briefings from the Department of Homeland Security's National Protection and Programs Directorate (NPPD), 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 (GAO) 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.

Committee staff visited the House of Representatives mail facility in Capitol Heights, Maryland on April 26, 2011. 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's Postal Service and private partners FedEx and UPS.

On May 24, 2011, the Subcommittee Chair 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. The GAO initiated the investigation and is expected to issue a report later in 2012.

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

The Full Committee Chair and the Subcommittee Chair sent a letter to the Under Secretary for NPPD indicating that the reorganization of the National Programs and Protection Directorate without notice to Congress would be in violation of the Homeland Security Act of 2002. The letter, sent on June 1, 2011 requested an immediate and complete briefing on the matter before the Full Committee. Committee staff met with the NPPD Chief of Staff on June 3, 2011 to discuss this matter.

From June 7 through 11, 2011, Committee 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.

On June 3, 2011, Committee staff received a briefing from the Director of the National Space Weather Prediction Center on the science of space weather predictions. This included an overview of potential impacts of a heightened solar storm season on critical infrastructure.

Committee staff received a briefing on June 7, 2011, on IBM's Global Critical Infrastructure Project from the company's Vice President. Staff received an overview of IBM's work to improve government efficiency and information sharing, particularly in the arenas of cyber security and supply chain security.

Committee staff received a briefing on June 15, 2011, from the Department on special events risk assessment and prioritization process. Department experts explained the intra-agency coordination process and the system for ranking various events based on risk factors.

On June 16, 2011, Committee staff received a briefing on underwater cable reliability from TE Connectivity. Underwater cable and cable landings are critical infrastructure within the spirit of the

National Infrastructure Protection Plan. Staff learned of the specific benefits and vulnerabilities of underwater cable.

Committee staff received a briefing on June 16, 2011, from the Office for Bombing Prevention on the status of the Department's efforts to establish explosives detection canine standards.

On July 20, 2011, Committee staff received a classified briefing on DHS Critical Foreign Dependencies Initiative (CFDI). The CFDI focuses on identifying infrastructure risks and vulnerabilities across borders. DHS Office of Infrastructure Protection and Risk Management Analysis staff provided an overview of the methodology and criteria used in determining dependencies.

Committee staff visited The University of Maryland Center for Critical Infrastructure Sensor Networks on July 29, 2011. The campus in College Park, Maryland is a Department of Homeland Security Center of Excellence focusing on applied science related to understanding and combating terrorism. Applications for the sensor network include: Disaster response, critical infrastructure protection, intelligence sharing. The Center also houses START, the National Consortium for the Study of Terrorism and Responses to Terrorism.

On August 3, 2011, Committee staff met with staff from the Government Accountability Office (GAO) requesting a review and survey design for statutory dependency research project initiated in May 2011.

Committee staff conducted a site visit to the Port of Baltimore on August 30, 2011, and toured a cable landing ship and held a meeting with a private company security director on critical infrastructure protection and resiliency.

On October 6, 2011, Committee staff attended the Congressional Solar Weather and Electro Magnetic Pulse Briefing, hosted by DHS and the National Defense University. Staff attended subsequent forums where Subcommittee Members addressed the conference.

Committee staff received a briefing on November 3, 2011, on the Department's Operation Global Shield, a border security and counter-proliferation initiative.

On November 9, 2011, Committee staff visited the Department of Defense (DoD) Cyber Command for an overview of activities, legal authorities, and to visit the DoD—National Security Agency Joint Operations Center.

The Subcommittee held a Member briefing on the present and evolving threat to dam security on December 13, 2011. Representatives from the Dams Sector Branch of the Office of Infrastructure Protection, National Protection and Programs Directorate (NPPD) of the Department of Homeland Security responded to Member concerns.

Committee staff conducted a site visit with the DHS Science and Technology Directorate to examine a tunnel plug project demonstration on January 25, 2012. The demonstration was an opportunity to learn about a new approach to halting flood waters in the event of a natural or technological disaster to preserve lives and infrastructure.

Committee staff received briefings on solar weather and electromagnetic pulse impacts from DHS/FEMA, the private sector, and the National Center for Atmospheric Research. The National Cen-

ter for Atmospheric Research (NCAR) and the University Consortium for Atmospheric Research provided staff with an overview of its work on solar weather and a view of current threats on March 22, 2012.

On April 10, 2012, the Chair of the Full Committee and the Subcommittee Chair sent a letter to the GAO requesting a study of the Department of Homeland Security's Protective Security Advisor (PSA) Program. The request asks that GAO identify redundancies between the efforts of PSAs and other similar representatives of the Department. It also requires a look at consistency and continuity of communications and information sharing within the Department and with critical infrastructure owners and operators. The Protective Security Advisor program is designed to provide owners and operators of critical infrastructure with subject matter expertise on vulnerability mitigation and infrastructure protection.

#### FEDERAL PROTECTIVE SERVICE

The Federal Protective Service (FPS) is a vital component within the Department of Homeland Security. The mission of the FPS in securing Government buildings and its occupants is critical to protecting thousands of Governmental employees working in Federal buildings across the Nation.

On February 25, 2011, Committee staff visited an FPS facility in Alexandria, Virginia. Staff received an overview of the 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.

The Subcommittee Chair sent a letter to the Government Accountability Office (GAO) on March 8, 2011, requesting a review of FPS's management of its contract guard program. The Subcommittee Chair sent an additional letter on March 14, 2011, requesting a comprehensive review of changes in physical security in Federal facilities since September 11, 2001.

On May 23, 2011, the Deputy Director of FPS provided a briefing for Committee staff on the corrective actions taken at the Detroit Federal Building after a bombing attempt.

The Subcommittee Chair sent a letter to GAO on May 23, 2011, requesting a comprehensive review on FPS future plans following decision to move away from the Risk Assessment Management Program.

On July 13, 2011, the Subcommittee held a hearing entitled "Securing Federal Facilities: Challenges of the Federal Protective Service and the Need for Reform." The Subcommittee received testimony from Mr. L. Eric Patterson, Director, Federal Protective Service; Mr. Mark L. Goldstein, Director Physical Infrastructure, Government Accountability Office; Mr. Steve Amitay, Legislative Counsel, National Association of Security Companies; and Mr. David Wright, President, National Federal Protective Service Union, American Federation of Government Employees. This hearing allowed Members to examine several perennial and reoccurring issues impacting the ability of the FPS to complete its mission of securing and safeguarding Federal facilities and their occupants. The hearing also provided the recently appointed FPS Director an

opportunity to explain his vision for the organization, and provide the Subcommittee an opportunity to identify areas of concern that may need to be addressed through further Congressional oversight and legislative reform.

On September 27, 2011, Committee staff met with representatives from the Federal Protective Service Union to discuss on-going concerns.

Committee staff met with representatives from GAO on November 10, 2011, to discuss on-going work done at the request of the Committee as well as preliminary findings.

On November 16, 2011, the Subcommittee Chair sent letters to the GAO requesting an assessment of the adequacy the evacuation plans of Federal facilities; and an assessment of how facility security risk assessments are conducted across the Government.

Committee staff met with the Deputy Director of FPS on February 14, 2012, to receive a briefing on the President's FY 2013 budget request.

Committee staff met with representatives from GAO on February 27, 2012, to discuss on-going work done at the request of the Committee as well as preliminary findings.

Committee staff received a briefing from the FPS Director on February 29, 2012, regarding efforts by the FPS to develop an interim risk management tool, training and certifications for contract guards, and progress made toward implementing GAO recommendations.

On May 15, 2012, Committee staff received a briefing from the Deputy Director of FPS regarding the agency's role in providing perimeter security for Federal buildings, and role FPS played during the 2012 NATO Summit in Chicago.

#### IRANIAN CYBER THREATS

On April 26, 2012, the Subcommittee on Counterterrorism and Intelligence and the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held a joint hearing entitled "Iranian Cyber Threat to the U.S. Homeland." The Subcommittees received testimony from Mr. Frank J. Cilluffo, Associate Vice President and Director, Homeland Security Policy Institute, The George Washington University; Mr. Ilan Berman, Vice President, American Foreign Policy Council; and Mr. Roger Caslow, Executive Cyberconsultant, Suss Consulting.

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#### 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. 112-26)



- “H.R. 2356, the ‘WMD Prevention and Preparedness Act of 2011.’”*  
June 23, 2011. Joint hearing with the Subcommittee on Emergency Preparedness, Response, and Communications (Serial No. 112-32)
- “Examining the Homeland Security Impact of the Obama Administration’s Cybersecurity Proposal.”* June 24, 2011. (Serial No. 112-33)
- “Securing Federal Facilities: Challenges of the Federal Protective Service and the Need For Reform.”* July 13, 2011 (Serial No. 112-38)
- “The Last Line of Defense: Federal, State, and Local Efforts to Prevent Nuclear and Radiological Terrorism Within the United States.”* July 26, 2011 (Serial No. 112-40)
- “Cloud Computing: What are the Security Implications?”* October 6, 2011. (Serial No. 112-50)
- “S&T on a Budget: Finding Smarter Approaches to Spur Innovation, Impose Discipline, Drive Job Creation and Strengthen Homeland Security.”* November 17, 2011. (Serial No. 112-57)
- “Hearing on Draft Legislative Proposal on Cybersecurity.”* December 6, 2011. (Serial No. 112-61)
- “The Chemical Facilities Anti-Terrorism Standards Program: Addressing Its Challenges and Finding a Way Forward.”* March 6, 2012. (Serial No. 112-76)
- “The DHS and DOE National Labs: Finding Efficiencies and Optimizing Outputs in Homeland Security Research and Development.”* April 19, 2012. (Serial No. 112-88)
- “Iranian Cyber Threat to the U.S. Homeland.”* Joint with the Subcommittee on Counterterrorism and Intelligence. April 26, 2012. (Serial No. 112-88)
- “First Responder Technologies: Ensuring a Prioritized Approach for Homeland Security Research and Development.”* May 9, 2012. Joint with the Subcommittee on Emergency Preparedness, Response, and Communications. (Serial No. 112-93)



## SUBCOMMITTEE ON TRANSPORTATION SECURITY

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VACANCY  
BENNIE G. THOMPSON, Mississippi  
*(Ex Officio)*

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From January 2011 through the end of May 2012, the Subcommittee on Transportation Security held 15 hearings, receiving testimony from 93 witnesses, and considered five measures.

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### LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

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

#### PUB. L. 112–86 (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 the U.S. 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.

The Committee considered H.R. 1801 on September 21, 2011, and ordered the measure to be reported to the House, amended, with a favorable recommendation, by voice vote.

The Committee reported H.R. 1801 to the House on November 4, 2011, as H. Rpt. 112–271.

The House considered H.R. 1801 under Suspension of the Rules, and passed the measure by a two-thirds recorded vote of 404 yeas and none voting “nay”.

H.R. 1801 was received in the Senate on November 30, 2011, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration by unanimous consent on December 12, 2011. The Senate subsequently passed H.R. 1801, amended, by voice vote.

The House debated a motion to agree to concur in the Senate amendment to H.R. 1801 on December 19, 2011. On December 20, 2011, the House agreed to Suspend the Rules and concurred in the Senate amendment to H.R. 1801 by voice vote, clearing the measure for the President.

H.R. 1801 was presented to the President on December 23, 2011, and on January 3, 2012, was signed into law as Public Law 112–86.

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*

H.R. 1165 enhances 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.

The Committee considered H.R. 1165 on September 21, 2011, and ordered the measure to be reported to the House, amended, with a favorable recommendation, by voice vote.

The Committee reported H.R. 1165 to the House on November 4, 2011, as H. Rpt. 112–270.

AVIATION SECURITY STAKEHOLDER PARTICIPATION ACT OF 2011

H.R. 1447

To amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes.

*Summary*

H.R. 1447 directs the Assistant Secretary of the Transportation Security Administration to establish an Aviation Security Advisory Committee. The Assistant Secretary is required to consult with the Advisory Committee on aviation security matters and the development of recommendations to improve aviation security.

*Legislative History*

H.R. 1447 was introduced in the House on April 8, 2011, by Mr. Thompson of Mississippi and Ms. Jackson Lee of Texas, and referred to the Committee on Homeland Security. Within the Committee, H.R. 1447 was referred to the Subcommittee on Transportation Security.

On September 21, 2011, the Subcommittee on Transportation Security was discharged from further consideration of H.R. 1447. The Committee proceeded to the consideration of H.R. 1447 and ordered the measure to be reported to the House, without amendment, by voice vote.

The Committee reported H.R. 1447 to the House on November 4, 2011, as H. Rpt. 112–269.

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*

H.R. 1690 requires the Department of Homeland Security to establish a comprehensive task force with representatives from industry, labor, and Federal 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. 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.

This legislation 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—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 and Applications, Virginia Tech Transportation Institute; Ms. Jeanne M. Olivier, A.A.E., Assistant Director, Aviation Security and 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 and 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 favorably reported to the Full Committee, amended, by voice vote.

TO AMEND TITLE 49, UNITED STATES CODE, TO DIRECT THE ASSISTANT SECRETARY OF HOMELAND SECURITY (TRANSPORTATION SECURITY ADMINISTRATION) TO TRANSFER UNCLAIMED MONEY RECOVERED AT AIRPORT SECURITY CHECKPOINTS TO UNITED SERVICE ORGANIZATIONS, INCORPORATED, AND FOR OTHER PURPOSES.

#### H.R. 2179

To amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to United Service Organizations, Incorporated, and for other purposes.

#### *Summary*

This legislation directs the Transportation Security Administration (TSA) to transfer unclaimed money recovered at airport security checkpoints to United Service Organizations, Inc. for use in support of its airport centers. The legislation will support the continued efforts of the United Service Organizations, Inc. (USO) by

providing funds to create a welcoming and comfortable atmosphere at airports for our dedicated military personnel and their families. Additionally, this bill also directs TSA to provide clothing assistance to homeless or needy veterans with unclaimed clothing recovered at airport security checkpoints.

*Legislative History*

H.R. 2179 was introduced in the House on June 14, 2011, by Mr. Miller of Florida, and referred to the Committee on Homeland Security. Within the Committee, H.R. 2179 was referred to the Subcommittee on Transportation Security.

On March 7, 2012, the Subcommittee on Transportation Security considered H.R. 2179 and reported the measure to the Full Committee with a favorable recommendation, without amendment, by voice vote.

The Full Committee considered H.R. 2179 on March 28, 2012, and ordered the measure to be favorably reported to the House, amended, by voice vote.

The Committee reported H.R. 2179 to the House on May 8, 2012, as H. Rpt. 112-468.

TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION ACT OF  
2011

H.R. 3011

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

*Summary*

This legislation authorizes funding for fiscal years 2012 and 2013 for the Transportation Security Administration (TSA) to carry out its mission of securing the Nation's transportation systems. The bill specifically aims to streamline and improve programs and address key issues at TSA by increasing accountability, transparency, and reducing waste and inefficiencies.

*Legislative History*

Prior to introduction of H.R. 3011, the Subcommittee on Transportation Security considered a Subcommittee print on September 14, 2011, and ordered the measure to be reported to the Full Committee, amended, by voice vote.

H.R. 3011 was subsequently introduced in the House on September 22, 2011, by Mr. Rogers of Alabama, Mr. King of New York, Mr. Daniel E. Lungren of California, Mr. Walberg, Mr. Cravaack, and Mr. Brooks, and referred the Committee on Homeland Security and the Committee on the Judiciary.

TO REQUIRE THE TRANSPORTATION SECURITY ADMINISTRATION TO  
COMPLY WITH THE UNIFORMED SERVICES EMPLOYMENT AND REEM-  
PLOYMENT RIGHTS ACT.

H.R. 3670 (S. 1990)

To require the Transportation Security Administration to comply with the Uni-  
formed Services Employment and Reemployment Rights Act.

*Summary*

This legislation amends the Aviation and Transportation Security Act (Pub. L. 107–71) to require the Transportation Security Administration (TSA) to be fully compliant with the Uniformed Services Employment and Reemployment Rights Act (Pub. L. 103–353). TSA has stated that current practice conforms to the requirements of H.R. 3670, the legislation would mandate this practice.

*Legislative History*

H.R. 3670 was introduced in the House on December 14, 2011, by Mr. Walz of Minnesota, Mr. Bilirakis, and Mr. Owens, and referred to the Committee on Homeland Security, and the Committee on Veterans' Affairs. Within the Committee, H.R. 3670 was referred to the Subcommittee on Transportation Security.

The Committee on Veterans' Affairs considered H.R. 3670 on April 27, 2012, and ordered the measure to be reported to the House by voice vote. The Committee on Veterans' Affairs reported H.R. 3670 to the House on May 18, 2012 as H. Rpt. 112–487, Pt. I.

The House considered H.R. 3670 on May 30, 2012, under Suspension of the Rules and passed the measure by voice vote.

S. 1990, the Senate companion measure, was introduced in the Senate on December 14, 2011, by Mr. Lieberman and six original co-sponsors, and referred to the Senate Committee on Commerce, Science, and Transportation.

PUBLIC TRANSIT SECURITY AND LOCAL LAW ENFORCEMENT SUPPORT  
ACT

H.R. 3857

To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to require the Secretary of Homeland Security to include as an eligible use the sustainment of specialized operational teams used by local law enforcement under the Transit Security Grant Program, and for other purposes.

*Summary*

To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to require the Secretary of Homeland Security to include as an eligible use the sustainment of specialized operational teams used by local law enforcement under the Transit Security Grant Program, and for other purposes. The bill also authorizes \$400 million for TSGP grants for each of fiscal years 2012 and 2013, except that no more than 50 percent of those funds in each of the fiscal years may be used for operational costs.



*Legislative History*

H.R. 3857 was introduced in the House on January 31, 2012, by Mr. Turner of New York, Mr. King of New York, Mr. Rogers of Alabama, and Mr. Grimm, and referred to the Committee on Homeland Security. Within the Committee, H.R. 3857 was referred to the Subcommittee on Emergency Preparedness, Response, and Communications and the Subcommittee on Transportation Security.

The Subcommittee on Emergency Preparedness, Response and Communications and the Subcommittee on Transportation Security were discharged from further consideration of H.R. 3857 on May 9, 2012.

The Full Committee considered H.R. 3857 on May 9, 2012, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

The Committee reported H.R. 3857 to the House on May 30, 2012 as H. Rpt. 112-498.

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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 Osama bin Laden's compound further emphasizes the threat to both our aviation and surface transportation systems.

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.

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

On September 8, 2011, the Members of the Subcommittee received a classified briefing from representatives from the Transpor-

tation Security Administration on current threats to the Nation's aviation and surface transportation security.

The Chair of the Full Committee and the Chair of the Subcommittee sent a letter on November 15, 2011, to the Assistant Secretary of Homeland Security for the Transportation Security Administration. On December 8, 2011, TSA provided the Committee with a classified response.

On November 16, 2011, the Subcommittee Chair received a classified briefing on a vital transportation security matter. On November 18, 2011, the Members of the Subcommittee received a classified Member-only briefing on this issue. Representatives from the Transportation Security Administration and the Department of Homeland Security's Office of Inspector General responded to Member concerns.

On June 4, 2012, the Members of the Subcommittee conducted a site visit to Chicago, Illinois, to receive a briefing and examine security at the Chicago O'Hare International Airport. The site visit included a briefing and tour of the surface transportation systems connected to the airport.

#### AIR CARGO SECURITY

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 has not the Implementing Recommendation of the 9/11 Commission Act (Pub. L. 110-53) mandate to screen 100 percent of domestic air cargo. The Subcommittee continues to discuss with private sector stakeholders and the TSA methods to improve security in a risk based manner, 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 and Justice Issues, Government Accountability Office. The purpose of this hearing was to examine air cargo security including: On-going challenges for securing inbound cargo on international passenger flights; TSA's efforts to develop screening measures in collaboration with industry and foreign partners; and the technology available to conduct those screening measures.

On February 28, 2012, the Subcommittee held a Member briefing on the progress of securing inbound air cargo. Members received an update from the Transportation Security Administration and industry representatives.

#### TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

The Subcommittee conducted oversight of the Transportation Security Administration (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. Committee staff also met with private sector stakeholders representing different modes of transportation to examine impacts of the TWIC on their sectors.

On March 17, 2011, the Subcommittee Chair sent a letter to the Government Accountability Office (GAO) 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.” The GAO provided this report on May 10, 2011 [GAO–11–657].

On April 6, 2011, the Subcommittee held a Member briefing on the TWIC Program. Representatives from the Transportation Security Administration and the U.S. Coast Guard were present to respond to Member questions.

Committee staff have continued to meet with representatives from TSA and other relevant Government stakeholders, including GAO, to learn about challenges facing the TWIC program, and updates on the impending universal rule.

#### AVIATION SECURITY

The Subcommittee 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.

In the 112th Congress, the 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, the Subcommittee Chair 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, the Subcommittee Chair 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 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.

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

Members of the Subcommittee received a briefing on June 14, 2011, on the TSA’s Behavior Detection Officer Screening of Passengers by Observation Techniques, or the SPOT program.

On June 16, 2011, the Chair and Ranking Member of the Full Committee 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.

Committee staff met with various 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.

The Subcommittee held a hearing on July 12, 2011, entitled “Industry Perspectives: Authorizing the Transportation Security Administration for FY 2012 and 2013.” The Subcommittee received testimony from Mr. Tom Farmer, Assistant Vice President, Security Safety and Operations, American Association of Railroads; Mr. Martin Rojas, Vice President, Security and Operations, American Trucking Association; Ms. Wanda Dunham, Chief of Police and Emergency Management, Metropolitan Atlanta Rapid Transit Authority, MARTA Police Headquarters; Mr. Raymond Reese, Corporate Health, Safety and Security Leader, Colonial Pipeline Company; Mr. John Risch, Alternate National Legislative Director, United Transportation Union; Mr. Peter J. Bunce, President and Chief Executive Officer, General Aviation Manufacturers Association; Mr. Nicholas E. Calio, President and Chief Executive Officer, Air Transport Association; Mr. Steve Alterman, President, Cargo Airline Association; and Mr. Christopher Witkowski, Director, Air Safety, Health and Security, Association of Flight Attendants—CWA. For further information, see the discussion on H.R. 3011, listed above.

The Subcommittee held a classified Member-only briefing on July 20, 2011, to examine covert testing results at Transportation Security Administration passenger screening checkpoints. Representatives from the Government Accountability Office were present to respond to Member concerns.

On October 14, 2011, the Chair of the Subcommittee sent a letter to the Administrator of the TSA expressing concern with a recent court finding of a potentially flawed bidding process for private security screeners at one of the Nation’s airports. The TSA provided a response to the Subcommittee on November 10, and December 12, 2011.

The Chair of the Subcommittee sent a letter to the Inspector General of the Department of Homeland Security on November 2, 2011, regarding the recent allegations of perimeter security breaches at one of the Nation’s largest airports. The Inspector General provided the Committee with a classified report in February 2012 on this issue.

On November 30, 2011, the Subcommittee Chair and Mr. Farenthold sent a letter to the Administrator of the TSA requesting more information about TSA’s use of storage facilities nation-wide. In response, representatives from TSA met with the Subcommittee Chair and Mr. Farenthold to discuss the use of storage facilities.

On December 8, 2011, the Subcommittee held a hearing entitled “A Review of Passenger Screening Technology at U.S. Airports.” The Subcommittee received testimony from Hon. John S. Pistole, Administrator, Transportation Security Administration, Department of Homeland Security; Ms. Gale D. Rossides, Deputy Administrator, Transportation Security Administration, Department of Homeland Security; Mr. Robin E. Kane, Assistant Administrator for

Security Technology, Transportation Security Administration, Department of Homeland Security; Hon. Caryn Wagner, Under Secretary, Office of Intelligence and Analysis, Department of Homeland Security; Dr. Tara O'Toole, Under Secretary, Science and Technology Directorate, Department of Homeland Security; Dr. Cedric Sims, Executive Director, Office of Program Accountability and Risk Management, Management Directorate, Department of Homeland Security; Mr. Charles K. Edwards, Acting Inspector General, Office of Inspector General, Department of Homeland Security; Ms. Anne Richards, Assistant Inspector General for Audits, Office of Inspector General, Department of Homeland Security; and Mr. Stephen M. Lord, Director, Homeland Security and Justice Issues, Government Accountability Office.

The Subcommittee Members received a classified briefing on March 21, 2012, updating them on the concerns raised at the December 8, 2011, hearing. Members were provided an update by representatives from the Government Accountability Office.

Members of the Subcommittee conducted a site visit on February 6, 2012, to Washington Dulles International Airport. Members had the opportunity to observe the cargo and baggage screening facilities, the Transportation Security Operations Center (TSOC), and the Transportation Security Administration's pilot program to test Credential Authentication Technology Boarding Pass Scanning System (CAT/BPSS). On May 30, 2012, Members of the Subcommittee conducted a site visit to TSA's system integrity facility to receive a demonstration and additional details of CAT/BPSS.

On February 7 and 16, 2012, the Subcommittee held a hearing entitled "Screening Partnership Program: Why is a Job-Creating, Public-Private Partnership Meeting Resistance at TSA?" The Subcommittee received testimony from Hon. John S. Pistole, Administrator, Transportation Security Administration, Department of Homeland Security; Mr. Mark VanLoh, A.A.E., Director, Aviation Department, Kansas City International Airport; Stephen D. Amitay, Esq., Federal Legislative Counsel, National Association of Security Companies; and Mr. John Gage, National President, American Federation of Government Employees. The purpose of this hearing was to examine the TSA Screening Partnership Program (SPP) and discuss TSA's ability to make responsible contracting decisions, while ensuring that taxpayer dollars are not wasted. On March 1, 2012, the Chair of the Subcommittee sent a letter to TSA following up on questions raised at this hearing. The Subcommittee received a response on March 28, 2012.

The Subcommittee held a hearing on February 16, 2012, entitled "Last Line of Defense: the Federal Air Marshal Service 10 Years After 9/11." The Subcommittee received testimony from Mr. Robert S. Bray, Assistant Administrator for Law Enforcement, Director, Federal Air Marshal Service, Transportation Security Administration, Department of Homeland Security; Mr. Michael Novak, Assistant Administrator, Training and Workforce Engagement, Transportation Security Administration, Department of Homeland Security; Mr. Roderick J. Allison, Deputy Assistant Administrator for Law Enforcement, Deputy Director, Federal Air Marshal Service, Transportation Security Administration, Department of Homeland Security; and Mr. Charles K. Edwards, Acting Inspector General,

Office of the Inspector General, Department of Homeland Security. The purpose of this hearing was to assess the continued value and impact of the Federal Air Marshal Service (FAMS) on aviation security; learn about changes to FAMS as a result of the Transportation Security Administration's recent internal reorganization; and discuss the impact of the President's FY 2013 budget request.

On March 28, 2012, the Subcommittee held a hearing entitled "Rightsizing TSA Bureaucracy and Workforce Without Compromising Security." The Subcommittee received testimony from Mr. David Nicholson, Assistant Administrator, Finance and Administration and Chief Financial Officer, Transportation Security Administration, Department of Homeland Security; Mr. Christopher L. McLaughlin, Assistant Administrator, Security Operations, Transportation Security Administration, Department of Homeland Security; Mr. Sean J. Byrne, Assistant Administrator, Human Capital, Transportation Security Administration; Department of Homeland Security; and Mr. James G. Duncan, Assistant Administrator, Professional Responsibility, Transportation Security Administration, Department of Homeland Security. The purpose of this hearing was to examine the large number of Full Time Equivalent employees at the Transportation Security Administration, despite a net decrease in the number of passengers traveling each year in the United States.

Members of the Subcommittee received a classified briefing on April 25, 2012, on passenger screening technology at the Nation's airports.

The Subcommittee held a hearing on May 16, 2012, entitled "Access Control Point Breaches at Our Nation's Airports: Anomalies or Systemic Failures?" The Subcommittee received testimony from Mr. John P. Sammon, Assistant Administrator, Office of Security Policy and Industry Engagement, Transportation Security Administration, Department of Homeland Security; Mr. Charles K. Edwards, Acting Inspector General, Department of Homeland Security; Mr. Mark Crosby, Chief of Public Safety and Security, Portland International Airport, *testifying on behalf of the American Association of Airport Executives*; Captain Sean P. Cassidy, First Vice President, Air Line Pilots Association, International; and Mr. William Swift, Chairman, Airport Minority Advisory Council. The purpose of this hearing was to discuss with TSA and its partners recent breaches of security at airports across the country. Additionally, this hearing examined coordination across all entities with respect to the background checks that airports and airline workers are subject to, and assessed whether those background checks are sufficient.

On May 17, 2012, the Chair and Ranking Member of the Subcommittee sent a letter to the Administrator of the Transportation Security Administration regarding testimony received at the May 16 hearing and recent Department of Homeland Security Inspector General report entitled "Transportation Security Administration's Efforts to Identify and Track Breaches at Our Nation's Airports" [OIG-12-80].

## TECHNOLOGY PROCUREMENT

On September 22, 2011, the Subcommittee held a hearing entitled “TSA Reform: Exploring Innovations in Technology Procurement to Stimulate Job Growth.” The Subcommittee received testimony from Ms. Elaine C. Duke, President, Elaine Duke & Associates, LLC; Mr. Michael P. Jackson, President, Firebreak Partners, LLC; and Mr. Stephen M. Lord, Director, Homeland Security and Justice Issues, Government Accountability Office.

On October 13, 2011, the Subcommittee continued its hearing from September, receiving testimony from Mr. Marc A. Pearl, President and CEO, Homeland Security and Defense Business Council; Mr. Scott Boylan, Vice President and General Counsel, Safran Morpho Detection; and Mr. Guy Ben-Ari, Deputy Director, Defense-Industrial Initiatives Group, Fellow, International Security Program, Center for Strategic and International Studies.

The Subcommittee continued its examination on November 3, 2011, with a hearing entitled “TSA Reform: Exploring Innovations in Technology Procurement to Stimulate Job Growth, Part III.” The Subcommittee received testimony from Dr. Nick Nayak, Chief Procurement Officer, Department of Homeland Security; Mr. Robin E. Kane, Assistant Administrator, Security Technology, Transportation Security Administration, Department of Homeland Security; Mr. Paul Benda, Chief of Staff, Director, Homeland Security Advanced Research Projects Agency, Department of Homeland Security, *accompanied by Dr. Susan Hollowell, Director, Transportation Security Laboratory*; and Mr. Charles K. Edwards, Acting Inspector General, Department of Homeland Security. This series of hearings provided Members an opportunity to examine innovative solutions to technology procurement challenges at TSA, an agency that expends significant funds each year on developing, purchasing, and maintaining screening technology. The TSA is by far the largest purchaser of detection equipment for the Department, with over \$2 billion in inventories in 2012, representing 66 percent of the Department’s assets according to a recent DHS Inspector General report.

The Subcommittee Chair sent a letter to the Government Accountability Office on February 22, 2012, requesting to be a co-requestor of a report on the Transportation Security Administration’s National Explosives Detection Canine Program. The GAO is initiating a review, and a report is expected to be issued in 2012.

## TRANSPORTATION SECURITY ADMINISTRATION REORGANIZATION

On December 1, 2011, the Subcommittee Members received a briefing on the Transportation Security Administration’s internal reorganization from representatives from the Transportation Security Administration.

## AVIATION SECURITY EFFORTS IN FOREIGN NATIONS

On March 22, 2012, the Subcommittee held a Member briefing on the delayed Rule for Aircraft Repair Station Security. Representatives from the Transportation Security Administration

(TSA) and industry representatives were present to respond to Member questions.

On March 27, 2012, the Chair of the Subcommittee and Mr. Walberg sent a letter to the Secretary of Homeland Security regarding the delayed rulemaking for Aircraft Repair Station Security. On May 4, 2012, the Subcommittee received a response.

The Subcommittee held a hearing on April 7, 2011, 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 May 4, 2012, the Subcommittee received a response.

On May 8, 2012, the Subcommittee held a hearing entitled "Building Secure Partnerships in Travel, Commerce, and Trade with the Asia-Pacific Region." The Subcommittee received testimony from Mr. John Halinski, Assistant Administrator, Office of Global Strategies, Transportation Security Administration, Department of Homeland Security; Mr. Mark Koumans, Deputy Assistant Secretary, Office of International Affairs, Department of Homeland Security; Hon. Hans G. Klemm, Economic Coordinator, U.S. Senior Official for Asia-Pacific Economic Cooperation, Bureau of East Asian and Pacific Affairs, U.S. Department of State; Mr. Gary E. Wade, Vice President Security, Atlas Air Worldwide Holdings, Inc., *testifying on behalf of the Cargo Airline Association*; Ms. Dorothy Reimold, Assistant Director, Security and Travel Facilitation, International Air Transport Association; Mr. Roger Dow, President and Chief Executive Officer, U.S. Travel Association; and Mr. Michael C. Mullen, Executive Director, Express Association of America. The purpose of this hearing was to discuss the economic and security ties between the United States and Asia; the Department of Homeland Security's work in Asia, including air cargo security; and information sharing both amongst the Department and its private sector partners, and amongst the Nation's public and private sector entities and their Asia-Pacific counterparts.

On May 31, 2012, the Subcommittee on Oversight, Investigations, and Management, and the Subcommittee on Transportation Security held a joint Member briefing on the Transportation Security Administration's (TSA) coordination on aviation security with foreign countries. Representatives from TSA were present to respond to Member questions.



## SURFACE TRANSPORTATION SECURITY

From May 14 through 15, 2012, the Subcommittee conducted a Member site visit to New York City, New York. Members examined security issues including tours of the Jamaica Station Transit Hub, Red Hook Container Terminal, Brooklyn-Battery Tunnel, New York Police Department Lower Manhattan Security Initiative, 9/11 Memorial, Ground Zero and Port Authority Trans-Hudson Station. The Members also received a rail security briefing on-board Amtrak.

On May 31, 2012, the Subcommittee held a hearing entitled “TSA’s Surface Inspection Program: Strengthening Security or Squandering Scant Resources?” The Subcommittee received testimony from Chief John O’Connor, Amtrak Police Department; Mr. Skip Elliott, Vice President, Public Safety and Environment, CSX; Mr. Philip L. Byrd Sr., President, Bulldog Hiway Express, *testifying on behalf of the American Trucking Associations*; Mr. William C. Blankenship, Chief Operating Officer, Greyhound Lines, Inc.; and Mr. Doug Morris, Director, Safety and Security Operations, Owner-Operator Independent Drivers Association. This hearing provided Members an opportunity to examine the Surface Transportation Security Inspection Program, and whether the budget for this program would be more wisely spent on other surface transportation security initiatives, such as the Transit Security Grant Program; the canine explosives detection team funding; or TSA’s other surface transportation security initiatives. Stakeholder concerns with the program were discussed, as well as other surface transportation-related issues.

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 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)
- “*Industry Perspectives: Authorizing the Transportation Security Administration for FY2012 and 2013.*” July 12, 2011 (Serial No. 112–28)
- “*TSA Reform: Exploring Innovations in Technology Procurement to Stimulate Job Growth.*” September 22, 2011. (Serial No. 112–46)
- “*TSA Reform: Exploring Innovations in Technology Procurement to Stimulate Job Growth, Part II.*” October 13, 2011. (Serial No. 112–46)
- “*TSA Reform: Exploring Innovations in Technology Procurement to Stimulate Job Growth, Part III.*” November 3, 2011. (Serial No. 112–46)

- “A Review of Passenger Screening Technology at U.S. Airports.”* December 8, 2011. (Serial No. 112-64)
- “Screening Partnership Program: Why is a Job-Creating, Public-Private Partnership Meeting Resistance at TSA?”* February 7, 16, 2012. (Serial No. 112-69)
- “Last Line of Defense: the Federal Air Marshal Service 10 Years After 9/11.”* February 16, 2012. (Serial No. 112-71)
- “Rightsizing TSA Bureaucracy and Workforce Without Compromising Security.”* March 28, 2012. (Serial No. 112-82)
- “Building Secure Partnerships in Travel, Commerce, and Trade with the Asia-Pacific Region.”* May 8, 2012. (Serial No. 112-92)
- “Access Control Point Breaches at Our Nation’s Airports: Anomalies or Systematic Failures.”* May 16, 2012. (Serial No. 112-94)
- “TSA’s Surface Inspection Program: Strengthening Security or Squandering Scant Resources?”* May 31, 2012. (Serial No. 112-98)

## 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)*

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From January 2011 through the end of May 2012, the Subcommittee on Oversight, Investigations, and Management held 17 hearings, receiving testimony from 86 witnesses.

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### OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

#### WAR AGAINST MEXICAN DRUG CARTELS

Violence in the United Mexican States' war against drug trafficking organizations has escalated in recent years. As a result, the drug-related violence along the Mexican side of the United States-Mexican 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. The purpose of the hearing was to examine the Nation's efforts to assist Mexico in the establishment of the rule of law and to combat drug cartels.

On April 27, 2011, the Chairs of the Full Committee and the Subcommittee sent a letter to the Secretary of State urging support for H.R. 1270 and requesting the State Department “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 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 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 and 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.

Following the May 11 hearing, the Subcommittee Chair sent a letter to the Government Accountability Office requesting among other things an audit of the Mérida Initiative. The GAO is investigating this issue and plans to issue a report later in 2012.

On October 4, 2011, the Subcommittee on Oversight, Investigations, and Management and the Committee on Foreign Affairs’ Subcommittee on the Western Hemisphere held a joint hearing entitled “Is Mérida Antiquated? Part Two: Updating U.S. Policy to Counter Threats of Insurgency and Narco-Terrorism.” The Subcommittees received testimony from Hon. William R. Brownfield, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State; Mr. Rodney G. Benson, Assistant Administrator, Chief of Intelligence, Drug Enforcement Administration, U.S. Department of Justice; and Ms. Mariko Silver, Acting Assistant Secretary, Office of International Affairs, U.S. Department of Homeland Security. The purpose of the hearing was to examine the Nation’s efforts to assist the Mexican government and win the war against the Mexican drug cartels.

Following the hearing, the Subcommittee Chair sent a letter to the Secretary of State on December 9, 2011, urging review of the entire Mérida Initiative and urging making the necessary changes to the program to address the new terrorist tactics of the drug cartels.

#### DHS MANAGEMENT

On March 11, 2011, the Subcommittee Chair met with the newly confirmed Department of Homeland Security Under Secretary for Management to discuss his vision and goals as the Under Secretary.

The Subcommittee Chair met with representatives of the Government Accountability Office (GAO) on March 11, 2011, regarding issues facing the Department. Among the topics discussed were du-

plication of Government homeland security programs, border security, transportation security, cybersecurity, Fusion Centers, and DHS contracting.

The Subcommittee Chair met with the Acting Inspector General of the Department of Homeland Security on April 13, 2011, to receive a briefing on what the Office of Inspector General had in plan for future investigations.

On February 9, 2012, the Subcommittee hosted a Member briefing on the Department's management goals and priorities for 2012. Topics covered during the briefing, led by the Under Secretary for Management, included strengthening the Department's acquisition process, contracting duplication, a simplified budget structure, improper payments, and progress made on the Department's "qualified" audit opinion.

The Subcommittee Chair sent a letter to the Comptroller General of the United States on April 24, 2012, requesting to be a co-requester of two reports GAO is preparing on the Department of Homeland Security's Office of Policy and intelligence analysis capabilities at the request of the Senate Committee on Homeland Security and Governmental Affairs.

Committee staff received briefings from the Department's Chief Human Capital Officer, the Chief Procurement Officer, the Chief Financial Officer, the Chief Administrative Officer, Chief Learning Officer, and the Chief Information Officer.

On May 30, 2012, the Chair and Ranking Members of the Subcommittee on Oversight, Investigations and Management and the Subcommittee on Border and Maritime Security sent a letter to the GAO requesting a review of the Department's Trusted Traveler programs to include the extent to which these programs have improved the facilitation of commerce and trade across U.S. borders, their impact on security, the effectiveness of the application process, and how the Department measures the programs' performance.

#### DHS INFORMATION TECHNOLOGY

The Department of Homeland Security (DHS) 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 the Nation against terrorist attacks and other threats and hazards. Recently the Department reported that over half of these "major" investments encountered or are at risk of encountering significant cost and schedule shortfalls.

In light of this, on May 27, 2011, the Subcommittee Chair and Ranking Member sent letters to the Government Accountability Office (GAO): the first, requesting GAO to review how well the Department is managing at-risk investments, and the second, asked GAO 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. The GAO has initiated an investigation and intends to issue a report on the findings later in 2012.

## DENYING TERRORIST SAFE HAVENS

The Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458) and the National Defense Authorization Act of 2010 (Pub. L. 111-84) require the Administration to report on efforts to deny terrorists safe havens. A June 2011 Government Accountability Office (GAO) report titled, “Combating Terrorism: U.S. Government Should Improve Its Reporting on Terrorist Safe Havens,” [GAO-11-561] 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, the GAO stated 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 Government has not developed a list of all efforts to deny safe haven to terrorists. DOS has identified only a few efforts that it funds, but does not include other Federal Government funding efforts, including funding by the Department of Defense (DoD). The Department of Homeland Security currently receives its funding for programs and activities that deny safe havens from both the Departments of State and Defense.

Following the release of the GAO report, the Subcommittee held a hearing to examine the threat of safe havens to the United States and what the Department of Homeland Security—working in conjunction with other Federal Government agencies—is doing to combat this threat. On June 3, 2011, the Subcommittee held the 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 and Combating Terrorism, Office of Special Operations/Low-Intensity Conflict and 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. The purpose of the hearing was to determine the Department of Homeland Security’s presence in surrounding safe haven countries and the United States’ efforts to contain terrorists in those safe havens.

## 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, the Subcommittee Chair

and Ranking Member sent a letter to the Government Accountability Office requesting a review of the contracting mechanisms at the Department. The GAO has initiated an investigation and intends to issue a report on its findings later in 2012.

Additionally, on March, 21, 2012, the Subcommittee Chair sent a letter to the Comptroller General asking to be a co-requester of a report that the Government Accountability Office is preparing on the Department of Homeland Security's acquisition policy at the request of the Senate Committee on Homeland Security and Governmental Affairs. The GAO has initiated an investigation and intends to issue a report on the findings later in 2012.

#### 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 the Department in 28th place out of 32 agencies in 2010. This is 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, the Subcommittee Chair and Ranking Member sent a letter to the Government Accountability Office requesting an investigation into the causes of this, 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. The GAO has initiated an investigation and intends to issue a report on the findings later in 2012.

In a continued effort to examine the problem of low morale within the Department, on March 22, 2012, the Subcommittee held a hearing entitled "Building One DHS: Why is Employee Morale Low?" The Subcommittee received testimony from Admiral Thad Allen (Ret.), Senior Vice President, Booz Allen Hamilton; Ms. Catherine Emerson, Chief Human Capital Officer, Department of Homeland Security; Mr. David Maurer, Director, Homeland Security and Justice Team, Government Accountability Office; Mr. Max Stier, President and CEO, The Partnership for Public Service; and Dr. Jeff T. H. Pon, Chief Human Resources Officer, Society for Human Resource Management.

Following the hearing, the Subcommittee chair sent a letter to the Secretary of Homeland Security on May 17, 2012, encouraging the Department to work with stakeholders, leadership, and DHS employees to adopt a robust plan to improve morale within the agency.

## FINANCIAL MANAGEMENT AT FEMA

In light of a March 31, 2011 criminal complaint filed against a Federal Emergency Management Agency (FEMA) employee for embezzlement, on May 4, 2011, the Chairs of the Subcommittee on Oversight, Investigations, and Management and the Subcommittee on Emergency Preparedness, Response, and Communications Subcommittee, sent a letter to the Administrator of FEMA requesting information regarding the processes that exist 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. At this time, no response has been received by the Committee.

## 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 many Department components together under one roof and house roughly 14,000 employees on the campus. Over \$1 billion has been appropriated for its construction to-date.

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

On March 29, 2012, officials from DHS and the General Services Administration briefed Committee staff on construction at the St. Elizabeths facility and discussed upcoming budget requests. The Subcommittee will continue to closely monitor this major project.

## DHS EFFORTS TO PROTECT AMERICAN JOBS AND SECURE THE HOMELAND

Two Department of Homeland Security components, U.S. Immigration and Customs Enforcement and the U.S. Customs and Border Protection (CBP), have broad responsibilities to enforce laws and regulations that have a significant impact on the American economy. It is imperative these components work hand-in-hand with the private sector to effectively enforce the law and protect the Nation's intellectual property. Given these challenges, the Subcommittee examined the effectiveness of the Department's efforts.

On July 7, 2011, the Subcommittee held a hearing entitled "Homeland Security Investigations: Examining DHS's Efforts to Protect American Jobs and Secure the Homeland." The Subcommittee received testimony from Mr. Brian Toohey, President, Semiconductor Industry Association; Mr. Michael Russo, Director of Global Security and Product Protection, Eli Lilly and Company; Mr. Mario Mancuso, Partner, Fried, Frank, Harris, Shriver & Jacobson, LLP; and Ms. Jena Baker-McNeill, Private Citizen.

The Subcommittee Chair, along with Mr. Duncan of South Carolina and Mr. Marino, sent a letter to the Secretary of Homeland Security and the Secretary of the Treasury on July 13, 2011, requesting an explanation of a CBP policy that appears to deter collaborative efforts and information sharing between CBP and the pri-



vate sector as it relates to counterfeit computer chips entering the United States. The Commissioner of the U.S. Customs and Border Protection responded on July 28, 2011. The response did address most of the concerns of the Subcommittee and on September 22, 2011, the Chair and Ranking Member of the Subcommittee sent a follow-up letter requesting further clarification. At this time, no response has been received by the Committee.

#### HOMELAND SECURITY CONTRACTING

The Department of Homeland Security continues to face challenges managing and overseeing its acquisition programs, as well as effectively leveraging existing and emerging technologies to accomplish its mission. Additionally, instances have arisen where the Department spends millions of dollars developing new technologies only to discover adequate off-the-shelf technologies exist that can accomplish the same objectives. Therefore, the Subcommittee examined the Department's process for seeking out technologies across components, the Federal Government, and the private sector in order to reduce costs.

On July 15, 2011, the Subcommittee held a hearing entitled "Homeland Security Contracting: Does the Department Effectively Leverage Emerging Technologies?" The Subcommittee received testimony from Mr. Charles K. Edwards, Acting Inspector General, Department of Homeland Security; Mr. David Maurer, Director, Homeland Security and Justice Team, Government Accountability Office; Mr. Rafael Borrás, Under Secretary for Management and Chief Acquisition Officer, Department of Homeland Security; Dr. Tara O'Toole, Under Secretary, Science and Technology Directorate, Department of Homeland Security; Mr. Jim Williams, Vice Chair, Homeland Security Committee, TechAmerica; Mr. Marc Pearl, President and CEO, Homeland Security and Defense Business Council; and Mr. Scott Amey, General Counsel, Project On Government Oversight.

#### ASSESSING SECURITY AT THE PORT OF HOUSTON

In testimony before the Subcommittee, a Government Accountability Office witness testified: "[Al-Qaeda] and other groups with malevolent intent continue to target energy tankers and offshore energy infrastructure because of their importance to the Nation's economy and National Security." It is because of this on-going threat and the Port of Houston's importance to the Nation's energy, economy, and National security, the Subcommittee examined security measures implemented at the Port, possible improvements, and best practices that could potentially be implemented at other ports.

On August 24, 2011, the Subcommittee held a field hearing in Houston, Texas, entitled "Preventing an Economic Shock Wave: Securing the Port of Houston from a Terrorist Attack." The Subcommittee received testimony from Mr. Stephen Caldwell, Director of Maritime and Coast Guard Issues, Homeland Security and Justice Team, Government Accountability Office; Capt. James H. Whitehead, Sector Commander, Sector Houston-Galveston, United States Coast Guard, Department of Homeland Security; Sheriff

Adrian Garcia, Harris County Sheriff's Office, Texas; Mr. James T. Edmonds, Chairman, The Port of Houston Authority; and Capt. William Diehl (Ret.), President, Greater Houston Port Bureau.

The Subcommittee Chair sent a letter to the Commandant of the U.S. Coast Guard, on August 24, 2011, urging the U.S. Coast Guard to examine the unique public-private partnership established at the Port of Houston and its possible applicability at other ports in the United States. No response has been received at this time.

TEN YEARS AFTER 9/11: ASSESSING AIRPORT SECURITY AT BOSTON  
LOGAN

Over the last decade, the Department of Homeland Security (DHS) worked to develop systems to secure aviation transportation to prevent terrorist attacks such as the tragic events of September 11, 2001. The two main areas of focus were perimeter security and the new behavior screening system known as Screening Passengers by Observation Techniques (SPOT). The Subcommittee examined how the perimeter and behavior detection systems developed over the last 10 years, and observed the perimeter and system at Boston Logan International Airport, one of the launch sites for the attacks of September 11.

On September 16, 2011, the Subcommittee held a field hearing in Boston, Massachusetts entitled "Ten Years After 9/11: Assessing Airport Security and Preventing a Future Terrorist Attack." The Subcommittee received testimony from Mr. Stephen M. Lord, Director, Homeland Security and Justice Issues, Government Accountability Office; Mr. Chris McLaughlin, Assistant Administrator, Office of Security Operations, Transportation Security Administration, Department of Homeland Security; Admiral (Ret.) George Naccara, Federal Security Director, Transportation Security Administration, Department of Homeland Security; Mr. Edward C. Freni, Director of Aviation, Massachusetts Port Authority; and Major Michael Concannon, Massachusetts State Police Troop F Headquarters.

The Subcommittee Chair sent a letter to the Secretary of Homeland Security on December 5, 2011, urging the Department to consider implementation of the SPOT behavioral screening system Nation-wide and to continue close examination of perimeter security at all aviation sites throughout the United States.

On May 16, 2012, the Subcommittee Chair sent a letter to the Administrator of the Transportation Security Administration expressing concerns over the inefficient deployment of certain screening equipment and the need for the agency to work with foreign partners to deploy advanced screening technologies and procedures abroad.

NARCO-TERRORISM'S THREAT ALONG THE SOUTHERN U.S. BORDER

In 2011, the Southwest Border of the United States, specifically the State of Texas, reported they had experienced more than 22 murders, 24 assaults, 15 shootings, and 5 kidnappings stemming from cartel activity during a one year period. The cartels are exploiting holes in U.S. border security to infiltrate America's cities

as bases for narco-trafficking and terrorist activities. Retired U.S. Army Generals Scales and McCaffrey produced a report entitled “A Call to Action: Narco-Terrorism’s Threat to the Southern U.S. Border,” which outlined these threats and sparked the Subcommittee to further investigate their findings as related to the potential gaps in homeland security.

On October 14, 2011, the Subcommittee held a hearing entitled “A Call to Action: Narco-Terrorism’s Threat to the Southern U.S. Border.” The Subcommittee received testimony from General Barry R. McCaffrey (Ret.), President, BR McCaffrey Associates, LLC; Major General Robert H. Scales (Ret.), President, COLGEN, LP; Mr. Todd Staples, Commissioner, Texas Department of Agriculture; and Dr. Michael Vickers, Las Palmas Veterinary Hospital; and Ms. Sylvia Aguilar, Chief Deputy, El Paso County Sheriff’s Office Head Quarters. The purpose of the hearing was to determine the Nation’s effort to counter the growing violence along the Southern Border.

As a result of the hearing, the Chair of the Subcommittee sent a letter to the Secretary of Homeland Security on December 5, 2011, requesting the Department review the McCaffrey-Scales report and, furthermore, develop a comprehensive strategy with State authorities to make border security more effective.

#### BUREAUCRACY, FEMA, AND THE TEXAS WILDFIRES

The Summer of 2011 brought the State of Texas record-high temperatures and the worst drought in 100 years. This set the conditions for fires to spark and spread to engulf more than 1,400 homes and thousands of acres. The Federal Emergency Management Agency’s (FEMA) response was delayed and the Federal Government failed to pre-position assisting aircraft despite all of the warning signs and potential damage to the region. In an effort to determine lessons learned from the disaster, the Subcommittee examined the Federal response to the wildfires, and the processes by which local and State government had to initiate in order to receive necessary support from the Federal Government.

On October 17, 2011, the Subcommittee held a field hearing in Austin, Texas entitled “Texas Wildfire Review: Did Bureaucracy Prevent a Timely Response?” The Subcommittee received testimony from Mr. W. Nim Kidd, Assistant Director, Emergency Management, Texas Department of Public Safety; Major General John F. Nichols, Adjutant General, Texas Military Forces Texas; Mr. Kevin Starbuck, CEM, Emergency Management Coordinator, Amarillo/Potter/Randall Office of Emergency Management; Mr. Tony Russell, Region VI Regional Administrator, Federal Emergency Management Agency, Department of Homeland Security; and Mr. Tom Harbour, Director, Fire and Aviation Management, Forest Service, U.S. Department of Agriculture.

#### TERRORIST TRAVEL

On October 11, 2011 United States officials revealed that two men were charged in New York State for allegedly plotting to assassinate the Saudi Arabian Ambassador in Washington, DC, on behalf of the Government of Iran. One man was a citizen of the

United States, the other a member of Iran's Qods Force—a special operations unit within the Iranian Islamic Revolutionary Guard Corps. Allegedly the men collaborated with a Drug Enforcement Administration informant who was identified as a member of the Los Zetas drug cartel. The implications of foreign governments utilizing cartels to gain access to the United States in an attempt to assassinate political officials are a threat to National security and a breach of international law. The Subcommittee investigated the matter in order to fully assess the likelihood and capabilities of foreign terrorist organizations to breach the country's border and terrorize the homeland.

On October 26, 2011, the Subcommittee on Counterterrorism and Intelligence and the Subcommittee on Oversight, Investigations, and Management held a joint hearing entitled "Iranian Terror Operations on American Soil." The Subcommittees received testimony from General Jack Keane (Ret.), United States Army; Mr. Reuel Marc Gerecht, Senior Fellow, Foundation for Defense of Democracies; Dr. Matt Levitt, Director, Stein Program on Counterterrorism and Intelligence, The Washington Institute for Near East Policy; Dr. Lawrence Korb, Senior Fellow, Center For American Progress Action Fund; and Colonel Timothy J. Geraghty (Ret.), United States Marine Corps. The purpose of the hearing was to examine the plot by Iran to assassinate the Saudi Arabian ambassador to the United States.

As a result of the hearing, the Chairs of the Full Committee and the Subcommittee on Oversight, Investigations, and Management and the Subcommittee on Counterterrorism and Intelligence sent a letter on November 22, 2011, to the President urging the administration to enforce sanctions on Iran's Central Bank, designate the Iranian Revolutionary Guard Corps as a foreign terrorist organization, and conduct all efforts appropriate to ensure protection of the homeland.

#### FORFEITED ASSETS MANAGEMENT

According to the Department of the Treasury, the Department of Homeland Security received \$345.72 million in Treasury Forfeiture Funds in FY2010. The Department of the Treasury states that the U.S. Customs and Border Protection received \$65.343 million, the U.S. Immigration and Customs Enforcement received \$154.14 million, the Secret Service received \$121.724 million, the United States Coast Guard received \$4.18 million, and the Federal Law Enforcement Training Center received \$0.345 million in FY2010.

Given the magnitude of the aforementioned funds, the Subcommittee Chair sent a letter to the Secretary of Homeland Security on December 9, 2011, requesting the Department clarify how the money was used by the Department and its components. The Committee has not received a response at this time.

#### OVERSIGHT OF MANAGEMENT EFFICIENCY

The Department of Homeland Security established an Efficiency Review Board for the purposes of measuring cost-savings, effectiveness, and efficiencies within Departmental components. The Secretary of Homeland Security, Janet Napolitano, stated the effi-

ciency review, “is designed to make sure we get the highest and best use out of precious taxpayer dollars.” Government Accountability Office reports indicate that oversight of the progress of efficiency review boards is critical to make sure the review is being properly conducted.

To assess the progress of the board, the Subcommittee Chair sent a letter on December 9, 2011, to the Secretary of Homeland Security requesting information about the board’s composition, methodologies of assessment, and findings thus far. The Committee has not received a response at this time.

The Department of Homeland Security (DHS) continues to face challenges integrating and consolidating its basic management functions. Inadequate business information integration has caused mismanagement, redundancies and duplication, and inefficient use of resources that has increased costs within the Department. DHS still lacks effective program management, clear roles and processes for program governance, sharing of best practices, and access to timely, reliable and analyzed data on more than \$18 billion in acquisitions and investments. As a result, management integration remains on the Government Accountability’s Office (GAO) High Risk List (High-Risk Series: An Update, [GAO–11–278]).

In response to these management difficulties, on March 1, 2012, the Subcommittee held a hearing entitled “Building One DHS: Why Can’t Management Information be Integrated?” The Subcommittee received testimony from Hon. Rafael Borrás, Under Secretary for Management, Department of Homeland Security; Mr. David Maurer, Director, Homeland Security and Justice Team, Government Accountability Office; and Mr. Charles K. Edwards, Acting Inspector General, Department of Homeland Security.

In light of the April 2, 2012, “Management Deficiency Report,” published by the Office of Inspector General at the U.S. General Services Administration (GSA), the public became aware of egregious waste and abuse of resources within Federal agencies. The report highlighted excessive and improper spending on conference planning, food, and mementos within the GSA. On April 27, 2012, the Subcommittee Chair sent a letter to the Under Secretary for Management of the Department of Homeland Security requesting information regarding National and international conferences attended by DHS personnel and how resources are spent. No response has been received from the Department.

#### DUPLICATIVE TASKING REQUIREMENTS

Given the constrained fiscal environment, the Department of Homeland Security is under increased pressure to find cost savings and optimize funding. However, Government Accountability Office (GAO) reports [GAO–11–318SP, GAO–12–342SP, and GAO–12–453SP] indicate the agency has a number of duplicative tasking requirements. These duplicative taskings spike costs and drain vital revenues. In many instances the Department is repeating efforts of State and local governments, other agencies, and in some cases within its own agency.

Given these concerns, the Subcommittee Chair sent a letter to the Comptroller General of the United States on December 9, 2011,

requesting that GAO investigate and report on the specific instances of duplicative taskings within Departmental components.

In February 2012, the GAO reported on duplication and cost savings opportunities across the Federal Government in a report entitled “2012 Annual Report: Opportunities to Reduce Potential Duplication, Overlap, and Fragmentation, Achieve Savings, and Enhance Revenue” [GAO-12-342SP]. The GAO identified two new duplicative homeland security areas including homeland security grants and Federal facility risk assessments in its February 2012 report on duplication. GAO’s report also identified four opportunities to save costs including border security, passenger aviation security fees, immigration inspection fees, and domestic disaster assistance.

To continue its examination of duplication and opportunities for cost savings within the Department, on March 8, 2012, the Subcommittee held a hearing entitled “Eliminating Waste, Fraud, Abuse, and Duplication in the Department of Homeland Security.” The Subcommittee received testimony from Hon. James Gilmore III, Former Governor of Virginia and Chairman of the Congressional Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction; Ms. Cathleen Berrick, Managing Director, Homeland Security and Justice Issues, Government Accountability Office; Mr. Charles K. Edwards, Acting Inspector General, Department of Homeland Security; and Mr. Scott Lilly, Senior Fellow, Center for American Progress.

Immediately following the March 8 hearing, the Subcommittee Chair sent a letter to the Secretary of Homeland Security to inform the Secretary of the hearing findings.

#### HOMELAND SECURITY STRATEGY

In the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53), Congress mandated that the Department of Homeland Security (DHS) carry out a Quadrennial Homeland Security Review (QHSR), as a way to develop and update strategies for homeland security and align the strategy to the Department’s programs and activities. DHS defines the primary purpose of the QHSR as a strategic framework to guide the activities of participants in homeland security toward a common end. In an effort to examine the current strategy documents produced by the Department and their effective implementation, on February 3, 2012, the Subcommittee held a hearing entitled “Is DHS Effectively Implementing a Strategy to Counter Emerging Threats?” The Subcommittee received testimony from Hon. Paul Schneider, Principal, The Chertoff Group; Ms. Sharon L. Caudle, PhD, The Bush School of Government and Public Service, Texas A&M University; Mr. Shawn Reese, Analyst, Emergency Management and Homeland Security Policy, Congressional Research Service; Mr. David Maurer, Director, Homeland Security and Justice Team, Government Accountability Office; and Mr. Alan Cohn, Deputy Assistant Secretary, Office of Policy, Department of Homeland Security.

Following the hearing, the Subcommittee Chair sent a letter to the Secretary of Homeland Security encouraging the Department to conduct an in-depth risk assessment prior to developing a strategy and to work more closely with stakeholders.

## ETHICAL STANDARDS

Public service is a public trust. Each Federal employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. However, over the past two years several reports of employees of the Department of Homeland Security acting unethically and in some cases criminally have eroded the faith entrusted to them by the American people. In response, on May 17, 2012, the Subcommittee held a hearing entitled "Department of Homeland Security: An Examination of Ethical Standards." The Subcommittee received testimony from Mr. Charles K. Edwards, Acting Inspector General, Department of Homeland Security; Mr. Thomas S. Winkowski, Acting Deputy Commissioner, Customs and Border Protection, Department of Homeland Security; Mr. James G. Duncan, Assistant Administrator, Office of Professional Responsibility, Transportation Security Administration, Department of Homeland Security; and Mr. Timothy Moynihan, Assistant Director, Office of Professional Responsibility, Immigration and Customs Enforcement, Department of Homeland Security.

Furthermore, on April 24, 2012, the Subcommittee Chair asked to become a co-requester of a report that the Government Accountability Office is preparing on personnel misconduct in the Transportation Security Administration at the request of the Chairman of the House Transportation and Infrastructure Committee. Additionally the Subcommittee Chair sent a letter providing the findings from the hearing to the Secretary.

## CYBER THREATS

Americans are currently under attack by nation states and computer hackers seeking to target our Nation's critical infrastructure, steal our intellectual property, and compromise sensitive information such as personal credit cards, bank accounts, and social security numbers. The Director of the Federal Bureau of Investigation, Robert S. Mueller III stated the dangers from cyber attacks will equal or surpass the dangers of terrorism "in the foreseeable future, and will pose the number one threat to our country." In response to this rapidly growing threat, on April 24, 2012, the Subcommittee held a hearing entitled "America is Under Cyber Attack: Why Urgent Action is Needed." The Subcommittee received testimony from Mr. Shawn Henry, Former Executive Assistant Director, Criminal, Cyber, Response, and Services Branch, Federal Bureau of Investigation, Department of Justice; Mr. James Lewis, Director and Senior Fellow, Technology and Public Policy Program, Center for Strategic and International Studies; Mr. Gregory C. Wilshusen, Director, Information Security Issues, Government Accountability Office; Mr. Stuart McClure, Chief Technology Officer, McAfee; and Dr. Stephen E. Flynn, Founding Co-Director, George J. Kostas Research Institute for Homeland Security, Northeastern University.

## AVIATION SECURITY WITH FOREIGN COUNTRIES

On May 31, 2012, the Subcommittee on Oversight, Investigations, and Management, and the Subcommittee on Transportation Security held a joint Member briefing on the Transportation Security Administration's (TSA) coordination on aviation security with foreign countries. Representatives from TSA were present to respond to Member questions.

## 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. 112-28)
- "Homeland Security Investigations: Examining DHS's Efforts to Protect American Jobs and Secure the Homeland."* July 7, 2011 (Serial No. 112-34)
- "Homeland Security Contracting: Does the Department Effectively Leverage Emerging Technologies?"* July 15, 2011 (Serial No. 112-39)
- "Preventing an Economic Shock Wave: Securing the Port of Houston from a Terrorist Attack."* August 24, 2011 (Houston, Texas) (Serial No. 112-41)
- "Ten Years After 9/11: Assessing Airport Security and Preventing a Future Terrorist Attack."* September 16, 2011. (Boston, Massachusetts) (Serial No. 112-45)
- "Mérida Part Two: Insurgency and Terrorism in Mexico."* October 4, 2011. Joint with the Committee on Foreign Affairs' Subcommittee on the Western Hemisphere. (Serial No. 112-48)
- "A Call to Action: Narco-Terrorism's Threat to the Southern U.S. Border."* October 14, 2011. (Serial No. 112-51)
- "Texas Wildfire Review: Did Bureaucracy Prevent a Timely Response?"* October 17, 2011. (Austin, Texas) (Serial No. 112-52)
- "Iranian Terror Operations on American Soil."* October 26, 2011. Joint hearing with the Subcommittee on Counterterrorism and Intelligence (Serial No. 112-54)
- "Is DHS Effectively Implementing a Strategy to Counter Emerging Threats?"* February 3, 2012. (Serial No. 112-66)
- "Building One DHS: Why Can't Management Information be Integrated?"* March 1, 2012. (Serial No. 112-74)
- "Eliminating Waste, Fraud, Abuse, and Duplication in the Department of Homeland Security."* March 8, 2012. (Serial No. 112-77)
- "Building One DHS: Why is Employee Morale Low?"* March 22, 2012. (Serial No. 112-81)
- "America is Under Cyber Attack: Why Urgent Action is Needed."* April 24, 2012. (Serial No. 112-87)



*“Department of Homeland Security: An Examination of Ethical Standards.”* May 17, 2012. (Serial No. 112-95)



## SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

GUS M. BILIRAKIS, Florida, *Chairman*

SCOTT RIGELL, Virginia  
TOM MARINO, Pennsylvania,  
*Vice Chair*  
BLAKE FARENTHOLD, Texas  
ROBERT L. TURNER, New York  
PETER T. KING, New York  
*(Ex Officio)*

LAURA RICHARDSON, California  
HANSEN CLARKE, Michigan  
KATHLEEN C. HOCHUL, New York  
BENNIE G. THOMPSON, Mississippi  
*(Ex Officio)*

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From January 2011 through the end of May 2012, the Subcommittee on Emergency Preparedness, Response, and Communications held 17 hearings, receiving testimony from 75 witnesses, and considered three measures.

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### LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

#### HOMELAND SECURITY GRANT MANAGEMENT IMPROVEMENT ACT

##### H.R. 1129

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

#### *Summary*

H.R. 1129 prohibits the Administrator of the Federal Emergency Management Agency (FEMA) from requiring recipients of funds under the State Homeland Security Grant Program (SHSGP) or the Urban Area Security Initiative (UASI) to use a specific percentage of those funds for a particular allowable use, unless otherwise directed by statute.

The bill further requires the Administrator of FEMA to study the use of SHSGP and UASI funds for managing and administering the grants to determine whether the current statutory percentage is sufficient to ensure proper oversight, management, and administration of grant awards. H.R. 1129 also directs the Administrator to study the feasibility, advantages, and disadvantages of issuing multi-year grant guidance for SHSGP and UASI. The Administrator is required to report to the Committee on Homeland Security and Senate Homeland Security and Governmental Affairs Com-

mittee on the findings of both studies within 180 days of enactment of the bill.

*Legislative History*

H.R. 1129 was introduced in the House on March 16, 2011, by Ms. Richardson, Ms. Bass of California, and Ms. Hirono, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 1129 was referred to the Subcommittee on Emergency Preparedness, Response and Communications.

The Subcommittee considered H.R. 1129 on December 8, 2011, and reported the measure to the Full Committee with a favorable recommendation, amended, by voice vote.

METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM ACT OF 2011

H.R. 1411

To amend the Homeland Security Act of 2002 to ensure continuation of the Metropolitan Medical Response System Program, and for other purposes.

*Summary*

H.R. 1411 authorizes the Metropolitan Medical Response System Program (MMRS) and directs the Secretary of Homeland Security to provide grants through the Administrator of the Federal Emergency Management Agency to State and local governments to strengthen medical surge capacity and mass prophylaxis capabilities, enhance detection capabilities, develop mass triage plans, support information sharing and collaboration, conduct training and exercises, and strengthen decontamination capabilities. Jurisdictions that received funding in fiscal year 2010 are eligible for continued funding. After fiscal year 2012, a jurisdiction shall not be eligible unless the Secretary determines that the jurisdiction maintains a sufficient measured degree of capability in accordance with outlined performance measures. The provision also requires a review of the program to provide recommendations going forward. For each fiscal year, 2012 through 2016, \$41 million is authorized.

*Legislative History*

H.R. 1411 was introduced in the House on April 7, 2011, by Mr. Bilirakis, and referred to the Committee on Energy and Commerce and the Committee on Homeland Security. Within the Committee, H.R. 1411 was referred to the Subcommittee on Emergency Preparedness, Response, and Communications.

The Subcommittee considered H.R. 1129 on December 8, 2011, and reported the measure to the Full Committee with a favorable recommendation, amended, by voice vote.

WMD PREVENTION AND PREPAREDNESS ACT OF 2011

H.R. 2356

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

*Summary*

H.R. 2356 enhances homeland security by improving efforts to prevent, protect against, respond to, and recover from an attack with a weapon of mass destruction (WMD), and for other purposes. The bill addresses the range of actions necessary to counter the WMD threat as identified through the Committee on Homeland Security's oversight work and the recommendations of the Commission on the Prevention of WMD Proliferation and Terrorism in its report, "World At Risk." The approach is to include all aspects of the preparedness framework—prevention, protection, response, and recovery—for chemical, biological, radiological, and nuclear attacks and incidents.

*Legislative*

## 111th Congress

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

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

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

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

H.R. 5498. On that same date, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Foreign Affairs acknowledging the jurisdictional interests of the Committee on Foreign Affairs.

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

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

The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on November 18, 2010, for a period ending not later than December 3, 2010. The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on December 3, 2010, for a period ending not later than December 17, 2010. The referral of H.R. 5498 to the Committee on Energy and Commerce was extended on December 17, 2010, for a period ending not later than December 21, 2010.

112th CongressHistory

H.R. 2356 was introduced in the House on June 24, 2011, by Mr. Pascrell, Mr. King of New York, Mr. Thompson of Mississippi, and eight original cosponsors, and referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the House Permanent Select Committee on Intelligence. Within the Committee, H.R. 2356 was referred to the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies and the Subcommittee on Emergency Preparedness, Response, and Communications.

The Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies and the Subcommittee on Emergency Preparedness, Response, and Communications were discharged from further consideration of H.R. 2356 on May 9, 2012.

The Full Committee considered H.R. 2356 on May 9, 2012, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION  
ACT OF 2011

H.R. 3563

To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes.

*Summary*

H.R. 3563 requires the Secretary of Homeland Security to modernize and implement the National integrated public alert and warning system through the establishment of common alert and warning protocols, standards, terminology, and an operating system. Among other things, H.R. 3563 requires the Secretary to develop alerting capabilities for diverse modes of communications, the ability to adapt to future technologies, mechanisms to protect indi-

vidual privacy, and the ability to alert non-resident visitors to an affected area. The bill further requires that the system be developed to ensure alerts and warnings are provided to individuals with disabilities and access and functional needs.

Within one year of the system becoming fully functional, and every six months thereafter, the Secretary is required to report to the Committee on Homeland Security and the Senate Homeland Security and Governmental Affairs Committee on the functionality and performance of the system.

H.R. 3563 authorizes \$13.4 million for the system for each of fiscal years 2013 through 2017. This amount is equal to the Federal Emergency Management Agency's budget request for fiscal year 2013, and approximately \$5 million less than the appropriated amount for fiscal year 2011.

#### *Legislative History*

H.R. 3563 was introduced in the House on December 6, 2011, by Mr. Bilirakis and Ms. Richardson, and referred to the Committee on Homeland Security, and the Committee on Transportation and Infrastructure. Within the Committee, H.R. 3563 was referred to the Subcommittee on Emergency Preparedness, Response, and Communications.

The Subcommittee considered H.R. 3563 on December 8, 2011, and reported the measure to the Full Committee with a favorable recommendation, amended, by voice vote.

The Full Committee considered H.R. 3563 on March 28, 2012, and ordered the measure to be favorably reported to the House, amended, by voice vote.

#### PUBLIC TRANSIT SECURITY AND LOCAL LAW ENFORCEMENT SUPPORT ACT

#### H.R. 3857

To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to require the Secretary of Homeland Security to include as an eligible use the sustainment of specialized operational teams used by local law enforcement under the Transit Security Grant Program, and for other purposes.

#### *Summary*

To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to require the Secretary of Homeland Security to include as an eligible use the sustainment of specialized operational teams used by local law enforcement under the Transit Security Grant Program, and for other purposes. The bill also authorizes \$400 million for TSGP grants for each of fiscal years 2012 and 2013, except that no more than 50 percent of those funds in each of the fiscal years may be used for operational costs.

#### *Legislative History*

H.R. 3857 was introduced in the House on January 31, 2012, by Mr. Turner of New York, Mr. King of New York, Mr. Rogers of Alabama, and Mr. Grimm, and referred to the Committee on Homeland Security. Within the Committee, H.R. 3857 was referred to the Subcommittee on Emergency Preparedness, Response, and

Communications and the Subcommittee on Transportation Security.

The Subcommittee on Emergency Preparedness, Response and Communications and the Subcommittee on Transportation Security were discharged from further consideration of H.R. 3857 on May 9, 2012.

The Full Committee considered H.R. 3857 on May 9, 2012, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

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#### 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, hurricanes, 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, work to prepare for and respond to terrorist attacks, natural disasters, and other emergencies.

On February 4, 2011, Committee staff conducted a site visit of the Mount Weather Emergency Operations Center in Virginia to receive a tour and briefing on the Federal Government's emergency operation center.

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 and March 22, 2011, Committee staff met with representatives from FEMA and the U.S. Marine Corps to receive a briefing on the Prepositioned Equipment Program.

On March 16, 2011, the Subcommittee Chair met with the Director of FEMA's Office of Disability Integration and Coordination to discuss efforts to integrate individuals with disabilities and access functional needs into emergency preparedness and response efforts.

Committee staff met with representatives from the Homeland Security Policy Institute on April 5, 2011, 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, 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.

Committee staff attended FEMA's quarterly response and recovery briefing at FEMA Headquarters on May 6, 2011, 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.

The Subcommittee held a field hearing in Clearwater, Florida, on June 10, 2011, 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. This hearing provided the Members with an opportunity to hear from State, local and non-Governmental officials on their successes and challenges as they work to prepare for and respond to natural disasters and terrorist attacks.

Committee staff attended a briefing with representatives from Joplin, Missouri, on June 14, 2011, to learn about the impact of the tornados and receive an update on recovery efforts.

Committee staff visited the National Operations Center (NOC) on July 18, 2011 to receive a briefing on the NOC's operations, intelligence, and response missions.

On July 21, 2011, the Subcommittee hosted a Member briefing for the Members of the Committee on FEMA's recovery assistance available after a disaster. Representatives from FEMA responded to Member questions.

Committee staff conducted a site visit to the University of Maryland College Park Campus, on July 29, 2011, to receive briefings from representatives of the Center for Networking of Infrastructure Sensors and the National Consortium on Terrorism and Responses to Terrorism.

On September 3, 2011, Committee staff visited the Tampa Bay Chapter of the American Red Cross.

On September 13, 2011, the Subcommittee Chair addressed the FEMA Office of Disability Integration and Coordination's "Getting Real" Conference regarding the importance of integrating individuals with disabilities and access and functional needs in preparedness and response efforts.

The Subcommittee hosted a National Preparedness Month briefing on September 19, 2011. Representatives from FEMA and the Ready Program attended to provide information and respond to staff questions.

On September 23, 2011, Committee staff attended a briefing on the National Disaster Recovery Framework provided by FEMA, the Department of Commerce, the Department of Housing and Urban Development, and the Department of the Interior.

Committee staff conducted a site visit to Virginia Urban Search and Rescue (USAR) Team 1 in Fairfax, Virginia, on September 27, 2011. Staff received a briefing from representatives of FEMA and Fairfax County Fire and Rescue on the capabilities of USAR teams. Representatives demonstrated the various equipment and capabilities of USAR Team 1.

Committee staff visited the Nassau County (New York) Office of Emergency Management's Emergency Operations Center for a briefing and tour on October 20, 2011.

On October 25, 2011, the Subcommittee held a hearing entitled "Five Years Later: An Assessment of the Post Katrina Emergency Management Reform Act." The Subcommittee received testimony from Hon. W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security. This hearing provided Subcommittee Members with an opportunity to assess FEMA's progress since the passage of the Post Katrina Emergency Management Reform Act and consider areas in which FEMA's capabilities could be further enhanced.

The Subcommittee held a field hearing in Detroit, Michigan, on October 28, 2011, entitled "The State of Northern Border Preparedness: A Review of Federal, State, and Local Coordination." The Subcommittee received testimony from Mr. Andrew Velasquez, Regional Administrator—Region V, Federal Emergency Management Agency, Department of Homeland Security; RADM Michael Parks, Ninth District Commander, U.S. Coast Guard, Department of Homeland Security; Mr. John Beutlich, Director of the Northern Region, Office of Air and Marine, U.S. Customs and Border Protection, Department of Homeland Security; Captain Thomas Sands, Deputy State Director, Emergency Management and Homeland Security, State of Michigan; Commissioner Donald Austin, Detroit Fire Department; Mr. R. Daryl Lundy, Director, Homeland Security and Emergency Management, City of Detroit; and Mr. James P. Buford P.E.M., Director, Department of Homeland Security and Emergency Management, Wayne County, Michigan. This hearing considered the various preparedness and response coordination efforts in areas along our Nation's northern border.

On November 17, 2011, Committee staff received a briefing from representatives of the Federal Emergency Management Agency on FEMA's disaster housing missions.

Committee staff attended a briefing conducted by the Washington Metropolitan Council of Governments on its report, "Improving Regional Incident Response", on November 28, 2011. Staff were briefed by representatives from Montgomery County, Maryland; Fairfax County, Virginia; and Washington, DC.

The Subcommittee held a field hearing in La Plume, Pennsylvania, on November 29, 2011, entitled "Ensuring Effective Preparedness and Response: Lessons Learned from Hurricane Irene and Tropical Storm Lee." The Subcommittee received testimony from Ms. MaryAnn Tierney, Administrator, Region III, Federal Emergency Management Agency, Department of Homeland Security; Colonel David Anderson, Commander, Baltimore District, United States Army Corps of Engineers; Mr. Glenn Cannon, Director, Pennsylvania Emergency Management Agency; Ms. Marita Wenner, Volunteer Chair, Pennsylvania State Disaster Committee,

American Red Cross; Mr. James Brozena, Executive Director, Luzerne County Flood Protection Authority; Mr. James Good, Owner, Arey Building Supply. This hearing assessed the impact of Hurricane Irene and Tropical Storm Lee, particularly on hard hit areas in Northeastern Pennsylvania, and considered the lessons learned from those storms to ensure the continued enhancement of preparedness, response, and recovery capabilities.

In furtherance of the Subcommittee's oversight of FEMA's progress in implementing the Post Katrina Emergency Management Reform Act of 2006, Committee staff attended the International Disaster Conference in New Orleans, Louisiana during the week of January 16, 2012. Staff attended seminars regarding public and private sector partnerships during disaster response, and best practices for the development of mitigation, response, and recovery plans.

On January 18, 2012, the Subcommittee Chair met with the 2011 winners of FEMA's Individual and Community Preparedness Awards.

Committee staff received a briefing on hazard mitigation from representatives of FEMA on January 25, 2012.

On January 26, 2012, Committee staff participated in the inaugural FEMA Think Tank conference call led by FEMA Deputy Administrator Richard Serino.

On March 16, 2012, Committee staff met with FEMA Region II Regional Administrator Lynn Canton to discuss operations within FEMA Region II.

Committee staff attended the 2012 Interagency Spring Flood Briefing on March 16, 2012; and on March 23, 2012, received a briefing from representatives of FEMA on the National Flood Insurance Program.

Committee staff met with FEMA Federal Insurance and Mitigation Associate Administrator Davis Miller on April 20, 2012 to discuss efforts to reauthorize the National Flood Insurance Program.

#### PRESIDENTIAL POLICY DIRECTIVE-8

On May 5, 2011, the Subcommittee Members received a 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.

Committee staff met with representatives of the Federal Emergency Management Agency (FEMA) on August 1, 2011, to receive a briefing on the implementation of PPD-8.

On November 3, 2011, Committee staff attended FEMA's Office of Response and Recovery's quarterly briefing and received an update on Presidential Policy Directive-8.

Committee staff met with representatives of FEMA's Federal Insurance and Mitigation Administration, on December 20, 2011, to

discuss mitigation activities and programs and the development of the mitigation framework pursuant to PPD-8.

Committee staff attended FEMA's quarterly response and recovery briefing at FEMA headquarters on January 13, 2012, at which an update on PPD-8 implementation was provided.

On March 15, 2012, Committee staff attended the FEMA Region II National Disaster Recovery Framework Forum in New York City, New York.

Committee staff received a briefing from representatives of FEMA on the release of the National Preparedness Report, pursuant to PPD-8 and section 652(a) of the Post Katrina Emergency Management Reform Act, on May 3, 2012.

#### BUDGET REQUESTS FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY

##### FY 2012 BUDGET REQUEST

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 larger 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. This hearing provided Subcommittee Members with an opportunity to question Administrator Fugate about President Obama's fiscal year 2012 budget request for the Federal Emergency Management Agency (FEMA) and ongoing operations at FEMA.

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.

##### FY 2013 BUDGET REQUEST

The President's fiscal year 2013 budget request includes \$10.17 billion for the Federal Emergency Management Agency, a \$217 million reduction from the fiscal year 2012 enacted level of funding. Much of this reduction is attributed to streamlined business processes within the Salaries and Expenses account.

On February 29, 2012, the Subcommittee held a hearing entitled "The President's Fiscal Year 2013 Budget Request for the Federal Emergency Management Agency." The Subcommittee received testimony from Hon. Richard Serino, Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security. This hearing continued the Subcommittee's oversight of the Federal Emergency Management Agency and provided Members

with an opportunity to examine the President's fiscal year 2013 budget request and explore ways to continue to enhance emergency preparedness and response capabilities through the efficient and effective use of taxpayer dollars.

In preparation for the hearing, Committee staff met with representatives from FEMA on February 14, 2012 to receive a briefing on the President's fiscal year 2013 budget request for FEMA.

#### 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.

From March 15 through 16, 2011, Committee staff traveled to New York City, New York, 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 and 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 Chairs and Ranking Members of the Subcommittee on Emergency Preparedness, Response, and Communications, and the Subcommittee Cybersecurity, Infrastructure Protection, and Security Technologies sent a letter to the Secretary of Homeland Security expressing concern about the Department'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.

The Chair and Ranking Member of the Subcommittee introduced H.R. 1411, the “Metropolitan Medical Response System Program Act,” on April 7, 2011. H.R. 1411 authorizes the activities of the Metropolitan Medical Response System, including medical surge capacity and countermeasures distribution. For further action on H.R. 1411, see the legislative section listed above.

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

Committee staff received a briefing from representatives from the Department of Health and Human Services on its Federal Experts Security Advisory Panel report on reforming laboratory biosecurity, on June 17, 2011.

On June 23, 2011, the Subcommittee Chair met with the Assistant Secretary of the Office of Health Affairs, to discuss health security matters.

Committee staff received a briefing from representatives of the Centers for Disease Control and Prevention, on September 28, 2011, on its 2011 State-by-State public health preparedness report and other matters.

On October 24, 2011, Committee staff received a briefing from representatives of the Department of Health and Human Services on its work to develop and refine protocols for use of the smallpox vaccine.

On January 12, 2012, Committee staff met with representatives from the Trust for America’s Health (TFAH) to receive a briefing on TFAH’s report, *Ready or Not: Protecting the Public Health’s From Diseases, Disasters, and Bioterrorism 2011*.

The Subcommittee held a hearing on March 29, 2012, entitled “The Fiscal Year 2013 Budget Request for the Department Homeland Security’s Office of Health Affairs.” The Subcommittee received testimony from Dr. Alexander Garza, Assistant Secretary for Health Affairs, Chief Medical Officer, Department of Homeland Security. This hearing continued the Subcommittee’s oversight of OHA, and particularly the BioWatch Program and National Biosurveillance Integration Center, providing Subcommittee Members with an opportunity to more closely examine these, and other, OHA programs to ensure resources are leveraged to best enhance security. In preparation of the hearing, on February 16, 2012, Committee staff received a briefing from the Office of Health Affairs on the office’s fiscal year 2013 budget request.

#### BIOSURVEILLANCE

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 Biosurveillance and Integration Center.

Committee staff participated in a panel discussion at the Institute of Medicine on “Discussions on Future Directions for National Biosurveillance,” on May 9, 2011. Additionally, Committee staff attended Biowatch Gen-3 visitor day in Chicago, Illinois to learn about and observe field testing of the Generation 3 technology.

On August 3, 2011, Committee staff received a briefing from representatives of the Office of Health Affairs and the Office of the Chief Procurement Officer on plans for re-competing the support contract for the BioWatch Program.

From August 29 through September 4, 2011, Committee staff attended the 2011 National BioWatch Workshop in Tampa, Florida. The Subcommittee Chair addressed a portion of the workshop.

Committee staff received a classified briefing from representatives of the Office of Health Affairs on the development of the BioWatch Gen-3 program on October 6, 2011.

On November 17, 2011, the Chairs of the Subcommittee on Emergency Preparedness, Response, and Communications and the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technology sent a letter to the Comptroller General of the United States requesting an examination of the development of the Office of Health Affairs' BioWatch Generation-3 system.

Committee staff met with the Institute of Medicine of the National Academies of Science on February 1, 2012, to discuss the findings of its report, "Information Sharing and Collaboration: Applications in Integrated Biosurveillance."

On April 9, 2012, Committee staff received a briefing from the new Director of the National Biosurveillance and Integration Center (NBIC) on on-going activities and the expected new strategic plan for the NBIC.

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

Throughout the 112th Congress, Committee staff met with various Federal agencies and stakeholder groups representing the first responder and emergency management communities 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, 2011, the Subcommittee Chair 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.

Committee staff met with representatives from FEMA's Private Sector Division on July 25, 2011, to receive an update on current activities.

On August 3, 2011, the Subcommittee Chair and Ranking Member addressed FEMA's National conference, "Building Resilience Through Public Private Partnerships," held in Washington, DC.

On October 26, 2011, the Subcommittee Chair addressed the Congressional Fire Services Institute's National Advisory Committee.

## 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 along with State and local partners. National Level Exercise 2011 (NLE 2011), a functional exercise held from May 16 through 19, 2011, simulated a catastrophic earthquake in the New Madrid Seismic Zone.

On April 1, 2011, the Subcommittee held a Member briefing on preparations for the NLE 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.

On August 18, 2011 Committee staff traveled to Ft. McNair to receive a briefing on the capabilities and jurisdiction of the National Capitol Area Command. Subsequent to the briefing, staff traveled to the Center for National Response in West Virginia to observe and participate in a joint weapons of mass destruction rescue and recovery exercise with the 911th Battalion and the Fairfax and Arlington County, Virginia Fire Departments.

From September 28 through 29, 2011, Committee staff participated in a tabletop exercise on recovery and mitigation. Hosted by FEMA, this exercise was a follow on to NLE 2011 and focused on the necessary recovery and mitigation efforts subsequent to a catastrophic earthquake.

Committee staff observed the 2011 Capital Shield Exercise, a National Capital Area multi-hazard exercise, on October 19, 2011. Exercise participants included representatives from FEMA, the Department of Homeland Security, the Department of Defense, and District of Columbia Emergency Management.

Representatives of FEMA's National Exercise Division briefed Committee staff on February 2, 2012 on changes to the National Exercise Program and lessons learned from NLE 2011.

Committee staff observed the NLE 2012 Capstone event on June 4, 2012. Staff traveled to the DHS Office of Cybersecurity and Communications in Arlington, Virginia to receive a briefing from NLE 2012 exercise leaders, tour the National Cybersecurity and Communications Integration Center, view DHS' Cybersecurity Op-



erations Demonstration, and participate in a video conference call with the exercise's Master Control Center.

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 the Nation's 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.

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.

Committee staff met with representatives from the Nuclear Energy Institute on March 29, 2011, 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 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.

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 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.

On June 23, 2011, the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies and the Subcommittee on Emergency Preparedness, Response, and Communications held a joint hearing, prior to introduction, on H.R. 2356, the "WMD Prevention and Preparedness Act of 2011." The Subcommittees received testimony from Hon. William J. Pascrell, Jr. a Representative in Congress from the 8th District of New Jersey; Senator Jim Talent, Vice Chairman, The Bipartisan WMD Center; Dr. Robert P. Kadlec, Former Special Assistant to the President for Biodefense; and Mr. Richard H. Berdnik, Sheriff, Passaic County, New Jersey. This legislative hearing examined provisions in H.R. 2356, to prevent, protect against, respond to, and recover from a WMD attack. For further activity on H.R. 2356, see the Legislative Activities of the Full Committee discussed above.

Committee staff met with representatives of the Office of Health Affairs on August 3, 2011, to discuss agricultural security. Subsequent to that meeting, on August 10, 2011, the Subcommittee

Chair sent a letter to the Comptroller General, Government Accountability Office (GAO), requesting an examination of the Nation's agricultural defense initiatives with regard to surveillance and response. The GAO is expected to release a report on this in early 2013.

On September 8, 2011, Committee staff met with representatives of the Environmental Protection Agency's Aspect Program to receive a briefing on radiation detection capabilities and program operations.

Committee staff participated in a panel discussion at the Institute of Medicine's Preparedness Forum in Washington, DC, on October 19, 2011, regarding H.R. 2356, the "WMD Prevention and Preparedness Act of 2011."

On March 20, 2012, Committee staff visited John F. Kennedy International Airport to observe the agricultural inspection operations of the U.S. Customs and Border Protection. These operations are critical for preventing the importation of illegal commodities that can introduce agents harmful to human health and animal and agricultural health, particularly biological threats.

On April 17, 2012, the Subcommittee held a third day of hearings on "Taking Measure of Countermeasures." The hearing was subtitled "Protecting the Protectors," and the Subcommittee received testimony from Dr. James D. Polk, Principal Deputy Assistant Secretary, Office of Health Affairs, Department of Homeland Security; Mr. Edward J. Gabriel, Principal Deputy Assistant Secretary, Preparedness and Response, Department of Health and Human Services; Chief Al H. Gillespie, President and Chairman of the Board, International Association of Fire Chiefs; Mr. Bruce Lockwood, Second Vice President, USA Council, International Association of Emergency Managers; Sheriff Chris Nocco, Pasco County Sheriff's Office, Pasco County, Florida; and Mr. Manuel Peralta, Director of Safety and Health, National Association of Letter Carriers. This hearing, the third in the series on medical countermeasures, provided Subcommittee Members with the opportunity to explore plans and strategies to ensure that emergency response personnel are protected in the event of such an attack, including through voluntary pre-event vaccination.

In preparation for the hearing, on March 27, 2012, Committee staff received a briefing from the Biomedical Advanced Research and Development Authority (BARDA) of the Department of Health and Human Services (HHS) on BARDA's activities and priorities for fiscal year 2012 development and procurement of medical countermeasures. Staff also received a briefing that day from HHS' Office of the Assistant Secretary for Preparedness and Response, jointly with the United States Postal Service, on a National plan to utilize mail carriers to dispense home medical kits to the public in a health emergency. On April 10, 2012, Committee staff were briefed by representatives of BARDA on plans to develop an antibiotic medkit for first responders.

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) officials 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 (OIG) to learn about the OIG's audit of grant programs to ensure efficiency and that funding is used in compliance with relevant statutory requirements.

Committee staff met with representatives from the OIG on January 24, 2011, 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. Committee staff received a further update of this work on May 3, 2011.

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

Committee staff met with representatives of the Government Accountability Office on March 1, 2011, 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 DHS Office of Intelligence and Analysis on the use of grants to support State and local fusion centers.

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 on May 18, 2011, to receive a briefing on the Department's guidance for the fiscal year 2011 grant programs.

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

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

Committee staff met with representatives from the City of Tampa Bay, Florida on June 8, 2011, to discuss the Urban Area Security Initiative (UASI).

On July 15, 2011, Committee staff received a classified briefing from representatives of FEMA, the Office of Intelligence and Analysis, and the Office of Infrastructure Protection on the changes to the risk formula used to determine Homeland Security Grant Program awards.

From June 19 through 22, 2011, Committee staff attended the National UASI and Homeland Security Conference in San Francisco, California to participate in workshops on the uses and effectiveness of the major homeland security grant programs.

Committee staff met with representatives from FEMA and the United States Coast Guard on August 1, 2011, to receive a briefing on the Port Security Grant Program.

On August 22, 2011, Committee staff met with representatives from FEMA, Customs and Border Protection, the Coast Guard, and the Transportation Security Administration to receive a briefing on the fiscal year 2011 Homeland Security Grant Program awards.

Committee staff visited FEMA's Grant Programs Directorate on November 30, 2011, to receive a demonstration and briefing on the Non-Disaster Grants System and investment justification application and review process.

On January 6, 2012, the Subcommittee Chair sent a letter to the Administrator of the Federal Emergency Management Agency regarding reports that funding under the Homeland Security Grant Program was used by the State of Michigan to purchase sno-cone machines.

In furtherance of the Subcommittee's work to ensure that grant expenditures are appropriately measured and monitored, on January 9, 2012 and January 30, 2012, Committee staff met with representatives of the National Emergency Management Agency (NEMA) to discuss NEMA's Proposal for a Comprehensive Preparedness Grants Structure.

Committee staff met with representatives of the National Fusion Center Association's Executive Board on January 25, 2012 regarding Federal financial support of State and urban area fusion centers. Subsequently, on February 1, 2012, Committee staff received an update from representatives of the Federal Emergency Management Agency and Office of Intelligence and Analysis on the use of grants to support State and urban area fusion centers.

Committee staff met with representatives of FEMA's Grant Programs Directorate on January 26, 2012 regarding guidance development and program changes to the fiscal year 2012 homeland security grant programs.

On January 30, 2012, Committee staff met with representatives of the Department's Office of Inspector General regarding management audits of the State Homeland Security Grant Program and Urban Area Security Initiative.

On February 2, 2012, Committee staff met with representatives of FEMA's National Preparedness Division to receive an update on FEMA's efforts to develop performance measures and metrics for grant programs.

Committee staff met with representatives of the Government Accountability Office on February 6, 2012, regarding a review of homeland security grant programs requested by the Chair of the Full Committee, the Subcommittee Chair, and other Members of the Committee.

In furtherance of the Subcommittee's oversight of FEMA's efforts to recoup improperly provided Individual Assistance subsequent to disasters, Committee staff participated in a conference call with representatives of FEMA regarding the implementation of the Disaster Assistance Recoupment Fairness Act of 2011 on February 8, 2012.

Committee staff were briefed by representatives of FEMA, the U.S. Coast Guard, the Transportation Security Administration, and the Office of Intelligence and Analysis on February 16, 2012, regarding the fiscal year 2012 grant guidance for various homeland security grant programs.

On February 29, 2012, the Subcommittee Chair met with the Assistant Administrator for Grant Programs Directorate, Federal Emergency Management Agency.

In preparation for the series of hearings on grants, over the course of February, March, and April 2012, Committee staff met with representatives of numerous stakeholder organizations including the International Association of Fire Fighters, National League of Cities, National Association of Counties, National Emergency Management Association, International Association of Emergency Managers, U.S. Council of Mayors, National Fusion Center Association, National Governors Association, National Volunteer Fire Council, American Association of Port Authorities, and Washington Metropolitan Area Transit Authority.

On March 20, 2012, the Subcommittee held a hearing entitled "Ensuring the Transparency, Efficiency, and Effectiveness of Homeland Security Grants." The Subcommittee received testimony from Ms. Elizabeth Harman, Assistant Administrator, Grant Programs Directorate, Federal Emergency Management Agency, Department of Homeland Security; Mr. Corey Gruber, Assistant Administrator, National Preparedness Directorate, Federal Emergency Management Agency, Department of Homeland Security; Ms. Anne L. Richards, Assistant Inspector General for Audits, Office of Inspector General, Department of Homeland Security; Mr. William O. Jenkins, Jr., Director, Homeland Security and Justice Issues, U.S. Government Accountability Office; and Hon. Michael A. Nutter, Mayor, Philadelphia, Pennsylvania. This hearing examined FEMA's management and administration of homeland security grant programs and gave Subcommittee Members an opportunity to receive greater detail on the Administration's fiscal year 2013 budget proposal to consolidate a number of grant programs into the National Preparedness Grant Program.

On April 16, 2012, Committee staff participated in FEMA's National Preparedness Grant Program Forum.

Committee staff met with representatives of FEMA's National Preparedness Directorate on April 24, 2012 to receive a briefing on the implementation of the Threat and Hazard Identification and Risk Assessment (THIRA) guidance.

On April 26, 2012, the Subcommittee continued its hearings “Ensuring the Efficiency, Effectiveness, and Transparency of Homeland Security Grants (Part II): Stakeholder Perspectives.” The Subcommittee received testimony from Mr. James H. Davis, Executive Director, Colorado Department of Public Safety, *testifying on behalf of the National Governors Association*; Mr. Bryan Koon, Director, Florida Division of Emergency Management, *testifying on behalf of the National Emergency Management Association*; Ms. Hui-Shan Walker, Emergency Management Coordinator, City of Hampton, Virginia, *testifying on behalf of the International Association of Emergency Managers*; Mr. Judson Freed, Director of Emergency Management and Homeland Security, Ramsey County, Minnesota, *testifying on behalf of the National Association of Counties*; Mr. Richard Daddario, Deputy Commissioner, Counterterrorism Bureau, New York City Police Department; Mr. Robert M. Maloney, Director, Office of Emergency Management, Baltimore, Maryland; Chief Hank Clemmensen, Palatine Rural Fire Protection District, *testifying on behalf of the International Association of Fire Chiefs*; Mr. Richard A. Wainio, President and CEO, Tampa Port Authority, *testifying on behalf of the American Association of Port Authorities*; and Mr. Michael DePallo, Director and General Manager, The Port Authority Trans Hudson (PATH) Corporation, *testifying on behalf of the American Public Transportation Association*. This hearing continued the Subcommittee’s review of the Administration’s proposal to create a “National Preparedness Grant Program” and provided Members with valuable input from stakeholders who receive and rely on homeland security grant funding to enhance their security operations.

#### 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 chemical agent 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, Committee staff visited the Hillsborough County Sheriff Department’s Practical Training Center to view the training facility that is used by Federal, State, and local law enforcement.

Committee staff received a briefing from representatives of the Federal Emergency Management Agency and the National Counterterrorism Center on November 9, 2011, on the Joint Counterterrorism Awareness Workshop Series.

On January 31, 2012, Committee staff attended the Joint Counterterrorism Awareness workshop series held in Bethpage, New York.

## 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.

Committee staff met with representatives from the Department of Homeland Security on March 4, 2011, 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.

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

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.

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

On June 3, 2011, Committee staff met with representatives from the Department of Homeland Security's National Protection and Programs Directorate to discuss the possible future reorganization of the Directorate and assess the potential impact on the Office of Emergency Communications.

In furtherance of the Subcommittee's work to ensure the construction of a National public safety wireless broadband network, on June 16, 2011, Committee staff attended a forum at the Eisenhower Executive Office Building.

On October 7, 2011, Committee staff met with representatives from the Department of Homeland Security's Office of Interoperability and Compatibility to receive a demonstration of the Virtual USA project.

Committee staff met with representatives from the Department of Transportation on November 4, 2011, to receive a briefing on Emergency 911 issues.

On November 9, 2011, Committee staff met with representatives from the Office of Emergency Communications to discuss planning and technology updates.

On November 14, 2011, Committee staff met with representatives of the Federal Emergency Management Agency to receive a briefing on the activities of the Disaster Emergency Communications Division.

Committee staff participated in a conference call on November 15, 2011, to receive an update on the National Communications System.

On November 17, 2011, the Subcommittee held a hearing entitled "Ensuring Coordination and Cooperation: A Review of the



Emergency Communications Offices Within the Department of Homeland Security.” The Subcommittee received testimony from Mr. Chris Essid, Director, Office of Emergency Communications, Department of Homeland Security; Mr. John O’Connor, Manager, National Coordinating Center for Communications, National Protection and Programs Directorate, Department of Homeland Security; Mr. Damon Penn, Assistant Administrator, National Continuity Programs, Federal Emergency Management Agency, Department of Homeland Security; Mr. Eric Edwards, Director, Disaster Emergency Communications Division, Response Directorate, Federal Emergency Management Agency, Department of Homeland Security; and Ms. Linda K. Moore, Specialist in Telecommunications and Spectrum Policy, Congressional Research Service. This hearing provided Subcommittee Members with an opportunity to review the various offices within the Department of Homeland Security with emergency communications responsibilities and determine whether these offices effectively coordinate, whether there is any duplication of efforts or efficiencies that could be gained, and whether these offices provide consistent guidance and requirements to States and localities.

Committee staff met with representatives from the Department of Homeland Security’s Office of Emergency Communications on February 9, 2012, to receive an update on the Office’s programs and operations.

On February 14, 2012, Committee staff met with representatives from the Department of Homeland Security to discuss the fiscal year 2012 budget and its impact on communications offices in the Department.

Committee staff met with representatives from the Interagency Communications Interoperability System on April 18, 2012, to discuss spectrum and other communications topics.

#### 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 of 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).

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

On March 29, 2011, the Subcommittee Chair met with representatives of the Federal Emergency Management Agency to receive a briefing on IPAWS.

Committee staff met with stakeholders on March 31, 2011, 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.

On June 22, 2011, Committee staff received a briefing from representatives of the Federal Emergency Management Agency to receive an update on IPAWS.

The Subcommittee held a hearing on July 8, 2011, entitled “Communicating With the Public During Emergencies: An Update on Federal Alert and Warnings.” The Subcommittee received testimony from Mr. Damon Penn, Assistant Administrator, National Continuity Programs, Federal Emergency Management Agency, Department of Homeland Security; RADM James A. Barnett, Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission; Mr. Christopher Guttman-McCabe, Vice President, Regulatory Affairs, CTIA—The Wireless Association; Ms. Suzanne D. Goucher, President and CEO, Maine Association of Broadcasters, *testifying on behalf of the National Alliance of State Broadcasting Associations*; and Mr. Allen W. Kniphfer, Emergency Coordinator, Jefferson County, Alabama. This hearing provided Subcommittee Members with an opportunity to hear from representatives from FEMA, the FCC, and their private sector partners about efforts to provide timely alerts and warnings to the public.

On November 3, 2011, Committee staff attended a briefing conducted by representatives of the Federal Emergency Management Agency and Federal Communications Commission on the planned November 9, 2011 National test of the Emergency Alert System.

Committee staff visited FEMA’s National Response Coordination Center on November 9, 2011, to observe the National test of the Emergency Alert System and receive a briefing from FEMA leadership.

As a result of the Subcommittee’s oversight of the IPAWS program, on December 6, 2011, the Subcommittee Chair and Ranking Member introduced the Integrated Public Alert and Warning System Modernization Act (H.R. 3563). (For further action on H.R. 3563 see the legislation section above).

On March 23, 2012, Committee staff met with representatives from the Federal Emergency Management Agency and the Federal Communications Commission to discuss the results of the National test of the Emergency Alert System, which took place in November 2011.

The Subcommittee held a Member briefing on April 24, 2012, at which representatives of the private sector provided Members a perspective on their involvement in the Integrated Public Alert and Warning System, including feedback on the National test of the Emergency Alert System and an update on efforts to deploy the Commercial Mobile Alert System (CMAS).

The Chair of the Subcommittee sent a letter to the Honorable Craig Fugate, Administrator of the Federal Emergency Management Agency, on May 22, 2012 regarding the authorization of IPAWS message originators and the execution of memoranda of understanding.

MANAGEMENT AND OPERATIONS OF THE FEDERAL EMERGENCY  
MANAGEMENT AGENCY

On April 15, 2011, the Chair and Ranking Member of the Subcommittee, the Ranking Member of the Full Committee, and Senators Lieberman, Collins, and Akaka sent a letter to the Comptroller General requesting that the Government Accountability Office (GAO) conduct a review of the Federal Emergency Management Agency's (FEMA) workforce planning and management efforts. GAO issued the results of its review on April 26, 2012 *Workforce Planning and Training Could Be Enhanced by Incorporating Strategic Management Principles* [GAO-12-487].

The Chair of the Subcommittee sent a letter to the Administrator of the Federal Emergency Management Agency on July 26, 2011 regarding the protection of privacy of FEMA disaster assistance applicants and inventory control. A response was received on May 24, 2011.

The Chairs of the Subcommittee on Emergency Preparedness, Response, and Communications, and the Subcommittee on Oversight, Investigations, and Management sent a letter to FEMA Administrator on May 4, 2011, 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. A response was received in September 14, 2011.

On July 28, 2011, the Chair of the Subcommittee met with the Director of International Affairs, Federal Emergency Management Agency, to receive a briefing on FEMA's international mission. Prior to this briefing, on July 6, 2011, Committee staff also met with the Director.

Committee Staff met with representatives from the FEMA on December 19, 2011, to receive a briefing on the FEMA Qualifications System.

On January 27, 2012, Committee Staff met with FEMA's Chief Component Human Capital Officer Sheila Clark to discuss the results of the Partnership for Public Service's "Best Places to Work in the Federal Government" survey and FEMA's efforts to improve employee morale.

## NATIONAL SPECIAL SECURITY EVENTS

The Subcommittee held a Member briefing on November 2, 2011, to examine National Special Security Events and security for the 2012 Republican and Democratic National Conventions. Representatives from the U.S. Secret Service and the Federal Emergency Management Agency responded to Member concerns.

## DEFENSE SUPPORT TO CIVIL AUTHORITIES

Committee staff received a briefing from representatives from the U.S. Northern Command (NORTHCOM) on May 5, 2011, on the Department of Defense's disaster response posture.

On March 29, 2012, Committee staff received a briefing by the Office of the Assistant Secretary of Defense for Homeland Defense

on the Department of Defense's role in response to a chemical, biological, radiological, or nuclear event. This included a discussion of National Guard and Federal support teams, how they would integrate with other personnel, and how they might protect themselves through the use of medical countermeasures.

On March 30, 2012, Committee staff participated in a video conference call with representatives from NORTHCOM to discuss defense support to civil authorities, including Department of Defense participation in National Level Exercise 2011.

#### FIRST RESPONDER TECHNOLOGIES

On January 24, 2012, Committee staff received a briefing from representatives of the DHS Science and Technology Directorate's First Responder Group on efforts to research, develop, and deploy technologies to aid first responders.

On May 7, 2012, Committee staff received a briefing from representatives of FEMA's National Integration Center and Grant Programs Directorate regarding FEMA's activities related to first responder technologies.

The Subcommittee on Emergency Preparedness, Response, and Communications and the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held a joint hearing on May 9, 2012, entitled, "First Responder Technologies: Ensuring a Prioritized Approach for Homeland Security Research and Development." The Subcommittees received testimony from Dr. Robert Griffin, Director of First Responder Programs, Science and Technology Directorate, Department of Homeland Security; Ms. Mary H. Saunders, Director, Standards Coordination Office, National Institute of Standards and Technology; Chief Edward Kilduff, Chief of Department, New York City Fire Department, New York City, New York; Ms. Annette Doying, Director, Office of Emergency Management, Pasco County, Florida; and Ms. Kiersten Todt Coon, President and CEO, Liberty Group Ventures. This hearing provided Members with an opportunity to assess efforts at the Federal level to work with the first responder community to research, develop, and deploy vital technologies that will enhance the ability of first responders to achieve their missions.

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#### 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)
- “H.R. 2356, the ‘WMD Prevention and Preparedness Act of 2011.’”* June 23, 2011. Joint hearing with the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies. (Serial No. 112–32)
- “Communicating With the Public During Emergencies: An Update on Federal Alert and Warning Efforts.”* July 8, 2011 (Serial No. 112–36)
- “Five Years Later: An Assessment of the Post Katrina Emergency Management Reform Act.”* October 25, 2011. (Serial No. 112–53)
- “The State of Northern Border Preparedness: A Review of Federal, State, and Local Coordination.”* October 28, 2011 (Detroit, Michigan). (Serial No. 112–55)
- “Ensuring Coordination and Cooperation: A Review of the Emergency Communications Offices Within the Department of Homeland Security.”* November 17, 2011. (Serial No. 112–58)
- “Ensuring Effective Preparedness and Response: Lessons Learned from Hurricane Irene and Tropical Storm Lee.”* November 29, 2011. (La Plume, Pennsylvania) (Serial No. 112–59)
- “The President’s Fiscal Year 2013 Budget Request for the Federal Emergency Management Agency.”* February 29, 2012. (Serial No. 112–73)
- “Ensuring the Transparency, Efficiency, and Effectiveness of Homeland Security Grants.”* March 20, 2012. (Serial No. 112–79)
- “The Fiscal Year 2013 Budget Request for the Department Homeland Security’s Office of Health Affairs.”* March 29, 2012. (Serial No. 112–83)
- “Taking Measure of Countermeasures (Part III): Protecting the Protectors.”* April 17, 2012. (Serial No. 112–84)
- “Ensuring the Efficiency, Effectiveness, and Transparency of Homeland Security Grants (Part II): Stakeholder Perspectives.”* April 26, 2012. (Serial No. 112–88)
- “First Responder Technologies: Ensuring a Prioritized Approach for Homeland Security Research and Development.”* May 9, 2012. Joint with the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies. (Serial No. 112–93)



## SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

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*(Ex Officio)*

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From January 2011 through the end of May 2012, the Subcommittee on Border and Maritime Security held 15 hearings, receiving testimony from 62 witnesses, and considered four measures.

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### LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

#### ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS ACT OF 2011

PUB. L. 112–54 S. 1487 (H.R. 2042 | H.R. 3312)

To require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

#### *Summary*

The Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 authorizes the Secretary of Homeland Security to issue, in coordination with the Secretary of State, Asia-Pacific Economic Cooperation business travel cards (ABT Cards) to approved individuals. S. 1487 requires the Secretary of Homeland Security to integrate the ABT Cards with other Department trusted traveler programs. Additionally, S. 1487 permits the Secretary of Homeland Security to consult with appropriate private sector entities and, if necessary, prescribe regulations to issue the ABT Cards. The bill also authorizes the Secretary to collect and adjust a user fee for establishing and operating the ABT Card program. The Secretary may terminate the program if it is in the interest of the United States.

*Legislative History*

S. 1487 was introduced in the Senate on August 2, 2011, by Ms. Cantwell, Mr. Akaka, Mr. Inouye, and Mr. Johnson of Wisconsin, and referred to the Committee on Homeland Security and Governmental Affairs.

On October 19, 2011, the Senate Committee on Homeland Security and Governmental Affairs considered S. 1487 and ordered the measure to be favorably reported to the Senate with an Amendment in the Nature of a Substitute.

The Senate Committee on Homeland Security and Governmental Affairs reported S. 1487 to the Senate on November 3, 2011 with no written report.

The Senate considered and passed S. 1487 on November 3, 2011, by unanimous consent.

On November 4, 2011, the House considered and passed S. 1487, under Suspension of the Rules, clearing the measure for the President.

The President signed S. 1487 into law on November 12, 2011, as Public Law 112-54.

H.R. 2042, the House companion measure, was introduced in the House on May 26, 2011, by Mr. Larsen of Washington, Mr. Herger, Mr. Crowley, Mr. Brady of Texas, and Mr. Daniel E. Lungren of California, and referred to the Committee on Homeland Security. Within the Committee, H.R. 2042 was referred to the Subcommittee on Border and Maritime Security.

On October 25, 2011, the House considered H.R. 2042 under Suspension of the Rules and passed the measure by voice vote.

H.R. 2042 was received in the Senate on October 31, 2011, and on November 3, 2011, was read twice, and placed on the Senate Legislative Calendar.

H.R. 3312 was introduced in the House on November 2, 2011, by Mr. Brady of Texas and Mr. Larsen of Washington, and referred to the Committee on Homeland Security. Within the Committee, H.R. 3312 was referred to the Subcommittee on Border and Maritime Security. H.R. 3312 consisted of the text of S. 1487, as ordered to be reported by the Senate Committee on Homeland Security and Governmental Affairs.

## 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, 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. The bill 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 borders of the United States.

### *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 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.

On September 21, 2011, the Committee considered H.R. 915, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

The Committee reported H.R. 915 to the House on November 4, 2011, as H. Rpt. 112–268.

The House considered H.R. 915 on May 30, 2012, under Suspension of the Rules, and passed the measure by a  $\frac{2}{3}$  roll call vote of 391 yeas and 2 nays (Roll No. 296).

## 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*

In testimony before Congress, a Government Accountability Office witness reported 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 operational control [GAO-11-374T and GAO-11-508T]. H.R. 1299 requires the Department of Homeland Security to develop a plan to gain operational control, as defined by the Secure Fence Act of 2006 (Pub. L. 109-367), of the Nation'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 a National Laboratory for suitability in measuring control of the border. The Secretary must also develop a comprehensive new measurement system which captures the effectiveness of security at the ports of entry. Finally, it requires the U.S. Customs and Border Protection 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. 1299 and favorably reported the measure to the Full Committee for consideration, amended, by voice vote.

On September 21, 2011, the Subcommittee was discharged from further consideration of H.R. 1299. The Committee then considered H.R. 1299, and ordered the measure to be reported to the House, with a favorable recommendation, amended, by voice vote.

The Committee reported H.R. 1299 to the House on November 10, 2011, as H. Rpt. 112-274.

The House considered H.R. 1299 on May 30, 2012, under Suspension of the Rules and passed the measure by voice vote.

The Chair of the Committee on Ways and Means sent a letter to the Chair of the Committee on Homeland Security agreeing to waive consideration of H.R. 1299, the letter further requested the appointment of Conferees should a House-Senate Conference be convened. On June 5, 2012, the Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on Ways and Means acknowledging the jurisdictional concerns of the Committee on Ways and Means, and agreeing to support the appointment of Conferees.

## NATIONAL SECURITY AND FEDERAL LANDS PROTECTION ACT

## H.R. 1505

To prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes.

*Summary*

H.R. 1505 prohibits the Secretaries of the Interior and Agriculture from taking action on public lands which impede the Border Patrol from conducting security activities under the direction of the Secretary of Homeland Security. In order to effectively secure the border, the Department of Homeland Security is provided immediate access to any public land managed by the Federal Government; including access to maintain and construct roads, construct a fence, use patrol vehicles, and set up monitoring equipment.

*Legislative History*

H.R. 1505 was introduced in the House on April 13, 2011, by Mr. Bishop of Utah and 54 cosponsors, and referred to the Committee on Natural Resources, and in addition the Committees on Agriculture and Homeland Security. Within the Committee, H.R. 1505 was referred to the Subcommittee on Border and Maritime Security.

On October 5, 2011, the Natural Resources Subcommittee on National Parks, Forests, and Public Lands discharged H.R. 1505. On October 5, 2011 the Committee on Natural Resources considered H.R. 1505, and ordered the measure to be reported to the House with a favorable recommendation, amended, by a recorded vote of 26 yeas and 17 nays.

The Chair of the Committee on Natural Resources sent a letter on December 14, 2011, to the Chair of the Committee on Homeland Security requesting that, in order to expedite consideration of H.R. 1505 by the Full House, the Committee would discharge H.R. 1505 from any further consideration. The Chair of the Committee responded on December 14, 2011 acknowledging the request of the Committee on Natural Resources by discharging H.R. 1505 from further consideration by the Committee. The response further requested an appointment of Conferees should a House-Senate Conference be called.

The Committee on Natural Resources reported H.R. 1505 to the House as H. Rpt. 112-448, Pt. I on April 17, 2012. The Committee on Agriculture and the Committee on Homeland Security were subsequently discharged from further consideration of H.R. 1505.

## SECURE VISAS ACT

## H.R. 1741

To authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, to provide for the immediate dissemination of visa revocation information, and for other purposes.

*Summary*

H.R. 1741, also known as the Secure Visas Act, provides the Secretary of Homeland Security authority to refuse or revoke any visa to an alien or class of aliens if deemed necessary or advisable to protect the security interests of the United States. The legislation mandates inspection of all visa applications and supporting documentation before the adjudication of the application at the 20 highest-risk visa issuing diplomatic and consular posts, as determined by the Secretary, and authorizes the Secretary to assign employees to those diplomatic consular posts.

*Legislative History*

H.R. 1741 was introduced in the House on May 5, 2011, by Mr. Smith of Texas and eight original cosponsors, and referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security. Within the Committee, H.R. 1741 was referred to the Subcommittee on Border and Maritime Security.

The Committee on the Judiciary considered H.R. 1741 on June 23, 2011, and ordered the measure to be reported to the House, amended, by a recorded vote of 17 yeas and 11 nays.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on the Judiciary on July 13, 2011, agreeing that, in order to expedite consideration on the House Floor, the Committee on Homeland Security would waive its right to consider H.R. 1741. The letter further requested the appointment of Conferees should a House-Senate Conference be called. On that same date, the Chair of the Committee on the Judiciary sent a letter to the Chair of the Committee on Homeland Security agreeing to the waiving of consideration in order to expedite consideration.

The Committee on the Judiciary reported H.R. 1741 to the House as H. Rpt. 112-441, Pt. I on March 8, 2012. Subsequently, the Committee on Homeland Security was discharged from further consideration of H.R. 1741.

TO PROVIDE 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*

Over 20.7 million acres along the U.S. Southern Border are Federal lands managed by the Department of the Interior and the Department of Agriculture. Federal land managers are using environmental regulations to impede the 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, 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.

Provisions of H.R. 1922 were included in Title VI of H.R. 3116 as reported to the House. See also action on H.R. 3116 discussed above.

TO DIRECT THE SECRETARY OF HOMELAND SECURITY TO REFORM THE PROCESS FOR THE ENROLLMENT, ACTIVATION, ISSUANCE, AND RENEWAL OF A TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC) TO REQUIRE, IN TOTAL, NOT MORE THAN ONE IN-PERSON VISIT TO A DESIGNATED ENROLLMENT CENTER

**H.R. 3173**

To direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center.

*Summary*

The Transportation Worker Identification Credential (TWIC) program was created to ensure all individuals who require admittance into secure areas of regulated maritime facilities and vessels are properly vetted and do not pose a threat to maritime and supply chain security. Current TWIC requirements compel applicants go to an enrollment center twice to complete the application and confirm the biometric information embedded into the card. The Committee believes that this is an onerous burden for workers in the maritime industry, such as merchant vessel operators and truck drivers, who rely on obtaining the credential for employment.

H.R. 3173 provides the Transportation Security Administration with the ability to streamline the process for TWIC application and require not more than one in-person visit.

*Legislative History*

H.R. 3173 was introduced in the House on October 12, 2011, by Mr. Scalise, Mr. Young of Alaska, Mr. King of New York, Mr. Thompson of Mississippi, Mr. Cummings, and Mr. Richmond, and referred to the Committee on Homeland Security. Within the Committee, H.R. 3173 was referred to the Subcommittee on Border and Maritime Security.

The Subcommittee on Border and Maritime Security was discharged from further consideration of H.R. 3173 on May 9, 2012.

The Full Committee considered H.R. 3173 on May 9, 2012, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

## GAUGING AMERICAN PORT SECURITY ACT

## H.R. 4005

To direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them.

*Summary*

H.R. 4005 requires the Secretary of Homeland Security to conduct a study on the remaining gaps in port security. Not later than one year after the enactment of the bill, a classified report must be submitted to the Congress. This report should clearly prioritize the port security gaps and provide a plan to address them.

*Legislative History*

H.R. 4005 was introduced in the House on February 9, 2012, by Ms. Hahn, and referred to the Committee on Homeland Security. Within the Committee, H.R. 4005 was referred to the Subcommittee on Border and Maritime Security.

The Subcommittee on Border and Maritime Security was discharged from further consideration of H.R. 4005 on May 9, 2012.

The Full Committee considered H.R. 4005 on May 9, 2012, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

The Committee reported H.R. 4005 to the House on May 30, 2012 as H. Rpt. 112-499.

## BORDER TUNNEL PREVENTION ACT OF 2012

## H.R. 4119 (S. 1236)

To reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

*Summary*

H.R. 4119 enhances the penalties of anyone who attempts or assists in the construction of a tunnel other passage that crosses the international border between the United States and another country with the intent of using the tunnel for smuggling. The legislation also encourages the Department of Homeland Security to continue outreach efforts to educate landowners and residents in areas along the border between the United Mexican States and the United States about cross-border tunnels and requests their assistance in combating tunnel construction.

The Secretary of Homeland Security is also required to submit an annual report to Congress indicating the number of tunnels located, and efforts to prevent these means of smuggling.

*Legislative History*

H.R. 4119 was introduced in the House on March 1, 2012, by Mr. Reyes, Mr. Dreier, Mr. Quayle, and Mr. Thompson of Mississippi, and referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means and the Committee on Homeland Security. Within the Committee, H.R. 4119 was referred to the Subcommittee on Border and Maritime Security.

The Committee on the Judiciary considered H.R. 4119 on March 6, 2012, and ordered the measure to be reported to the House, without amendment, by voice vote.

The Chair of the Committee on Homeland Security sent a letter to the Chair of the Committee on the Judiciary on March 15, 2012, agreeing that, in order to expedite consideration on the House Floor, the Committee would discharge itself from consideration of H.R. 4119. On that same date, the Chair of the Committee on the Judiciary sent a letter to the Chair of the Committee on Homeland Security acknowledging the decision to forego consideration of H.R. 4119.

The Committee on the Judiciary reported H.R. 4119 to the House on March 21, 2012, as H. Rpt. 112-418, Pt. I. Subsequently, the Committee on Ways and Means and the Committee on Homeland Security were discharged from further consideration.

The House considered H.R. 4119 under Suspension of the Rules on May 15, 2012, and on May 16, 2012 passed the bill by a two-thirds vote of 416 yeas and 4 nays (Recorded Vote No. 256).

The Senate considered and passed H.R. 4119 on May 17, 2012, by unanimous consent.

H.R. 4119 was presented to the President on May 29, 2012.

S. 1236, the Senate companion measure, was introduced in the Senate on June 20, 2011, by Mrs. Feinstein, Mr. Kyl, Ms. Landrieu, and Ms. McCaskill, and referred to the Senate Committee on the Judiciary.

The Senate Committee on the Judiciary considered S. 1236 on December 15, 2011, and ordered the measure to be reported to the Senate, without amendment. The Senate Committee on the Judiciary reported the measure on that same date, with no written report.

The Senate passed S. 1236, without amendment, by unanimous consent on January 30, 2012.

S. 1236 was received in the House and held at the Desk on January 31, 2012.

TO AUTHORIZE, ENHANCE, AND REFORM CERTAIN PORT SECURITY PROGRAMS THROUGH INCREASED EFFICIENCY AND RISK-BASED COORDINATION WITHIN THE DEPARTMENT OF HOMELAND SECURITY

#### H.R. 4251

To authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, and for other purposes.

#### *Summary*

The purpose H.R. 4251 is to expand and update the Security and Accountability For Every Port Act of 2006 (SAFE Port Act Pub.L. 109-347) by enhancing security measures overseas before threats reach U.S. shores, to foster a collaborative environment between Customs and Border Protection and the U.S. Coast Guard in sharing port security duties, and to leverage the maritime security work of trusted allies of the U.S. such as the United Kingdom, Canada, and New Zealand.

H.R. 4251 is based upon three fundamental themes: (1) Encouraging Department of Homeland Security (DHS) components with shared jurisdiction to cooperate in maritime operations and partner with State and local law enforcement agencies to enhance the Nation's maritime security; (2) securing the supply chain through the use of risk-based methodology; and (3) finding cost savings through increased collaboration with international, Federal, State, and local partners.

Key provisions in the bill include: (1) A Port Security Grant Program management provision that sets timelines for responses that DHS and the Federal Emergency Management Agency (FEMA) must provide in regards to Port Security Grant Applications; (2) authorizing the Coast Guard and Royal Canadian Mounted Police maritime Shiprider program, including funding of \$2 million per year, which is the current level of funding for the program; (3) port security training program with accreditation from the Federal Law Enforcement Training Center; and (4) requiring DHS to publish its spending regulations regarding Transportation Worker Identification Credential readers and including a firm deadline of December 31, 2014, for full deployment of readers.

#### *Legislative History*

H.R. 4251 was introduced in the House on March 22, 2012, by Mrs. Miller of Michigan, Mr. King of New York, Mr. Cuellar, Mr. McCaul, and Mr. Clarke of Michigan, and referred to the Committee on Homeland Security. Within the Committee, H.R. 4251 was referred to the Subcommittee on Border and Maritime Security.

The Subcommittee considered H.R.4251 on March 26, 2012, and favorably reported the measure to the Full Committee, amended, by voice vote.

The Committee considered H.R. 4251 on June 6, 2012, and ordered the measure to the favorably reported to the House, amended, by voice vote.

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### 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 measure to describe 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 U.S. Customs and Border Protection (CBP) has no current plans to gain additional miles under control for the rest of fiscal year 2012 or in fiscal year 2013.

In order for the Border Patrol to be effective, agents must have the right combination of personnel, infrastructure, and technology. Since the cancellation of *SBI<sup>net</sup>*, the question remains: "What is next?" The addition of increased Border Patrol agents and infrastructure improvements 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 how 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.

Subcommittee Members were briefed on January 19, 2011, by officials from CBP's Office of Technology Innovation and Acquisitions. The briefing examined 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 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.

Committee staff met with representatives from the Government Accountability Office (GAO) on February 4, 2011, to discuss two reports; the first titled "Enhanced DHS Oversight and Assessment of Interagency Coordination Is Needed for the Northern Border" [GAO-11-97] and the second, "Preliminary Observations on Border Control Measures for the Southwest Border" [GAO-11-374T].

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 hearing 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 CBP 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 and 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 focus of this hearing was to examine the Department of Homeland Security's efforts to secure the border using a combination of personnel, infrastructure, and technology.

Majority Members of the Subcommittee sent a letter to the President on April 1, 2011, requesting an extension of the current National Guard deployment along the Southwest Border, past the current 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 (GAO) on April 25, 2011, to discuss and examine *SBI<sub>net</sub>* and GAO's recommendations for the future of this program.

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

Committee staff met with the Deputy Chief of the U.S. Border Patrol on April 27, 2011 to discuss the effectiveness of the Operation Stonegarden grant program 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.

Committee staff met with representatives from DHS and the Department of Defense (DOD) on April 10, 2012, to discuss the upcoming hearing on the issue of the National Guard on the Southern Border. The meeting covered potential information that would be brought up in the hearing and helped to respond to various Committee staff questions on a variety of topics.

On April 17, 2012, the Subcommittee held a hearing entitled “Boots on the Ground or Eyes in the Sky: How Best to Utilize the National Guard to Achieve Operational Control.” The Subcommittee received testimony from Hon. Paul N. Stockton, Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs, Office of Undersecretary of Defense for Policy, Department of Defense; Mr. Ronald D. Vitiello, Deputy Chief of Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Martin Vaughan, Executive Director, Southwest Region, Office of Air and Marine, U.S. Customs and Border Protection, Department of Homeland Security; Maj. Gen. John Nichols, Adjutant General, Texas National Guard; and Mr. Brian J. Lepore, Director, Defense Capabilities and Management, Government Accountability Office. The purpose of this hearing was to focus on the National Guard and CBPs future strategy to achieve operational control of the border, whether additional ad hoc deployments may be necessary, and how best to utilize the National Guard to support the Border Patrol.

On May 8, 2012, the Subcommittee held a hearing entitled “Measuring Border Security: U.S. Border Patrol’s New Strategic Plan and the Path Forward.” The Subcommittee received testimony from Chief Michael J. Fisher, Border Patrol, Department of Homeland Security; Ms. Rebecca Gambler, Acting Director, Homeland Security and Justice, Government Accountability Office; and Mr. Marc Rosenblum, PhD, Specialist in Immigration Policy, Congressional Research Service. This hearing examined the U.S. Border Patrol’s new strategic plan and its implications for future border security efforts.

#### SECURITY AT THE PORTS OF ENTRY

Examining how the U.S. Customs and Border Protection Office of Field Operations uses the resources appropriated by Congress to stop the illicit flow of money, guns, and drugs across the Nation’s borders is crucial in determining control of the border. The Department of Justice reported in the National Drug Threat Assessment (February 2010) that nearly 90 percent of all drugs smuggled into the United States flow through official ports of entry. However, statistics provided by the U.S. Customs and Border Protection (CBP)—in their CBP Strategic Context Congressional Justification, fiscal year 2010—show that CBP personnel are apprehending fewer than half of all major violators, such as drug smugglers, at the border.

Committee staff received a briefing from representatives from Immigration and Custom Enforcement (ICE) on March 7, 2011, on the current situation with drug cartels within the United Mexican States. 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.

In evaluating the allocation of resources at the ports of entry in terms of manpower, canine units, and infrastructure, the Subcommittee looked to determine whether or not those resources were being properly deployed to stem the tide of illicit guns, money, and drugs that cross through 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 and Chief Security Officer, Canadian National Railway Company; and Hon. Richard F. Cortez, Mayor, City of McAllen, Texas.

Committee staff met with the Deputy Chief of the U.S. Border Patrol on April 27, 2011, to discuss the effectiveness of Operation Stonegarden and other programs Border Patrol uses to secure the border.

The Chairs of the Full Committee and the Subcommittee sent a letter to the President on April 1, 2011, requesting an extension of the National Guard troop along the Southern Border.

The Chair and Ranking Member of the Full Committee and the Chair and Ranking Member of the Subcommittee sent a letter on June 1, 2011, to the CBP Commissioner regarding personnel at the borders and ports of entry.

On July 8, 2011, the Subcommittee hosted a Member-only classified briefing. The briefing provided an assessment of current border security threats to the Nation. Members were briefed by representatives from the Department of Homeland Security, including the Office of Intelligence and Analysis and Customs and Border Protection.

Committee staff met with representatives from CBP on September 26, 2011, regarding the Border Condition Index. CBP was able to provide an overview of the Index and respond to staff concerns.

On April 20, 2012, representatives from CBP met with Committee staff on Section 543 of the President's fiscal year 2013 Budget Request, the Alternative Sources of Funding Provision.

On May 1, 2012 the Subcommittee held a field hearing in Laredo, Texas, entitled "Using Technology to Facilitate Trade and Enhance Security at Our Ports of Entry." The Subcommittee received testimony from Mr. Gene Garza, Director of Field Operations, Laredo Field Office, Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Steve C. McCraw, Director, Texas Department of Homeland Security; Mr. Jesse Hereford, Vice Chairman, Border Trade Alliance; Mr. Wilfredo Martinez, Chairman, Laredo Chamber of Commerce, La-

redo, Texas; and Mr. Jose D. Gonzalez, Jose David Gonzalez Customs Brokerage.

#### PORT AND MARITIME SECURITY

The U.S. Coast Guard (USCG) plays a vital role within the Department of Homeland Security (DHS). The USCG safeguards the Nation'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.

Committee staff conducted a site visit to the Maritime Security Response Team (MSRT) in Chesapeake, Virginia on January 13, 2011. 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.

The Chairs of the Full Committee and the Subcommittee sent a letter on March 2, 2011, to the Commandant of the U.S. Coast Guard regarding the proposed budget request for the Guard and its post-9/11 mission.

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, 2011, 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.

Committee staff met with representatives from the USCG on May 13, 2011, for a scoping meeting for the upcoming hearing with Admiral Papp. During this meeting, staff were able to discuss the hearing and request any information they needed.

On May 26, 2011, Committee 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 Border.

On May 31, 2011, Committee staff held a meeting with representatives from the Government Accountability Office regarding the upcoming U.S. Coast Guard hearing. The purpose of the meeting 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 Wa-

terways 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.”

Committee staff met with representatives from the Government Accountability Office (GAO) on January 4, 2012, to discuss the report entitled “Maritime Security: Coast Guard Needs to Improve Use and Management of Interagency Operations Centers.” [GAO-112-202].

On January 5, 2012, Committee staff received a briefing from DHS on their maritime biometrics program. The briefing covered section 807 of the 2010 Coast Guard Authorization Act (Pub. L. 111-281).

On February 1, 2012, Committee staff met with representatives from DHS components to discuss the upcoming hearing on Global Supply Chain Security. The meeting covered potential information that would be raised in the hearing and helped to address staff concerns.

The Subcommittee held a hearing on February 7, 2012, entitled “Balancing Maritime Security and Trade Facilitation: Protecting our Ports, Increasing Commerce and Securing the Supply Chain—Part I.” The Subcommittee received testimony from Hon. Jerrold Nadler, a Representative in Congress from the 8th District of New York; Mr. David Heyman, Assistant Secretary, Office of Policy, Department of Homeland Security; Mr. Kevin McAleenan, Acting Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security; Rear Admiral Paul Zukunft, Assistant Commandant for Marine Safety, Security and Stewardship, U.S. Coast Guard, Department of Homeland Security; and Mr. Stephen Caldwell, Director, Maritime and Coast Guard Issues, Homeland Security and Justice Team, Government Accountability Office.

On April 27, 2012, the Subcommittee considered H.R. 4251, the “Securing Maritime Activities Through Risk-based Targeting for Port Security Act.” See action on H.R. 4251, discussed above.

#### BORDER SECURITY THREATS

On July 8, 2011, the Subcommittee received a classified Member-only briefing on current border security threats to the Nation. Members were briefed by representatives from the Department of Homeland Security, including the Office of Intelligence and Analysis and Customs and Border Protection.

The Chairs of the Full Committee and the Subcommittee sent a letter to the Secretary of Homeland Security on November 21, 2011, expressing concern over the Department’s apparent failure to issue guidelines to Federal, State, and local law enforcement officials on how to identify noncompliance with Federal laws that apply to cross-border trucking between the United States and the

United Mexican States. The Department sent a response on January 20, 2012.

On December 14, 2011, the Subcommittee held a Member-only classified briefing on current border security threats to the Nation. Representatives from the Department of Homeland Security, including the Office of Intelligence and Analysis and Customs and Border Protection, were present to respond to Member questions.

On January 5, 2012, representatives from Customs and Border Protection (CBP) met with Committee staff to discuss the Government Accountability Office report entitled “Arizona Border Surveillance Technology: More Information on Plans and Costs is Needed before Proceeding” [GAO-12-22].

Committee staff received a briefing on January 26, 2012, by the U.S. Border Patrol on their Consequence Delivery System. The Consequence Delivery System is the Border Patrol’s new system to send illegal Mexican immigrants back to Mexico.

On February 8, 2012, Committee staff met with representatives from the Department of Homeland Security to discuss the U.S. Border Patrol’s new strategy to secure the Southwest Border.

The Subcommittee held a field hearing in Phoenix, Arizona, On May 21, 2012, entitled “Stopping the Flow of Illicit Drugs in Arizona by Leveraging State, Local, and Federal Information Sharing.” The Subcommittee received testimony from Mr. Matthew C. Allen, Special Agent in Charge, Homeland Security Investigations—Phoenix, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Mr. Douglas Coleman, Special Agent in Charge, Drug Enforcement Administration—Phoenix, Department of Justice; Brigadier General Jose Salinas, Director, Joint Staff, Arizona Dept. of Emergency and Military Affairs, Arizona National Guard; Lt. Col. Jeffery Stanhope, Assistant Director, Criminal Investigations, Arizona Department of Public Safety; Ms. Elizabeth Kempshall, Executive Director, Arizona Region, Southwest Border High Intensity Drug Trafficking Area; and Dr. Jay F. Nunamaker, Jr., Director, BORDERS, The University of Arizona.

#### MARITIME BORDERS

The U.S. Coast Guard (USCG) has been designated as the lead agency for maritime security. However, within the Department of Homeland Security other components share the responsibility of securing the Nation’s coastal waterways and maritime borders. Working together in areas of joint authority, the USCG and the U.S. Customs and Border Protection (CBP) deploy an array of air and marine assets in the Nation’s fight against the illegal flow of drugs and illegal immigration. In addition, the USCG and CBP routinely join forces with State and local law enforcement agencies to form a multi-agency cooperative effort designed to keep the Nation’s coastal waterways and maritime borders safe and secure.

Maritime security is crucial for the Nation’s economic well-being. Commerce is the lifeblood of our Nation’s economy; it moves in and out of our ports everyday, but it is both a benefit and a vulnerability that those who seek to do us harm could exploit. Cooperation, training, and collaboration must take place and must be prac-

ticed among the multiple agencies that have jurisdiction on our waterways well before an incident takes place.

On June 24, 2011, Committee staff met with representatives from the USCG regarding the National Security Cutters (NSC) Program. At the meeting staff discussed the acquisition status of the NSCs, current use of NSCs, and future location information for NSCs.

The Subcommittee held a briefing on July 5, 2011, with subject matter experts from the USCG and CBP Air and Marine.

The Subcommittee received a briefing from the USCG on July 5, 2011, on the voluntary standards for State and local law enforcement for port security operations.

Committee staff met with the Government Accountability Office on July 7, 2011, to discuss Interagency Operation Centers and their Maritime Domain Awareness reports.

The Subcommittee met with representatives from the CBP, the U.S. Immigration and Customs Enforcement (ICE), and the U.S. Coast Guard on July 11, 2011, regarding the Maritime Operations Coordination Plan. The staff discussed operational benefits and challenges presented by the plan with the affected agencies.

On July 12, 2011, the Subcommittee held a hearing entitled “Protecting the Maritime Borders—Leveraging Law Enforcement Cooperation to Enhance Security Along America’s Coasts.” The Subcommittee received testimony from Major General Michael C. Kostelnik (Ret.), Assistant Commissioner, Office of Customs and Border Protection Air and Marine, U.S. Customs and Border Protection, Department of Homeland Security; Rear Admiral Paul F. Zukunft, Assistant Commandant for Marine Safety, Security and Stewardship, United States Coast Guard, Department of Homeland Security; Sheriff Tim Donnellon, St. Clair County Sheriff’s Office, Michigan; and Sheriff Adrian Garcia, Harris County Sheriff’s Office, Texas.

Committee staff met with representatives from the Port of Los Angeles and the Federal Law Enforcement Training Center on August 3, 2011, to examine the Port Security Grant Program and maritime security training.

On August 3, 2011, Committee staff met with representatives from the USCG regarding security planning. The meeting specifically focused on standardizing security planning and training.

On August 11, 2011, Committee staff met with representatives from the USCG on the various classification societies. In the meeting the different societies were discussed, as well as what benefits and limitations shippers experience in the different societies.

On September 6, 2011, the Subcommittee staff met with representatives from ICE regarding the National Initiative for Illicit Trade Enforcement (NIITE). This was a new National program which is a partnership with public, private, and international organizations to prevent the exploitation of international trade, travel, and financial systems through the use of established relationships we have with the trade, law enforcement, and intelligence communities. NIITE operations have revolved primarily around the targeting of sea container cargo.



## VISA SECURITY

The 9/11 Commission Report included 41 specific recommendations to better prevent, prepare for, and respond to future terrorist attacks. These included recommendations on targeting terrorist travel, completing biometric entry-exit screening, and improving information sharing. The Commission concluded that visa and immigration inspection failures contributed to September 11, 2011, terrorist attacks. The Commission stated that “(t)here were opportunities for intelligence and law enforcement to exploit al-Qaeda’s travel vulnerabilities.”

Committee staff met with representatives from the U.S. Customs and Border Protection (CBP) on August 18, 2011, to receive an update on visa security, including the CBP Targeting and the Immigration Advisory Program program.

On August 29, 2011, the Subcommittee had a briefing from U.S. Immigration and Customs Enforcement and the Department of State regarding visa security and terror travel. Among other things, the issues discussed included: The Student Exchange Visitor Program, the Counterterrorism and Criminal Exploitation Unit, and the Visa Security Program.

The Subcommittee received a briefing on August 30, 2011, from the Government Accountability Office on visa security products, including the different products available and their benefits and limitations in the field.

On September 13, 2011, the Subcommittee held a hearing entitled “Ten Years after 9/11: Can Terrorists Still Exploit our Visa System?” The Subcommittee received testimony from Mr. Thomas Winkowski, Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Edward Ramotowski, Acting Deputy Assistant Secretary, Bureau of Consular Affairs, U.S. Department of State; Mr. John Cohen, Deputy Counterterrorism Coordinator, Department of Homeland Security; Mr. Peter T. Edge, Deputy Associate Director, Homeland Security Investigations, Immigration and Customs Enforcement, Department of Homeland Security; and Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office.

The Subcommittee received a classified briefing on refugee and special immigrant visa screening on September 15, 2011.

On October 25, 2011, Committee staff met with representatives from the Department of Homeland Security to discuss Enhanced Biographics, Counterterrorism Advisory Board/Counterterror Coordinator Update, and the Enhanced Biographic Exit project.

Representatives from Immigration and Customs Enforcement met with Committee staff on September 15, 2011, to discuss issues surrounding visa overstays in relation to the upcoming hearing on the relation between terrorists and the visa overstay problem.

On March 6, 2012, the Subcommittee held a hearing entitled “From the 9/11 Hijackers to Amine el-Khalifi: Terrorists and the Visa Overstay Problem.” The Subcommittee received testimony from Mr. John Cohen, Deputy Counterterrorism Coordinator, Department of Homeland Security; Mr. Peter T. Edge, Deputy Associate Director, Homeland Security Investigations, Immigration and

Customs Enforcement, Department of Homeland Security; and Mr. David Donahue, Deputy Assistant Secretary of State for Consular Affairs, U.S. Department of State. The purpose of this hearing was to examine the efforts of the Department of Homeland Security to secure the border by addressing gaps in the visa system, particularly challenges in identifying individuals who overstay their visas.

#### IMMIGRATION ENFORCEMENT

On June 17, 2011, the Director of U.S. Immigration and Customs Enforcement released a memorandum regarding the practice of “prosecutorial discretion.” The memo outlined an expansive list of circumstances that could make an individual eligible for delayed or deferred action, based upon prosecutorial discretion. While the use of prosecutorial discretion is not new, there is a significant difference between its previous application and establishing a formal process to systematically, on an on-going basis, block illegal aliens from being placed in removal proceedings, stop already-initiated removal proceedings, and end deportations for potentially large numbers of criminal aliens. The memo also listed several categories that mirror groups that would have been eligible for relief under the DREAM Act, which failed to pass in both Houses of Congress.

The Subcommittee held a hearing on October 4, 2011, entitled “Does Administrative Amnesty Harm our Efforts to Gain and Maintain Operational Control of the Border?” The Subcommittee received testimony from Chief Michael J. Fisher, Border Patrol, Customs and Border Protection, Department of Homeland Security; Mr. Kumar C. Kibble, Deputy Director, Immigration and Customs Enforcement, Department of Homeland Security; and Ms. Ruth Ellen Wasem, Ph.D., Specialist in Immigration Policy, Congressional Research Service. This hearing examined U.S. Immigration and Customs Enforcement’s immigration enforcement priorities and whether they have an impact on border security.

On August 31, 2011, the Committee staff met with representatives from the Congressional Research Service on the administrative amnesty. The meeting focused on trends in immigration throughout the years as a result of the policies of different Administrations.

Committee staff met with representatives from U.S. Customs and Border Protection on September 26, 2011, to discuss the Border Condition Index. The Border Condition Index is based on the outcomes of border activity.

Committee staff met with representatives from ICE regarding prosecutorial discretion on September 26, 2011. Staff discussed the ICE memos released by the Director.

On September 30, 2011, Committee staff met with representatives from U.S. Citizenship and Immigration Services to discuss work authorization in regards to the ICE memos published on prosecutorial discretion in the field.

Representatives from the Department of Homeland Security’s Office of the Inspector General briefed Committee staff on February 8, 2012, on their recent report on CBP’s management of bonded facilities entitled “CBP’s Management Control of Bonded Facilities.” [OIG-12-25]

On February 10, 2012, Committee staff were briefed and asked for input on ICE's Mass Migration Plan. In the event of a mass immigrant migration, ICE is charged with housing and processing immigrants.

#### LEVERAGING DOD TECHNOLOGY

In an era of diminishing budgets, the Department of Homeland Security must look to the Department of Defense (DoD) for existing technology that may have an application for Homeland Security. Billions of taxpayer dollars have been spent since the attacks of September 11, 2001, on DoD research and development—that investment should also be used to secure the Nation here at home. Defense technology has already been used successfully in a handful of cases on both land and sea borders of the United States. As the Nation draws down in Iraq and Afghanistan, surveillance equipment used successfully in theater may have surveillance applications to help Border Patrol Agents gain and maintain operation control of the border.

On June 6, 2011, Committee staff met with the Department of Homeland Security's Science and Technology Directorate (S&T) on strategic priorities and a general open discussion. Among the issues discussed, the Subcommittee examined S&T activities regarding border and maritime security, including explosives detection and threat and risk assessments.

Committee staff met with representatives from the Government Accountability Office (GAO) on June 20, 2011, to receive an update on *SBI*net. Staff were briefed on the work GAO has done regarding *SBI*net and U.S. Customs and Border Protection's steps forward.

On October 18, 2011, Committee staff met with GAO regarding various border technologies. During this meeting GAO discussed post-*SBI*net technologies.

Committee staff met with representatives from the U.S. Coast Guard (USCG) on November 2, 2011, regarding its coordination with and use of existing DoD technology. In the briefing, USCG discussed their process to obtain available DoD technologies and specific examples of how this has proven useful at a tactical level.

Committee staff met with representatives from the DoD for a pre-hearing meeting regarding DHS's use of DoD technology. During this meeting staff were able to discuss the November 8, 2011, hearing and examine DoD's position on the topic.

On November 9, 2011, Committee staff met with Mr. Borkowski, Mr. Benda, and agency staff for a pre-hearing briefing to inform Committee staff on the current situation regarding the use of technologies.

The Subcommittee held a hearing on November 15, 2011, entitled "Protecting the Homeland: How can DHS use DoD Technology to Secure the Border?" The Subcommittee received testimony from Hon. Paul N. Stockton, Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, Office of Undersecretary of Defense for Policy, Department of Defense; Mr. Mark Borkowski, Assistant Commissioner, Office of Technology Innovation and Acquisition, Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; Dr. Adam Cox, Acting

Deputy Director, Homeland Security Advanced Research Projects Agency, Department of Homeland Security; and Mr. Michael Tangora, Deputy Assistant Commandant and Director of Acquisition Services, United States Coast Guard, Department of Homeland Security.

On May 4, 2012, Committee staff met with representatives from CBP regarding Utilization of Retrograded DoD Equipment. This is a CBP effort led by the Office of Technology Innovation and Acquisition (OTIA).

#### BORDER SECURITY THREAT

On June 1, 2011, Committee staff met with representatives from the Department of Homeland Security for a Northern Border Strategy brief. The briefing provided a confidential briefing on the major themes of the Northern Border Strategy as well as the President's Beyond the Border program for North American perimeter security and travel/trade facilitation.

Committee staff held a conference call with the New York State Division of Criminal Justice Services on June 23, 2011, for a Northern Border Brief. The call familiarized staff with the work of the Franklin County District Attorney's Drug Task Force; smuggling and human trafficking concerns regarding Native American reservations; and the Division of Criminal Justice Services Homeland Security grant initiative to use License Plate Reader technology to track illegal activity in the area.

On July 8, 2011, the Subcommittee hosted a Member-only classified briefing. The briefing provided an assessment of current border security threats to the Nation. Members were briefed by representatives from DHS, including the Office of Intelligence and Analysis and U.S. Customs and Border Protection (CBP).

The Subcommittee met with representatives from US-VISIT regarding biometrics on July 15, 2011. Subject matter experts from US-VISIT provided staff with a briefing focusing on the use of biometrics.

On September 26, 2011, Committee staff met with representatives from CBP regarding their Border Condition Index. CBP provided an overview of the Index and answer questions from Committee staff.

#### SITE VISIT

The Subcommittee conducted a site visit on May 1, 2012, to view the World Trade International Bridge in Laredo, Texas.

That same day, the Subcommittee also conducted a site visit and participated in a survey along the Rio Grande to examine methods of illegal entry into the United States. The survey was conducted by the U.S. Border Patrol, and included personnel from the Texas Department of Public Safety and U.S. Coast Guard boat units.

#### TRUSTED TRAVELER

On May 30, 2012, the Chair and Ranking Members of the Subcommittee on Oversight, Investigations and Management and the Subcommittee on Border and Maritime Security sent a letter to the

GAO requesting a review of the Department's Trusted Traveler programs to include the extent to which these programs have improved the facilitation of commerce and trade across U.S. borders, their impact on security, the effectiveness of the application process, and how the Department measures the programs' performance.

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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. 112-30)
- "Protecting the Maritime Borders—Leveraging Law Enforcement Cooperation to Enhance Security Along America's Coasts."* July 12, 2011 (Serial No. 112-37)
- "Ten Years after 9/11: Can Terrorists Still Exploit our Visa System?"* September 13, 2011. (Serial No. 112-43)
- "Does Administrative Amnesty Harm Our Efforts to Gain and Maintain Operational Control of the Border?"* October 4, 2011. (Serial No. 112-47)
- "Protecting the Homeland: How Can DHS Use DoD Technology to Secure the Border?"* November 15, 2011. (Serial No. 112-56)
- "Balancing Maritime Security and Trade Facilitation: Protecting our Ports, Increasing Commerce and Securing the Supply Chain—Part I."* February 7, 2012. (Serial No. 112-67)
- "From the 9/11 Hijackers to Amine el-Khalifi: Terrorists and the Visa Overstay Problem."* March 6, 2012. (Serial No. 112-75)
- "Boots on the Ground or Eyes in the Sky: How Best to Utilize the National Guard to Achieve Operational Control."* April 17, 2012. (Serial No. 112-85)
- "Using Technology To Facilitate Trade and Enhance Security at Our Ports of Entry."* May 1, 2012. (Laredo, Texas) (Serial No. 112-90)
- "Measuring Border Security: U.S. Border Patrol's New Strategic Plan and the Path Forward."* May 8, 2012. (Serial No. 112-91)
- "Stopping the Flow of Illicit Drugs in Arizona by Leveraging State, Local, and Federal Information Sharing."* May 21, 2012. (Phoenix, Arizona) (Serial No. 112-97)



## SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE

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KATHLEEN C. HOCHUL, New York  
JANICE HAHN, California  
VACANCY  
BENNIE G. THOMPSON, Mississippi  
*(Ex Officio)*

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From January 2011 through the end of May 2012, the Subcommittee on Counterterrorism and Intelligence held 15 hearings, receiving testimony from 54 witnesses, and considered two measures.

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### LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

WMD INTELLIGENCE AND INFORMATION SHARING ACT OF 2011

H.R. 2764

To amend the Homeland Security Act of 2002 to establish weapons of mass destruction intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes.

#### *Summary*

This legislation requires the Department of Homeland Security's Office of Intelligence and Analysis to support the analysis and dissemination of information regarding threats involving chemical, biological, radiological, and nuclear weapons throughout the Department and among other Federal, State, local, and private sector partners.

#### *Legislative History*

H.R. 2764 was introduced in the House on August 1, 2011, by Mr. Meehan, Ms. Speier, Mr. Pascrell, Mr. Marino, Mr. King of New York, and Mr. Rogers of Alabama, and referred to the Committee on Homeland Security. Within the Committee, H.R. 2764 was referred to the Subcommittee on Counterterrorism and Intelligence.

The Subcommittee on Counterterrorism and Intelligence considered H.R. 2764 on November 15, 2011, and ordered the measure to be reported to the Full Committee with a favorable recommendation, without amendment, by voice vote.

The Full Committee considered H.R. 2764 on March 28, 2012, and ordered the measure to be favorably reported to the House, amended, by voice vote.

The Committee reported H.R. 2764 to the House on May 8, 2012, as H. Rpt. 112-466.

The House considered H.R. 2764 on May 30, 2012, under Suspension of the Rules, and passed the measure by voice vote.

#### MASS TRANSIT INTELLIGENCE PRIORITIZATION ACT

#### H.R. 3140

To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to prioritize the assignment of officers and analysts to certain State and urban area fusion centers to enhance the security of mass transit systems.

#### *Summary*

This legislation requires the Secretary of Homeland Security to prioritize the assignment of officers and analysts to participate in State and local fusion centers in jurisdictions with mass transit systems. These officers and analysts will be responsible for the creation of mass transit intelligence products to assist in the effective protection of mass transit systems and promote consistent and timely distribution of mass transit information, relevant to security, among these jurisdictions.

#### *Legislative History*

H.R. 3140 was introduced in the House on October 6, 2011, by Ms. Speier and Mr. Meehan, and referred to the Committee on Homeland Security. Within the Committee, H.R. 3140 was referred to the Subcommittee on Counterterrorism and Intelligence.

The Subcommittee on Counterterrorism and Intelligence considered H.R. 3140 on November 15, 2011, and ordered the measure reported to the Full Committee with a favorable recommendation, without amendment, by voice vote.

The Full Committee considered H.R. 3140 on March 28, 2012, and ordered the measure to be favorably reported to the House, without amendment, by voice vote.

The Committee reported H.R. 3140 to the House on May 8, 2012, as H. Rpt. 112-467.

The House considered H.R. 3140 on May 30, 2012, under Suspension of the Rules, and passed the measure by voice vote.

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#### OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

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

The Subcommittee has made significant efforts to examine 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 Republic of 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. 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. These insurgencies occurred against established authoritarian regimes in Spring 2011, creating an event referred to as the Arab Spring. Committee staff investigated the potential policy and security ramifications for the United States as a result of the uprisings. Specific topics included the importation of liquid natural gas from the Republic of 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.

DEPARTMENT OF HOMELAND SECURITY’S INTELLIGENCE AND ANALYSIS  
DIRECTORATE

As part of its oversight, Committee staff met with officials from a number of offices and agencies within the Department of Homeland Security (DHS), including the Office of Intelligence and Analysis (I&A), the Office of the Assistant Secretary for Policy, the Federal Emergency Management Agency (FEMA), the Office of Operations Coordination and Planning, the DHS Counter Intelligence mission and the Fusion Center program office, DHS I&A Hiring Authorities, the U.S. Customs and Border Protection (CBP) Office of Intelligence and Investigative Liaison, the Immigration and Customs Enforcement (ICE) Homeland Security Investigations Intelligence Office (HIS–Intel), the DHS Science and Technology Directorate, the DHS Open Source Enterprise, and programs within the U.S. Secret Service.

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. The Subcommittee Chair also conducted meetings with the Federal Bureau of Investigation, both in Washington, DC and in Pennsylvania, as well as DHS 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 the Aspen Security Forum held July 27 through 30, 2011 in Aspen, Colorado. In addition, Committee staff traveled to New York City, New York for security briefings by the New York City Police Department and the New York State Intelligence Center.

On June 1, 2011, the Subcommittee held a hearing entitled “The DHS Intelligence Enterprise—Past, Present, and Future.” The Subcommittee received testimony from Hon. 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, 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.

On November 15, 2011, the Subcommittee Chair sent a letter to the Commissioner of CBP urging an investigation into the conduct of CBP Officers at the Philadelphia International Airport.

#### DOMESTIC RADICALIZATION

The Subcommittee aided the Full Committee in its efforts to examine domestic radicalization, violent extremism, and threat mitigation. Committee staff held over 15 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.

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 Governmental Affairs, attended multiple conferences and conducted site visits to the U.S. Coast Guard's Intelligence Coordination Center.

On February 28, 2012, the Subcommittee held a hearing entitled "Federal Government Intelligence Sharing with State, Local, and Tribal Law Enforcement: An Assessment Ten Years After 9/11." The Subcommittee received testimony from Hon. Scott McAllister, Deputy Under Secretary, State and Local Program Office, Office of Intelligence and Analysis, Department of Homeland Security; Hon. Louis F. Quijas, Assistant Secretary, Office for State and Local Law Enforcement, Department of Homeland Security; Mr. Eric Velez-Villar, Assistant Director, Federal Bureau of Investigation, Department of Justice; and Ms. Maurita Bryant, National First Vice President, National Organization of Black Law Enforcement Executives.

#### THREAT TO THE U.S. HOMELAND FROM SOUTH ASIA

The Subcommittee examined events in South Asia as they relate to the United States, and in particular, monitored events in the Islamic Republic of 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 and the Carnegie Endowment for International Peace to better understand the complex social and political environment in South Asia. Committee staff were 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.

The Subcommittee Chair consulted with representatives from the Embassy of the Islamic Republic of Pakistan on May 2, 2011, re-

garding the situation within Pakistan and the killing of al-Qaeda leader Osama bin Laden.

The Subcommittee held a hearing on May 3, 2011, 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.

On November 8, 2011 Committee staff were briefed by a French Magistrate for his work investigating Sajid Mir, a key figure in the 2008 Mumbai attacks.

#### STRATEGIC PARTNERSHIPS

The Subcommittee made efforts to foster relationships with counterpart bodies in different countries and regions around the world. 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, the Subcommittee Chair met with the Ambassador of Hashemite Kingdom of Jordan and other embassy representatives to discuss counterterrorism, intelligence issues, and US-Jordanian bilateral relations.

The Subcommittee Chair addressed Members of the World Affairs Council on April 15, 2011, on the issues of counterterrorism and intelligence.

On July 16, 2011, Committee staff participated in a staff delegation to London, England, where they met with representatives from the British Home Office and the Association of Chief Police Officers. Staff examined the United Kingdom’s “Prevent” strategy and security for the 2012 London Summer Olympic Games.

#### TERROR FINANCE

The Subcommittee 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 April 7, 2011, the Subcommittee Chair sent letters to the Secretary of State and the Attorney General of the United States requesting their personal involvement to secure drug kingpin Walid Makled’s extradition to the United States.

Committee staff received a briefing from the Cyber Division and National Cyber Forensics and Training Alliance, of the Federal Bu-

reau of Investigation on May 9, 2011. The Committee received a letter responses from the Department of Justice on July 18, 2011; and from the Department of State on August 25, 2011.

On May 18, 2012, the Subcommittee held a hearing entitled “Terrorist Financing Since 9/11: Assessing an Evolving al-Qaeda and State Sponsors of Terrorism.” The Subcommittee received testimony from Dr. Jonathan Schanzer, Vice President of Research, Foundation for Defense of Democracies; Mr. John Cassara, Private Citizen; Mr. Dennis Lormel, President and CEO, DML Associates, LLC; and Hon. Sue Eckert, Senior Fellow, Watson Institute for International Studies, Brown University.

#### WEAPONS OF MASS DESTRUCTION

On December 13, 2011, Committee staff received a briefing from representatives from the Central Intelligence Agency to discuss possible chemical weapons in Syria.

On January 5, 2011, 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 interagency process on the key weapons of mass destruction (WMD) issues of nonproliferation, counter proliferation, and consequence management.

Additionally, on March 11, 2011, Committee staff met 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 and the National Counter-proliferation Center, 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.

The Subcommittee considered H.R. 2764, legislation requiring the Department of Homeland Security to support the analysis and dissemination of information regarding threats involving chemical, biological, radiological, and nuclear weapons throughout the Department and among stakeholders. For further information see H.R. 2764, discussed above.

#### HEZBOLLAH IN LATIN AMERICA

On May 31, 2011, Committee staff met 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.

Committee staff held a meeting with the president of IBI Consultants and Senior Fellow at the International Assessment and

Strategy Center, on June 1, 2011, to discuss Hezbollah in Latin America.

On June 10, 2011, Committee staff held a meeting with the 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.

The Subcommittee held a hearing on July 7, 2011, entitled "Hezbollah in Latin America—Implications for U.S. Homeland Security." The Subcommittee received testimony from Hon. Roger F. Noriega, Visiting Fellow, The American Enterprise Institute; Mr. Douglas Farah, Senior Fellow, The International Assessment and Strategy Center; Mr. Ilan Berman, Vice President, American Foreign Policy Council; and Dr. Melani Cammett, Director, Middle East Studies Program, Brown University.

On September 13, 2011, the Members of the Subcommittee received a Classified briefing to further respond to Member concerns. Representatives from the Drug Enforcement Administration and the Department of State were present.

The Subcommittee Members received a classified briefing on April 17, 2012, by representatives from the Department of Defense's U.S. Southern Command (SOUTHCOM).

#### UNITED STATES SECRET SERVICE

On September 14, 2011, the Subcommittee held a hearing entitled "United States Secret Service: Examining Protective and Investigative Missions and Challenges in 2012." The Subcommittee received testimony from Mr. Mark Sullivan, Director, United States Secret Service (USSS).

Committee staff held a meeting with representatives from the USSS on April 7, 2011, to discuss the FY2012 Budget Request submission. The briefing covers various issues including the protection of persons and facilities; various National Special Security Events (NSSE); Presidential candidate nominee protection for the 2012 election cycle; domestic field operations and headquarters; and management and administration. On May 19, 2011, Committee staff attended a site visit to the USSS Headquarters in Washington, DC.

On February 16, 2012, Subcommittee staff received a briefing on the fiscal year 2013 budget allocation for the USSS.

On April 19, 2012, the Committee Chair initiated an investigation into an alleged incident involving United States Secret Service's personnel and foreign nationals in Cartagena, Colombia. The investigation is on-going.

The Chair of the Full Committee sent a letter to the Director of the Secret Service on April 20, 2012, with questions relating to the alleged incident in Cartagena, Colombia. On May 1, 2012, the Committee received a response letter from the USSS.

On May 4, 2012, Committee staff received a briefing from multiple representatives from the USSS and the Department of Home-

land Security to provide additional information in response to the April 20 letter.

The Chair of the Full Committee sent a letter to the Secretary of State on May 15, 2012, requesting that three State Department personnel on the ground in Colombia would be made available to the Committee for its investigation.

#### TERRORIST TRAVEL AND INTELLIGENCE SHARING

On October 5, 2011, the Subcommittee held a hearing entitled “Intelligence Sharing and Terrorist Travel: How DHS Addresses the Mission of Providing Security, Facilitating Commerce and Protecting Privacy for Passengers Engaged in International Travel.” The Subcommittee received testimony from Hon. David Heyman, Assistant Secretary for Policy, Department of Homeland Security; Ms. Mary Ellen Callahan, Chief Privacy Officer, Department of Homeland Security; and Mr. Thomas Bush, Executive Director of Automation and Targeting, Office of Intelligence and Investigative Liaison, Customs and Border Protection, Department of Homeland Security.

The Subcommittee Chair sent a letter to the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation (FBI), and the Director of National Intelligence (DNI), on May 13, 2011, to inquire about their roles in the analysis and appropriate distribution and response to the cache of information that was collected from Osama bin Laden’s compound. The DNI responded on June 27, 2011; the FBI on July 21, 2011; and the Department of Homeland Security on September 6, 2011.

Additionally, the Subcommittee considered H.R. 3140, legislation to address these concerns. See H.R. 3140, discussed above.

#### IRANIAN THREAT TO THE U.S. HOMELAND

Following the arrest of Manssor Arbabsiar for his alleged role in a plot to assassinate the Ambassador to the United States from the Kingdom of Saudi Arabia, the Subcommittee worked to understand the nature of the threat from Iranian State-sponsored terrorism in the United States. Committee staff received briefings from various think tanks.

On October 26, 2011, the Subcommittee on Counterterrorism and Intelligence and the Subcommittee on Oversight, Investigations, and Management held a joint hearing entitled “Iranian Terror Operations on American Soil.” The Subcommittees received testimony from General Jack Keane (Ret. U.S. Army), Private Citizen; Mr. Reuel Marc Gerecht, Senior Fellow, Foundation for Defense of Democracies; Dr. Matt Levitt, Director, Stein Program on Counterterrorism and Intelligence, The Washington Institute for Near East Policy; Dr. Lawrence Korb, Senior Fellow, Center For American Progress Action Fund; and Colonel Timothy J. Geraghty (Ret. U.S. Marine Corps), Private Citizen.

The Subcommittee Chair received a classified briefing from the Central Intelligence Agency on the Iranian plot to assassinate the Saudi Arabian Ambassador to the United States on October 27, 2011.

On April 26, 2012 the Subcommittee on Counterterrorism and Intelligence and the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held a joint hearing entitled “Iranian Cyber Threat to the U.S. Homeland.” The Subcommittees received testimony from Mr. Frank J. Cilluffo, Associate Vice President and Director, Homeland Security Policy Institute, The George Washington University; Mr. Ilan Berman, Vice President, American Foreign Policy Council; and Mr. Roger Caslow, Executive Cyberconsultant, Suss Consulting.

#### BOKO HARAM

The Subcommittee has continued to monitor the changing threat landscape for emerging dangers to the U.S. homeland. After a bombing of a United Nations building in Abuja, Nigeria, and increased international attention, Committee staff began studying Boko Haram, a Nigerian militant group with suspected ties to al-Qaeda. Committee staff were briefed by representatives from the Council on Foreign Relations, the Congressional Research Service, and the Sahel Blog. Committee staff also received a classified briefing from the National Counterterrorism Center.

On September 13, 2011, the Subcommittee Chair and Ranking Member sent a letter to the Secretary of State to urge the Department of State’s Office of the Coordination for Counterterrorism to initiate an investigation and compile an administrative record in order to determine whether Nigerian Islamist sect Boko Haram should be designated a Foreign Terrorist Organization (FTO). The Committee received a response on September 18, 2011.

Committee staff attended a briefing organized by the House Committee on Foreign Affairs on Boko Haram on September 27, 2011. Briefers included representatives from the various think tanks and policy experts.

On November 30, 2011, the Subcommittee held a hearing entitled “Boko Haram—Emerging Threat to the U.S. Homeland.” The Subcommittee received testimony from Dr. J. Peter Pham, Director, Michael S. Ansari Africa Center, Atlantic Council of the U.S.; Ms. Lauren Ploch, Africa Analyst, Congressional Research Service; Dr. Ricardo Laremont, Professor of Political Science and Sociology, Binghamton University, State University of New York; and Ms. Jennifer G. Cooke, Director, Africa Program, Center for Strategic and International Studies.

Also on November 30, 2011, the Subcommittee released a report entitled “Boko Haram—Emerging Threat to the U.S. Homeland,” which summarized their extensive study of the organization’s history and current activity.

The Chair of the Subcommittee spoke before the Heritage Foundation on March 6, 2012, on the emerging threat from Boko Haram.

On March 30, 2012, the Full Committee and Subcommittee Chairs sent a letter to the Secretary of State urging the designation of Boko Haram as a Foreign Terrorist Organization.

The Chairs of the Full Committee and the Subcommittee sent an additional letter to the Secretary of State regarding Boko Haram on May 18, 2012. The Chairs of the Full Committee and the Sub-



committee expressed their concern that the Department of State has yet to take any action regarding the designation of Boko Haram as a Foreign Terrorist Organization.

#### ON-LINE TERRORIST OPERATIONS

The Subcommittee examined the issue of terrorist operatives and sympathizers using the internet as a tool to promote their ideology and communicate with one another. Committee staff received briefings from several experts, including representatives from the Federal Bureau of Investigation, the Department of State's Center for Strategic Counterterrorism Communications, the Center for Naval Analyses, the National Defense University, and other policy experts.

On December 6, 2011, the Subcommittee held a hearing entitled "Jihadist Use of Social Media—How to Prevent Terrorism and Preserve Innovation." The Subcommittee received testimony from Mr. William McCants, Analyst, Center for Naval Analyses; Mr. Andrew Aaron Weisburd, Director, Society for Internet Research; and Mr. Brian Michael Jenkins, Senior Advisor to the RAND President, RAND Corporation.

#### SOCIAL MEDIA

On February 15, 2012, the Members of the Subcommittee received a classified briefing on the efforts by the Department of Homeland Security's Office of Intelligence and Analysis to collect intelligence via social media in order to enhance situational awareness to help deter, detect, and prevent terror attacks, and to manage natural disasters and other domestic incidents. Representatives from the Department of Homeland Security responded to Member questions.

The Subcommittee held a hearing on February 16, 2012, entitled "DHS Monitoring of Social Networking and Media: Enhancing Intelligence Gathering and Ensuring Privacy." The Subcommittee received testimony from Ms. Mary Ellen Callahan, Chief Privacy Officer, Department of Homeland Security; and Mr. Richard Chávez, Director, Office of Operations Coordinating and Planning, Department of Homeland Security.

#### TERRORIST THREAT TO ENERGY SECURITY

In response to planned closure of oil refineries in the northeastern United States, the Subcommittee held a field hearing in Aston, Pennsylvania, on March 19, 2012, entitled "The Implications of Refinery Closures for U.S. Homeland Security and Critical Infrastructure Safety." The Subcommittee received testimony from Dr. Howard Gruenspecht, Acting Administrator, Energy Information Administration, Department of Energy; Mr. Brandon Wales, Director, Homeland Infrastructure Threat and Risk Analysis Center, Department of Homeland Security; Mr. Charles Drevna, President, American Fuel and Petrochemical Manufacturers; and Mr. Robert "Bob" Greco, Group Director, Downstream and Industry Operations, American Petroleum Institute.

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## 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)
- “Hezbollah in Latin America—Implications for U.S. Homeland Security.”* July 7, 2011. (Serial No. 112–35)
- “United States Secret Service: Examining Protective and Investigative Missions and Challenges in 2012.”* September 14 2011. (Serial No. 112–44)
- “Intelligence Sharing and Terrorist Travel: How DHS Addresses the Mission of Providing Security, Facilitating Commerce and Protecting Privacy for Passengers Engaged in International Travel.”* October 5, 2011. (Serial No. 112–49)
- “Iranian Terror Operation on American Soil.”* Joint with the Subcommittee on Oversight, Investigations, and Management, October 26, 2011. (Serial No. 112–54)
- “Boko Haram—Emerging Threat to the U.S. Homeland.”* November 30, 2011. (Serial No. 112–60)
- “Jihadist Use of Social Media—How to Prevent Terrorism and Preserve Innovation.”* December 6, 2011. (Serial No. 112–62)
- “DHS Monitoring of Social Networking and Media: Enhancing Intelligence Gathering and Ensuring Privacy.”* February 16, 2012. (Serial No. 112–70)
- “Federal Government Intelligence Sharing with State, Local and Tribal Law Enforcement: An Assessment Ten Years After 9/11.”* February 28, 2012. (Serial No. 112–72)
- “The Implications of Refinery Closures for U.S. Homeland Security and Critical Infrastructure Safety.”* (Aston, Pennsylvania) March 19, 2012. (Serial No. 112–78)
- “Iranian Cyber Threat to the U.S. Homeland.”* Joint with the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies. April 26, 2012. (Serial No. 112–89)
- “Terrorist Financing Since 9/11: Assessing an Evolving al-Qaeda and State Sponsors of Terrorism.”* May 18, 2012. (Serial No. 112–96)

## 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 Oversight and Government Reform and the Committee on House Administration.

Rule XI, clause 1(2)(d)(1) requires each Committee to submit to the House of Representatives not later than January 2, of each odd-numbered year, a report on the activities of that committee under Rule X and Rule XI during the Congress ending on January 3 of such year. Clause 1(2)(d)(3) of Rule XI also requires that such report include a summary of the action taken and recommendations made with respect to each such plan; and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

Part A of this section contains the Committee on Homeland Security Oversight Plan for the 112th Congress which the Full Committee considered and adopted by unanimous consent on January 26, 2011, a quorum being present.

Part B of this section contains a summary of the actions taken by the Committee on Homeland Security to implement the Oversight Plan for the 112th Congress and the recommendations made with respect to this plan. Part B also contains a summary of the additional oversight activities undertaken by the Committee, and the recommendations made or actions taken thereon.

### PART A—COMMITTEE ON HOMELAND SECURITY OVERSIGHT PLAN

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 United States citizens. The Committee will also analyze the radicalization of United States 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 Shabbab, 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 Federal Government's intelligence collection requirements for homeland security purposes; and the Department's role in managing, distributing, and otherwise using terrorist threat information in furtherance of its homeland security mission.

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 the DHS Counterintelligence Division (CPD) 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 (Pub. L. 107-295), the Security and Accountability for Every (SAFE) Port Act of 2006 (Pub. L. 109-347), relevant provisions of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458), and the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. 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 per-



formance 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 commercial 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, nongovernmental 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 on-going 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 deter-

mine 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 Departments' National Exercise Program and on-going 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 and 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, radiological, 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 sys-

tem, 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 compo-

nents, 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.



PART B—IMPLEMENTATION OF THE COMMITTEE ON  
HOMELAND SECURITY OVERSIGHT PLAN FOR THE 111TH  
CONGRESS

Part B of this section contains a summary of the actions taken by the Committee on Homeland Security to implement the Oversight Plan for the 112th Congress and the recommendations made with respect to this plan. Part B also contains a summary of the additional oversight activities undertaken by the Committee, and the recommendations made or actions taken thereon.

FULL COMMITTEE

ADDITIONAL OVERSIGHT FUNCTIONS

COUNTERTERRORISM

Since September 11, 2001, there have been over 50 plots and terrorist attacks against the Homeland; two of them successful in killing innocent Americans. Additionally, law enforcement officers have arrested dozens of individuals plotting attacks against the Homeland and our allies. On December 21, 2010, the Attorney General of the United States stated that in the previous two years 126 people were indicted on terrorism charges, including 50 citizens of the United States. The threat from al-Qaeda and its affiliates continues to remain extremely high.

The Committee has actively examined this problem during the 112th Congress. The Committee conducted two Member site visits to the National Counterterrorism Center (NCTC), Office of the Director of National Intelligence, for Members to receive threat briefings from the NCTC Director.

The Committee held several hearings focused on threats to the homeland, including a hearing entitled “Understanding the Homeland Threat Landscape Considerations for the 112th Congress” and a hearing entitled “Threats to the American Homeland After Killing Bin Laden: An Assessment.” On September 8, 2011, the Committee held a hearing entitled “The Attacks of September 11th: Where are We Today?”

Members of the Committee received regular classified briefings from senior officials 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 will continue its policy of holding regular, monthly briefings with the Intelligence Community. Additionally, Committee staff received classified intelligence briefings from the Department on Homeland Security on threats to the Nation’s borders.

The Committee will continue to examine this issue as the 112th Congress progresses.

## HOMEGROWN RADICALIZATION

One of the greatest threats facing the Homeland is that of homegrown violent Islamist 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 a witness to an individual's path toward radicalization. The Committee has actively examined this problem in the 112th Congress.

As part of the Committee's oversight of domestic radicalization, Committee 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. 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. The Committee held a series of four hearings on domestic radicalization focused on the extent of radicalization and the response within the Muslim community, the threat of radicalization within prisons, the threat posed by al-Shabaab, and the threat to military communities. In advance of the hearings, Committee staff conducted site visits and received a number of briefings from Government and non-Government entities.

The Committee has begun an investigation into what role Anwar al-Alwaki may have played in facilitating the attacks of September 11, 2001. On May 26, 2011, the Chair of the Full Committee sent a letter to the Attorney General of the United States requesting 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. In addition, on October 25, 2011, the Full Committee Chair sent letters to the Director of the Defense Intelligence Agency, the Secretary of Homeland Security, the Attorney General of the United States, and the Secretary of State seeking an investigation into the roles of Anwar al-Awlaki, Eyad al-Rababah, and Daoud Chehazeh in facilitating the attacks of September 11, 2011.

In addition to the Committee's investigative hearings, Committee staff has been engaged in oversight of the Federal Government's efforts to counter radicalization. Committee staff were briefed by officials from the Department of Homeland Security, including the Principal Deputy Counterterrorism Coordinator and Senior Advisor to the Secretary, who has been directed to serve as the Department's lead on countering violent extremism (CVE). The Committee's oversight has focused specifically on the Administration's recently released strategies, entitled "Empowering Local Partners to Prevent Violent Extremism in the United States" and "Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States." In addition, Committee staff attended the Department's National Countering Violent Extremism Workshop in August 2011.

The Committee also included two provisions in H.R. 3116, the Department of Homeland Security Authorization Act for fiscal year 2012, to address the Administration's efforts to counter violent extremism. The first provision requires the Secretary of Homeland Security to designate an official of the Department to coordinate efforts to counter homegrown violent Islamist extremism. The second section requires the Director of the Federal Law Enforcement Training Center to report to the House and Senate Committees on its counter-violent extremism training.

#### TERRORIST DETENTION AND TRIALS

On May 11, 2011, the Chair of the Full Committee sent a letter to the Secretary of Defense and the Chairman of the Joints Chief of Staff requesting an explanation of news reports that terrorist detainees held at Guantanamo may be able to receive visits from wives and family members and the potential damage to our National security posed by the prospects of such visits.

#### UNITED STATES SECRET SERVICE

The Committee initiated an investigation into an alleged incident involving USS personnel and foreign nationals in Cartagena, Colombia. The investigation is still on-going, however, the Full Committee Chair has sent a letter to the Director of the USS with questions related to the alleged incident, and received a response letter. Furthermore, Committee staff received a briefing from multiple representatives from the USSS and the Department of Homeland Security providing additional information in response to the April 20 letter. The Chair of the Full Committee also sent a letter to the Secretary of State requesting to have the Department of State make three Departmental personnel on the ground in Colombia available to the Committee for its investigation.

### SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE

#### COUNTERTERRORISM

During the 112th Congress, the Subcommittee on Counterterrorism and Intelligence examined the counterterrorism policies of the U.S. Government with a focus on the Department of Homeland Security (DHS). The Subcommittee received several classified briefing by representatives from DHS, the National Counterterrorism Center (NCTC), and the Federal Bureau of Investigation (FBI).

The Subcommittee also monitored counterterrorism policies outside of the Department in the wider U.S. Intelligence Community. Subcommittee Members received classified briefings from the Defense Intelligence Agency and the Joint Staff on the threat from al-Qaeda in the Arabian Peninsula, as well as classified briefings from the Drug Enforcement Agency (DEA) and the Department of State on Hezbollah activities in the Western Hemisphere. The Subcommittee also conducted briefings on the threat from weapons of mass destruction (WMD), the Department of the Treasury's Financial Crimes Enforcement Network, the FBI's Terrorist Financing

Operations Section, and the DEA's Special Operations Division relating to drug trafficking organizations and their connections to international terror networks. Committee staff also received a briefing from the FBI's Cyber Division and their National Cyber Forensics and Training Alliance on terror financing. Committee staff also visited the Defense Threat Reduction Agency within the Department of Defense, to receive a briefing on their Strategic Command Center.

The Chair and Ranking Member of the Subcommittee sent a letter to the Secretary of State to encourage the Department's Office of the Coordinator for Counterterrorism to initiate an investigation to determine whether the Nigerian Islamist sect Boko Haram should be designated a Foreign Terrorist Organization. Additionally, the Full Committee Chair and the Subcommittee Chair pursued this request with the Secretary of State, with two additional letters.

#### DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE ENTERPRISE

The Subcommittee continued its oversight of the Department of Homeland Security (DHS) Intelligence Enterprise, examining intelligence activities of the Department and its components. The Subcommittee received briefings from each component agency within DHS with intelligence responsibilities and capabilities. The Subcommittee held a hearing, "The DHS Intelligence Enterprise—Past, Present, and Future."

#### COUNTERINTELLIGENCE

The Subcommittee staff received a briefing from the Department of Homeland Security's Counterintelligence Program Division (CPD) on the status of its reorganization, and will continue to further examine the reorganized and the CPD mission and operations following its recent reorganization.

#### INFORMATION SHARING

The Subcommittee continued to monitor improvements to the terrorist and homeland security information sharing effort among Federal, State, and local Governments, law enforcement entities, first responders, emergency management personnel and the private sector. This oversight included briefings by the New York City Police Department (NYPD), the New York State Intelligence Center, the Department of Homeland Security Fusion Center Program Office, and the Department of Homeland Security (DHS) Open Source Enterprise. Committee staff also attended the National Fusion Center Conference held in March 2011 in Denver, Colorado. Additionally, Committee staff attended the National Fusion Center Training Event held in Phoenix, Arizona in April 2012.

The Chair of the Subcommittee sent a letter to the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation and the Director of National Intelligence to request information on how each of their agencies took part in the distribution and response to the cache of information that was collected from Osama bin Laden's compound.

The Subcommittee held a hearing entitled “Intelligence Sharing and Terrorist Travel: How DHS Addresses the Mission of Providing Security, Facilitating Commerce, and Protecting Privacy for Passengers Engaged in International Travel.” Witnesses included the Assistant Secretary for Policy at the Department of Homeland Security, the Department’s Chief Privacy Officer, and the Executive Director of Automation and Targeting for the U.S. Customs and Border Protection’s Office of Intelligence and Investigations.

On November 15, 2011, the Subcommittee passed H.R. 2764, the WMD Intelligence and Information Sharing Act; and H.R. 3140, the Mass Transit Intelligence Prioritization Act, to enhance information sharing capabilities of DHS and fusion centers across the country.

The Subcommittee held a hearing on February 28, 2012, entitled “Federal Government Intelligence Sharing with State, local, and Tribal Law Enforcement: An Assessment Ten Years After 9/11.”

#### THE NATIONAL OPERATIONS CENTER

As part of its continued oversight of DHS intelligence sharing efforts, the Subcommittee will examine the role that unclassified information designations play in efforts to share information among Federal agencies, including DHS, and State, local, and private sector partners in the coming session. It will also examine the National Operations Center (NOC) within the Department and its efforts to collect and fuse information in order to provide domestic situational awareness as the primary National-level center during domestic incidents and special events.

The Subcommittee held a hearing on February 26, 2012, entitled “DHS Monitoring of Social Networking and Media: Enhancing Intelligence Gathering and Ensuring Privacy.” The Subcommittee also received a classified briefing on this issue on February 15, 2012.

#### UNITED STATES SECRET SERVICE

The Subcommittee examined the operations of the United States Secret Service (USSS), including its critical role of protecting the President of the United States and presidential candidates in the 2012 presidential election. Committee staff held multiple meetings with representatives from the USSS, and also conducted a site visit to their headquarters.

On September 14, 2011, the Subcommittee held a hearing entitled “United States Secret Service: Examining Protective and Investigative Missions and Challenges in 2012,” which focused on the operations of the USSS and their role in 2012 presidential election.

The Committee initiated an investigation into an alleged incident involving USS personnel and foreign nationals in Cartagena, Colombia. The investigation is still on-going, however, the Full Committee Chair has sent a letter to the Director of the USS with questions related to the alleged incident, and received a response letter. Furthermore, Committee staff received a briefing from multiple representatives from the USSS and the Department of Homeland Security providing additional information in response to the April 20 letter. The Chair of the Full Committee also sent a letter to the

Secretary of State requesting to have the Department of State make three Departmental personnel on the ground in Colombia available to the Committee for its investigation.

## SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

### OPERATIONAL CONTROL OF THE BORDER

During the 112th Congress, the Subcommittee on Border and Maritime Security focused on what the Department of Homeland Security must do to gain operational control over the land and maritime borders of the United States both at, and between, ports of entry. The Subcommittee held hearings on these topics on February 15, 2011, March 15, 2011, May 3, 2011, July 12, 2011, November 15, 2011, April 17, 2012, May 1, 2012, and May 8, 2012. The Subcommittee also considered the following measures: H.R. 1299, H.R. 915, and H.R. 1922. The Chair and Ranking Member of the Subcommittee sent a letter to the Commissioner of the Customs and Border Protection regarding personnel at the borders and ports of entry on June 1, 2011. Additionally, the Chair of the Full Committee and the Chair of the Subcommittee sent a letter to the President requesting an extension of the deployment of National Guard troops on the Southwest border.

In 2011, the Subcommittee held several oversight hearings on obtaining operational control of land borders. The first hearing was held on February 15, 2011, and was entitled “Securing our Borders—Operational Control and the Path Forward.” The following hearing on March 15, 2011, entitled “Strengthening the Border—Finding the Right Mix of Personnel, Infrastructure, and Technology.” This hearing focused on the Department’s efforts to secure the border after the cancellation of the Secure Border Initiative (*SBI<sub>net</sub>*). The hearing focused on how the Department measures operational control of the border. On May 3, 2011, the Subcommittee held a hearing entitled “Border Security and Enforcement—Department of Homeland Security’s Cooperation with State and Local Law Enforcement.” The hearing focused on the Department’s efforts to work efficiently with State and local law enforcement. The Subcommittee shifted focus to the maritime border on July 12, 2011, with the hearing entitled “Protecting the Maritime Borders—Leveraging Law Enforcement Cooperation to Enhance Security along America’s Coasts.” This hearing focused on how the U.S. Coast Guard, Customs and Border Protection, and other vital law enforcement agencies work together to secure America’s ports and coasts. In 2012, the Subcommittee continued its oversight of obtaining operational control by holding a hearing on May 8, 2012, entitled “Measuring Border Security: U.S. Border Patrol’s New Strategic Plan and the Path Forward” to better understand the Border Patrol’s latest border security strategy.

In an era of diminishing budgets, the Department of Homeland Security must look to the Department of Defense to transfer existing technology and resources that may have an application for Homeland Security. The Subcommittee’s first hearing held on this topic was on November 15, 2011, entitled “Protecting the Homeland: How can DHS use DoD technology to secure the border?”

Then, on April 17, 2012, the Subcommittee examined the National Guard's role on the border during the hearing entitled "Boots on the Ground or Eyes in the Sky: How Best to Utilize the National Guard to Achieve Operational Control."

The Subcommittee also considered legislation regarding operational control of the border. In response to the Government Accountability Office's report that less than 44 percent of the Southwest border is secure, H.R. 1299, the "Secure Border Act of 2011," was introduced March 31, 2011; considered by the Subcommittee on June 2, 2011. The Full Committee considered the measure on September 21, 2011, and reported it to the House on November 12, 2011. H.R. 915, the "Jaime Zapata Border Enforcement Security Task Force Act" was introduced on March 3, 2011, considered by the Subcommittee on June 2, 2011. The Full Committee considered the measures on September 21, 2011, and reported to the House on November 4, 2011. The bill establishes a Border Enforcement Security Task Force (BEST) program within U.S. Immigration and Customs Enforcement to enhance border security. H.R. 1922, providing U.S. Customs and Border Protection with access to Federal lands to carry out certain security activities in the Southwest Border region was introduced on May 13, 2011, considered by the Subcommittee on June 2, 2011. Provisions of H.R. 1922 were included in Title VI of H.R. 3116 as reported by the Committee.

#### BORDER SCREENING AND TERRORIST TRAVEL

In the 112th Congress, the Subcommittee reviewed 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. The Subcommittee assessed weaknesses at the border and areas that continue to be exploited by terrorists. The Subcommittee held hearings on these topics on March 15, 2011, April 5, 2011, May 3, 2011, September 13, 2011 November 15, 2011, March 6, 2012, and May 1, 2012. The Subcommittee considered the following measures: H.R. 1299, H.R. 915, and H.R. 1922.

The Chair of the Full Committee and the Chair of the Subcommittee sent a letter to the Secretary of Homeland Security expressing their concerns regarding the Department of Homeland Security's apparent failure to issue guidelines for Federal, State, and local law enforcement officials on how to identify noncompliance with Federal Laws that apply to cross-border trucking between the United States and Mexico.

In regards to border screening and terrorist travel, the Subcommittee held several oversight hearings. The first was on March 15, 2011, entitled "Strengthening the Border—Finding the Right Mix of Personnel, Infrastructure, and Technology." This hearing focused on the Department's efforts to secure the border after the cancellation of the Secure Border Initiative (*SBI<sub>net</sub>*). Then 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," examining how resources are allocated and deployed at the ports of entry in terms of manpower, canine units, and infrastructure. On May 3, 2011, the Subcommittee held a hearing entitled "Border Security and En-

forcement—Department of Homeland Security’s Cooperation with State and Local Law Enforcement.” The hearing focused on the Department’s efforts to work efficiently with State and local law enforcement. The Subcommittee also held a hearing on November 15, 2011, entitled “Protecting the Homeland: How can DHS use DoD technology to secure the border?” Continuing its oversight, the Subcommittee held a hearing addressing gaps in the visa system, particularly challenges in identifying individuals who overstay their visas on March 6, 2012. The title of the hearing was “From the 9/11 Hijackers to Amine el-Khalifi: Terrorists and the Visa Overstay Problem.” Then on May 1, 2012, the Subcommittee held a field hearing in Laredo, Texas, entitled “Using Technology to Facilitate Trade and Enhance Security at our Ports of Entry.” Additionally, the Subcommittee held a field hearing in Phoenix, Arizona on May 21, 2012, regarding drug smuggling across the Arizona border, entitled “Stopping the Illicit Drugs in Arizona by Leveraging State, Local, and Federal Information Sharing.”

The Subcommittee also considered legislation regarding border screening and terrorist travel. In response to a Government Accountability Office’s report that less than 44 percent of the Southwest Border is secure, H.R. 1299, the “Secure Border Act of 2011”, was introduced March 31, 2011, considered by the Subcommittee on June 2, 2011, by the Full Committee on September 21, 2011, and reported to the House on November 12, 2011. H.R. 915, the “Jaime Zapata Border Enforcement Security Task Force Act” was introduced on March 3, 2011, considered by the Subcommittee on June 2, 2011, by the Full Committee on September 21, 2011, and reported to the House on November 4, 2011, and passed by the House on May 30, 2012. The bill establishes a Border Enforcement Security Task Force (BEST) program in U.S. Immigration and Customs Enforcement to enhance border security. H.R. 1922, “Providing U.S. Customs and Border Protection with Access to Federal Lands to Carry Out Certain Security Activities in the Southwest Border Region” was introduced May 13, 2011, considered by the Subcommittee on June 2, 2011, and provisions of H.R. 1922 were included in Title VI of H.R. 3116 as reported to the House. This bill grants CBP access for to Federal lands to carry out certain security activities in the Southwest Border region.

#### PORT AND MARITIME SECURITY

In the 112th Congress, the Subcommittee has examined various aspects of port and maritime security, including port facilities, cargo and passenger screening, and the supply chain process. The Subcommittee held hearings on these topics on July 12, 2011, June 14, 2011, and February 7, 2012. The Subcommittee considered measure H.R. 4251.

The Subcommittee held its first hearing on port and maritime security on June 14, 2011. The hearing was entitled “Securing the Nation’s Ports and Maritime Border—A Review of the Coast Guard’s Post 9/11 Homeland Security Missions,” focusing the Coast Guard’s greatly increased maritime security operations and range of capabilities. Then, on July 12, 2011, the Subcommittee held the hearing titled “Protecting the Maritime Borders—Leveraging Law Enforcement Cooperation to Enhance Security along America’s



Coasts.” This hearing focused on how the U.S. Coast Guard, U.S. Customs and Border Protection, and other vital law enforcement agencies work together to secure America’s ports and coasts. Continuing oversight of port and maritime security issues, the Subcommittee held a hearing analyzing the Nation’s supply chain security. The hearing, held on February 7, 2012, entitled “Balancing Trade and Security: Protecting our Ports, Facilitating Commerce, and Securing the Supply Chain.”

The Subcommittee also considered legislation regarding port and maritime security. In order to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, the Subcommittee considered H.R. 4251, the “Securing Maritime Activities through Risk-based Targeting for Port Security Act” or the “SMART Port Act.” H.R. 4251 was introduced on March 22, 2012, considered by the Subcommittee on April 27, 2012, and favorably reported to the Full Committee.

#### U.S. COAST GUARD

In the 112th Congress, the Subcommittee has continually reviewed and assessed the U.S. Coast Guard (USCG). The Members focused on the USCG’s homeland security missions and post 9/11 duties. The Subcommittee held a hearing to receive testimony from the Commandant of the USCG on the state of the homeland security responsibilities of the Coast Guard. Additionally, the Chair of the Full Committee and the Chair of the Subcommittee sent a letter to the Commandant regarding the USCG budget proposal and concerns regarding the Coast Guard’s post-9/11 missions. The Subcommittee held a follow-up hearing with the Coast Guard and Customs and Border Protection to ensure both agencies are cooperating and leveraging their jurisdiction and assets to enhance security along the maritime borders. The Subcommittee held a third hearing to examine the use of Department of Defense technology to secure our Nation’s borders, including maritime borders. The hearing included a discussion on how the USCG uses Department of Defense (DoD) technology and how the USCG leverages its unique role to assist with the transfer of technology between the DoD and the Department of Homeland security.

With regards to certain Coast Guard security roles, the Subcommittee considered H.R. 4251, to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security. H.R. 4251, the “Securing Maritime Activities through Risk-based Targeting for Port Security Act” or the “SMART Port Act” was introduced on March 22, 2012, considered by the Subcommittee on April 27, 2012, and favorably reported to the Full Committee.

### SUBCOMMITTEE ON TRANSPORTATION SECURITY

#### NATIONAL STRATEGY FOR TRANSPORTATION SECURITY

During the 112th Congress the Subcommittee on Transportation Security examined the legislative and policy efforts of the Trans-

portation Security Administration (TSA) to implement the National strategy for transportation security, TSA's efforts to fulfill its mandates under the Aviation and Transportation Security Act of 2001, and its overall initiatives to address security threats against all modes of transportation. The first hearing held by the subcommittee this Congress occurred on February 10, 2011. This hearing, entitled "Terrorism and Transportation Security," which focused on the broad scope of threats to all of our Nation's diverse transportation systems.

Additionally, the Subcommittee held two Member briefings focusing on the TSA's authorization priorities for 2012 and 2013, and on the TSA's recent internal reorganization. On March 30, 2012, the Subcommittee Chair led a CODEL to Asia to examine surface and aviation transportation security initiatives, and discuss opportunities for increased partnership between the United States and Asia on security. On May 8, 2012, the Subcommittee held a hearing to examine the partnerships between the United States and the Asia Pacific region. Additionally, from May 14-15, 2012 Subcommittee Members conducted a site visit to New York City, New York to review various high-risk transportation targets throughout the region.

#### PASSENGER AND BAGGAGE SCREENING

The screening of travelers is a significant part of TSA's day-to-day operations. This year TSA has expanded its use of alternative passenger screening methods, including, the Behavior Detection Officer (BDO) Screening of Passengers by Observation Techniques (SPOT) and the implementation of TSA Pre✓™.

The Subcommittee held a Member briefing on the Behavior Detection Officer (BDO) Screening of Passengers by Observation Techniques (SPOT) program. The Committee sent a letter to the Administrator of TSA requesting more information about a recent report of racial profiling by behavior detection officers at one of our Nation's largest airports. Additionally, Committee staff conducted several meetings and briefings to obtain updates from TSA regarding the expanded use of this program. The Chair of the Subcommittee conducted a site visit to Atlanta Hartsfield-Jackson International Airport to observe the TSA Pre✓™ checkpoint lanes that are being piloted there.

Technology and proper implementation of standard operating procedures are critical components in helping the Transportation Security Administration (TSA) achieve its mission. It is incumbent upon the committee to ensure that TSA is deploying technology and implementing its procedures in a way that is efficient and effective. The Committee and Subcommittee sent several oversight letters to TSA regarding the use of technology.

The Screening Partnership Program (SPP) continues to be an area of interest for the Subcommittee. The Chair of the Subcommittee sent a letter to the Administrator of TSA regarding a United States Court of Federal Claims ruling involving one of TSA's SPP participants. The Court found that TSA's selection process for SPP participants was flawed, and did not select the most qualified applicant based on the evaluation criteria set out in the Request for Proposal issued by TSA.

Additionally, the Chair of the Subcommittee and a Member of the Committee sent a letter to the Administrator of TSA regarding TSA's use of storage facilities for purchased technology. TSA provided a briefing in response to the letter. On February 7, 2012, the Subcommittee held a hearing to discuss the Screening Partnership Program and the recent United States Court of Federal Claims ruling.

In addition, on December 8, 2011, the Subcommittee held a closed hearing to discuss passenger screening technologies. This hearing was a follow-up to a classified Subcommittee Member briefing on passenger screening technologies that occurred on November 18, 2011. It is imperative that TSA continue to develop new and innovative technology in an effort to combat emerging threats to aviation. This hearing and briefing were an opportunity to examine technology capabilities, and work together toward continuous improvement. On February 22, 2012, the Subcommittee Chair sent a letter to the Government Accountability Office (GAO) requesting to be a co-requestor of a report investigating the Transportation Security Administration's National Explosives Detection Canine Program. Additionally, on April 25, 2012 the Subcommittee held a follow-up classified Member briefing to continue the discussion on passenger screening technologies.

#### AVIATION SECURITY

The Subcommittee recognizes the grave consequences of a terrorist attack on any of our Nation's transportation systems. Subcommittee hearings and oversight activities consider the risks and consequences of a terrorist attack, and what measures can be taken to prevent an attack. In addition to the Subcommittee's broad oversight activities related to the risk of terrorism, the Subcommittee held a hearing to discuss specifically the risks and consequences of an attack on air commerce, which is a known target for terrorists overseas.

In preparation for considering the Transportation Security Administration Authorization Act of 2011, the Subcommittee held two hearings. The first hearing occurred on June 2, 2011 and was entitled, "Authorizing the Transportation Security Administration for Fiscal Years 2012 and 2013." The second hearing occurred on July 12, 2011 and was entitled, "Industry Perspectives: Authorizing the Transportation Security Administration for fiscal years 2012 and 2013." During the course of preparation of this legislation, Committee staff met with numerous stakeholders in both the public and private sector in order to hear their thoughts and concerns.

On September 14, 2011 the Subcommittee held a markup of the Subcommittee print, "Transportation Security Administration Authorization Act of 2011." On September 22, 2011, the Chairs of the Full Committee the Subcommittee introduced H.R. 3011, the Transportation Security Administration Authorization Act of 2011.

Technology plays a critical role in the Transportation Security Administration's (TSA) ability to protect our Nation's travelers and transportation systems. Over the course of the year, the Subcommittee met with numerous industry partners of TSA, along with other relevant Government representatives. These meetings were held to discuss ways to improve TSA's technology procure-

ment process to enhance security and promote private sector job growth.

In February 2011, the Chair of the Subcommittee met with the Assistant Administrator for Transportation Sector Network Management (TSNM) of the Transportation Security Administration to discuss various initiatives TSNM is employing to secure our Nation's aviation and surface transportation systems. As a result of that meeting, the Chair of the Subcommittee sent an oversight letter seeking additional information about how we can improve transportation security through technology and other resources.

The Subcommittee held a series of three hearings during the Fall of 2011 entitled, "TSA Reform: Exploring Innovations in Technology Procurement to Stimulate Job Growth." Over the course of these hearings, the Subcommittee had the opportunity to hear from past and present TSA and DHS officials responsible for technology procurement and development, as well as from technology companies that serve as critical partners of TSA.

The Subcommittee continues to review and oversee the Federal Air Marshal Service. The Federal Air Marshal Service serves as a critical layer of defense in aviation security, and the Subcommittee continues to work to ensure that the Federal Air Marshal Service receives the resources and support it needs to achieve its mission under TSA's new internal structure. The Subcommittee met with leadership of the Federal Air Marshal Service to discuss the progress that has been made since the attacks of September 11, 2001, and the importance of taking a risk-based approach to security. The Subcommittee postponed a hearing scheduled for December 13, 2011 to discuss the Federal Air Marshal Service 10 years after the attacks of September 11, 2001. The Subcommittee held a hearing on this issue on February 16, 2012.

The Subcommittee continues to monitor and review the role and impact of transportation inspectors, along with TSA's other partners within DHS and throughout the Federal Government that play a role in securing our Nation's transportation systems. Committee staff have received numerous briefings on the role of transportation security inspectors. In September 2011, Committee staff conducted a site visit to JFK International Airport and observed air cargo security inspectors. Additionally, on February 6, 2012, the Subcommittee conducted a Member site visit to Washington Dulles International Airport.

On February 28, 2012, the Subcommittee held a Member briefing to examine TSA's air cargo security initiatives. Additionally, on March 28, 2012, the Subcommittee held a hearing to examine TSA's large screening workforce and bureaucracy.

On March 21, 2012, the Subcommittee held a Member briefing to discuss TSA's delayed rulemaking regarding Foreign Repair Stations for Aircraft. As a follow-up to this briefing on March 27, 2012, the Subcommittee Chair and Mr. Walberg sent a letter to the Secretary of Homeland Security regarding this issue.

The Subcommittee continues to review security breaches and violations of airport perimeter and access controls. Members of the Committee and Subcommittee have sent oversight letters to the Transportation Security Administration regarding perimeter security and access control. The Subcommittee met with officials from

TSA, as well as local agencies and the private sector, to discuss this issue. On May 16, 2012, the Subcommittee held a hearing to examine TSA's access controls oversight. On May 16, 2012, the Chairman and Ranking Member of the Subcommittee sent Administrator Pistole a letter to express concerns regarding TSA's access control oversight vulnerabilities.

The Subcommittee conducted a site visit to the TSA Systems Integration Facility located at Washington Reagan National Airport. Members observed the Credential Authentication Technology—Boarding Pass Scanning Systems (CAT-BPSS), which TSA expects will eventually replace the current procedure used by security officers to verify fraudulent or altered documents at passenger screening checkpoints at U.S. airports.

#### SURFACE TRANSPORTATION

The Subcommittee continues to review and oversee the Transportation Security Administration's (TSA) surface transportation initiatives. On February 16, 2011, the Subcommittee held a classified Member briefing from TSA in order to examine current threats to our Nation's transportation security. Additionally, the Chair of the Subcommittee sent a letter to the Assistant Administrator for Transportation Sector Network Management requesting detailed information on TSA's efforts to secure pipeline and surface transportation assets.

The Subcommittee considered several pieces of legislation to improve transportation security. This includes, H.R. 1690, the MODERN Security Credentials Act. Committee staff met with various surface transportation stakeholders, both in preparation for the introduction of H.R. 3011 and H.R. 1690, and in conducting oversight and review of surface transportation security. Additionally, on September 30, 2011 Committee staff conducted a site visit to observe the security of mass transit assets in New York City, New York. In 2012, the Subcommittee plans to conduct additional site visits to observe surface transportation security inspectors.

On January 11, 2012, the Subcommittee staff conducted a site visit to Baltimore-Washington International Airport to observe surface transportation security inspectors.

On May 31, 2012, the Subcommittee held a hearing entitled "TSA's Surface Inspection Program: Strengthening Security or Squandering Scant Resources?" The Subcommittee received testimony from Chief John O'Connor, Amtrak Police Department; Mr. Skip Elliott, Vice President, Public Safety and Environment, CSX; Mr. Philip L. Byrd Sr., President, Bulldog Hiway Express, *testifying on behalf of the American Trucking Associations*; Mr. William C. Blankenship, Chief Operating Officer, Greyhound Lines, Inc.; and Mr. Doug Morris, Director, Safety and Security Operations, Owner-Operator Independent Drivers Association.

## SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

### FEDERAL PREPAREDNESS AND RESPONSE

During the 112th Congress, the Subcommittee conducted oversight of efforts at the Federal, State, local, and private sector levels to prepare for, respond to, and recover from terrorist attacks and natural disasters. Through a series of hearings, field hearings, site visits, and briefings, the Subcommittee worked to ensure that the whole community is engaged in these efforts. The Subcommittee held hearings to review the Federal Emergency Management Agency's (FEMA) implementation of the Post Katrina Emergency Management Reform Act, to receive the perspective of State and local emergency response providers, to receive an update on the Federal Government's ability to alert and warn the public of an impending emergency, and to assess best practices and lessons learned from recent disasters. The Subcommittee also approved legislation authorizing the Integrated Public Alert and Warning System. The Subcommittee will continue its oversight of these vital issues to ensure the continued improvement of our Nation's preparedness and response capabilities.

### NATIONAL RESPONSE AND INCIDENT MANAGEMENT

The Subcommittee has paid particular attention to the Administration's development and roll out of Presidential Policy Directive (PPD) 8 - National Preparedness, which repealed and replaced Homeland Security Presidential Directive 8, particularly as it relates to the development of the National Preparedness System and the various mandated frameworks. Subcommittee Members and staff received numerous briefings on FEMA's effort to implement the requirements of PPD-8, including FEMA's review of the National Response Framework and development of the National Disaster Recovery Framework. The Subcommittee will continue oversight of the development and implementation of this important doctrine and its integration with the National Incident Management System.

### INTEROPERABLE COMMUNICATIONS

Through a series of briefings and a hearing, the Subcommittee has conducted oversight on the various offices responsible for interoperable and emergency communications within the Department of Homeland Security. The Subcommittee has met with representatives from the Office of Emergency Communications (OEC) to assess OEC's leadership role in the Department and with the Emergency Communications Preparedness Center. The Subcommittee has also conducted oversight on the proposed development of a National interoperable wireless broadband network for public safety. The Subcommittee will continue this oversight throughout the remainder of the 112th Congress.

## ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST RESPONDERS

The Department of Homeland Security has awarded more than \$34 billion to State and local Governments and first responders since the September 11th terrorist attacks. To ensure the Department of Homeland Security is allocating this funding based on risk, the Subcommittee held a number of hearings and briefings; including a classified briefing on the risk formula used to allocate these grant funds. The Subcommittee has paid particular attention to the Department's oversight of the grant funds, visiting the Grant Programs Directorate to receive an update on the development of the Non-Disaster (ND) Grants System and programmatic and financial reviews of the grant awards. In addition, the Subcommittee has been monitoring the FEMA's work with the National Academy of Public Administration to develop long-overdue performance measures and metrics for these programs. The Subcommittee also engaged the Government Accountability Office in work to review the efficiency of these programs. Finally, the Subcommittee approved H.R. 1129, the Homeland Security Grant Management Improvement Act on December 8, 2011 to ensure flexibility in the use of State Homeland Security Grant Program and Urban Area Security Initiative funds and to ensure the appropriate management and oversight of these programs. The Subcommittee also approved H.R. 1411, the Metropolitan Medical Response System Program Act, to authorize expenditures under the medial preparedness grant program.

In the remainder of the 112th Congress, the Subcommittee will continue its oversight of these grant programs to ensure that law enforcement, first responders, and emergency managers have the tools they need to prevent, prepare for, mitigate against, and respond to terrorist attacks and natural disasters.

## FIRST RESPONDER TRAINING

As part of its oversight of first responder training programs, the Subcommittee conducted a number of site visits to training centers funded by the Department of Homeland Security or through first responder grant programs. Committee staff visited the Center for Domestic Preparedness, the National Emergency Response and Rescue Training Center, and training centers run by local law enforcement. The Subcommittee also received a number of briefings from Federal and State training providers.

## EXERCISES AND SIMULATIONS

Throughout the first session of the 112th Congress, Subcommittee Members and staff received numerous briefings on the National Exercise Program and National Level Exercise 2011, which was held from May 16 through 19, 2011, and simulated a catastrophic earthquake in the New Madrid Seismic Zone. Committee staff also observed exercises conducted by the Department of Defense and local Governments. The Subcommittee will continue to examine the extent to which lessons learned are reviewed, incorporated into programs and plans, and shared with State and local exercise participants.

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

The Subcommittee has been effective in implementing its planned oversight activities for chemical, biological, radiological, and nuclear (CBRN) preparedness activities. A Member-level threat briefing regarding weapons of mass destruction allowed Members to better understand the threat landscape, and determine where resources should be prioritized. Members have assessed how well the Department, and the Nation as a whole, is capable of mitigating CBRN risks. They have done this through rigorous oversight of the Department's biosurveillance programs, including BioWatch, through the introduction and approval of legislation to authorize the Metropolitan Medical Response System Program, and through hearings on issues including Office of Health Affairs priorities and medical countermeasure availability. The series of hearings held on medical countermeasures in particular afforded Members an opportunity to ensure that the Department and its partner agencies have committed resources appropriately to this priority area. The Subcommittee Chair tasked the Government Accountability Office with examining the state of the Nation's surveillance and response capability for an agricultural incident that would affect homeland security, including through the means of biological terrorism.

SUBCOMMITTEE ON CYBERSECURITY, INFRASTRUCTURE  
PROTECTION, AND SECURITY TECHNOLOGIES

CYBERSECURITY

During the 112th Congress the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies examined the legislative and policy efforts to harden the Nation's critical infrastructure against cyber attacks. Those efforts included a review of the Department of Homeland Security's ability to detect and prevent malicious incursions. The Subcommittee held an oversight hearing entitled "The DHS Cybersecurity Mission: Promoting Innovation and Securing Critical Infrastructure on April 15, 2011." To understand the nexus between cyber and physical infrastructure security, the Subcommittee also held a hearing, "Examining the Cyber Threat to Critical Infrastructure and the American Economy" in March 16, 2011.

The Subcommittee received a briefing on the status of the Einstein 3 program and from the Director of the United States Computer Emergency Readiness Team. The Subcommittee organized three classified Member briefings on cybersecurity operations.

The Chair of the Subcommittee introduced H.R. 3674 to address the vulnerabilities and on-going cyber threats against the Nation's critical infrastructures. In the second session of the 112th Congress, the Subcommittee will focus on the various cyber missions of the Department of Homeland Security and review the integration of those missions.



## THE SAFETY ACT

While the Support Anti-terrorism by Fostering Effective Technologies Act (the SAFETY Act) was included as subtitle G of the Homeland Security Act of 2002, there is a need for oversight of the certification and designation process during the 112th Congress. On September 14, 2011, Committee staff received their first quarterly briefing from the Department of Homeland Security on the status of SAFETY Act implementation. Topics discussed included SAFETY Act progress in terms of numbers of certifications and designations, addition of new block designations and certifications, and other accomplishments to-date as well as challenges.

## CRITICAL INFRASTRUCTURE PROTECTION

As part of its oversight of the Department of Homeland Security's (DHS) efforts to secure the Nation's critical infrastructure, the Subcommittee held a series of briefings and initiated Government Accountability Office (GAO) studies on its efforts to integrate sector specific strategies into the National Strategy for Critical Infrastructure Protection. The Subcommittee has also monitored the Department of Infrastructure Protection's ability to identify and assess threats to critical infrastructures. The Subcommittee has requested GAO investigations into the tiering methodology for critical infrastructure and ordered a review of the Department's ability to identify and plan around cross-sector dependencies.

To review the Office of Infrastructure Protection's ability to share information and manage relationships with private sector and academic partners the Subcommittee conducted numerous site visits. Those include but are not exclusive to: a briefing, and a tour of a transatlantic cable landing vessel, on-site briefings at a DHS Center of Excellence, overview of electric grid vulnerability assessments in Arlington County, and a visit to the Department of Defense Cyber Command.

In the course of monitoring the Department's expanding international portfolio in the area of critical infrastructure, Committee staff has received briefings from department officials, including but not exclusive to: a July 20, 2011 classified briefing on the Critical Foreign Dependencies Initiative, and Operation Global Shield, a counter-proliferation initiative launched by the Department. Bipartisan staff traveled with DHS officials to observe the Department's organization and stewardship of the annual US—EU Critical Infrastructure Experts Meeting.

As the 112th Congress progresses, the Subcommittee will continue focusing on the organization and functionality of the office, its ability to execute its strategic plan, the quality of its information sharing efforts with stakeholders, and its implementation of recommendations from the GAO and the 9/11 Commission.

## SAFETY AND SECURITY OF FEDERAL BUILDINGS AND FACILITIES

On July 26, 2011, the Chair of the Subcommittee introduced H.R. 2658, the Federal Protective Service Reform and Enhancement Act. The bill aims to improve security of Federal facilities by directing the Secretary of Homeland Security to establish minimum training standards, improve systems for verifying guard certifications, and

standardize training. Committee staff conducted a number of site visits and meetings with the Federal Protective Service (FPS) to address on-going concerns with contract guard management and site security assessments. The Subcommittee Chair sent four letters requesting GAO studies to delve further into FPS' challenges. Those requests include a request to review the adequacy of Federal evacuation plans, a status update on FPS' management of its contract guard program, FPS plans for conducting facility risk assessments in light of management delays, and a review of the adequacy of those assessments. Subcommittee Chairman Lungren and Committee staff will continue to hold hearings and conduct oversight of Federal Protective Service's ability to carry out its mission.

#### CHEMICAL FACILITY SECURITY

The Subcommittee held a hearing entitled "Preventing Chemical Terrorism: Building a Foundation of Security at Our Nation's Chemical Facilities" on February 11, 2011. Following this oversight hearing, the Subcommittee introduced H.R. 901 the Chemical Facility Anti-Terrorism Security Authorization Act of 2011 (CFATS). Committee staff participated in numerous meetings, including conferences, with CFATS stakeholders.

From January through December, 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. In addition to working towards the passage of H.R. 901, or similar extension of CFATS authority, the Committee's legislative and oversight priorities will focus on CFATS implementation and oversight of the ammonium nitrate rule.

The Subcommittee will continue oversight of the Chemical Facility Anti-Terrorism Standards Program with particular focus on processes designed to address the Infrastructure Security Compliance Division.

#### SCIENCE AND TECHNOLOGY

The Subcommittee has undertaken a series of oversight measures aimed at ensuring that the Department of Homeland Security's Science and Technology Directorate (S&T) is capable of rapidly delivering needed products and services to its customers so that they can meet their homeland security mission. The Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held an important oversight hearing at which the Under Secretary for Science and Technology testified on plans for ensuring successful allocation of limited resources. This hearing allowed examination of the Department's progress in developing a more rigorous process to identify, prioritize, and fund research, development, testing, and evaluation opportunities. Committee staff have also undertaken a series of in-depth briefings with the Directorate, which will continue throughout the 112th Congress. These meetings, which cover priorities, budgeting, timelines, and forward project planning, address the spectrum of S&T's activities, and are

critical to keeping Members informed about successes and continued challenges within the Directorate.

The Science and Technology title of H.R. 3116, the authorization bill for the Department, emphasized Member priorities for ensuring that the Department is sufficiently focused and organized in its efforts to coordinate the homeland security research and development agenda and ensure adequate leveraging of existing scientific knowledge and technical expertise.

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

The Subcommittee has undertaken oversight to examine and address gaps in the Nation's capability to counter the threat from chemical, biological, radiological, and nuclear (CBRN) weapons. A joint subcommittee hearing was held to examine legislation (H.R. 2356) to address policy needs in weapons of mass destruction prevention and preparedness. Staff meetings with the Department on the status of efforts such as prevention and preparedness for CBRN terrorism at the new World Trade Center site, progress of the BioWatch detection program, and status of implementation of the Global Nuclear Detection Architecture have all informed oversight over CBRN preparedness, particularly with regard to technology. GAO requests and Member letters are providing further information on the Department's detection and analysis capabilities. Site visits to locations such as the National Bioforensics and Analysis Center and a full scale exercise of the Securing the Cities program allow further important insight into interdiction, response, and attribution capabilities.

SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND  
MANAGEMENT

DEPARTMENTAL OPERATIONS AND EFFICIENCY INITIATIVES

During the 112th Congress the Subcommittee on Oversight, Investigations, and Management oversaw the Department of Homeland Security's (DHS) day to day operations to ensure it was functioning in the most efficient and effective manner possible. The Subcommittee conducted briefings with numerous agencies, including the DHS Under Secretary for Management and the Chief Human Capital Officers.

In an effort to review specific DHS component practices and regulations, on October 17, 2011, the Subcommittee held a field hearing at the Texas State Capitol in Austin, Texas entitled "Texas Wildfire Review: Did Bureaucracy Prevent a Timely Response?" The Subcommittee examined the Federal response to the wildfire disaster, and the process by which local and State Government had to initiate in order to receive necessary support from the Federal Government. In addition, prior to the hearing, Committee staff conducted a site visit to Bastrop, Texas to view the damage as a result of the fires and meet with Texas Department of Public Safety officials.

The Subcommittee also worked to identify potential opportunities to eliminate duplicative or unnecessary programs, find efficiencies

that contribute to the Department's ability to meet its vital missions, and identify areas for cost savings. The Subcommittee held a hearing entitled, "Homeland Security Contracting: Does the Department Effectively Leverage Emerging Technologies?"

Furthermore, the Subcommittee conducted oversight to ensure departmental regulations enhanced security without posing an unnecessary barrier to job creation. On July 7, 2011, the Subcommittee held a hearing entitled, "Homeland Security Investigations: Examining DHS's efforts to Protect American Jobs and Secure the Homeland." The Chair of the Subcommittee and two Subcommittee Members sent a letter to the Secretaries of Homeland Security and Treasury requesting information in regards to the Trade Secrets Act and how it has been applied to U.S. Customs and Border Protection policy between Government and private sector efforts to combat intellectual property theft.

Violence along the U.S. Southwestern Border has become an increasing problem for the safety and security of our Nation's citizens. To examine this threat and locate potential gaps in homeland security, the Subcommittee held a hearing entitled "A Call to Action: Narco-Terrorism's Threat to the Southern U.S. Border." The Chair of the Subcommittee sent a letter to the Secretary of Homeland Security regarding the findings reached as a result of the hearing and requesting the Department review and further develop a comprehensive border strategy. In accordance with the Subcommittee's focus of border threats, the Subcommittee also examined the Mérida Initiative and participated in a joint hearing with the Committee on Foreign Affairs Subcommittee on Western Hemisphere to assess the Initiative's potential benefits and its effectiveness against terrorist operations of drug cartels.

During the 2nd session of the 112th Congress, the Subcommittee continued its oversight of the Department's day to day operations. In an effort to examine the current strategy documents produced by the Department that guide its daily programs and activities and to monitor their effective implementation, on February 3, 2012, the Subcommittee held a hearing entitled "Is DHS Effectively Implementing a Strategy to Counter Emerging Threats?" In addition, to continue its examination of duplication and opportunities for cost savings within the Department, on March 8, 2012, the Subcommittee held a hearing entitled "Eliminating Waste, Fraud, Abuse, and Duplication in the Department of Homeland Security."

#### FINANCIAL MANAGEMENT

The Transformation and Systems Consolidation (TASC) project was launched to consolidate DHS's 13 separate financial management systems into one unified system. In an effort to review this project, the Subcommittee held several meetings with Governmental and private sector stakeholders to discuss the TASC contract. Additionally, the Chair of the Subcommittee and the Chair of the Subcommittee on Emergency Preparedness, Response and Communications sent a letter to the FEMA administrator regarding the processes that are in place to vet employees, particularly those with access to financial systems and internal controls within FEMA's payroll systems to help identify possible fraudulent activity.

The Department still lacks effective program management, clear roles and processes for program governance, sharing of best practices, and access to timely, reliable and analyzed data on more than \$18 billion in acquisitions and investments. As a result, on March 1, 2012, the Subcommittee held a hearing entitled “Building One DHS: Why Can’t Management Information be Integrated?”

In addition, on April 27, 2012, the Subcommittee Chair sent a letter to the Under Secretary for Management of the Department of Homeland Security requesting information regarding National and international conferences attended by DHS personnel and how resources are spent.

The Subcommittee plans to continue to monitor TASC during the second session of this Congress and will also review the Department’s efforts to enhance internal controls and provide information that will enable positive audits.

#### DEPARTMENTAL WORKFORCE

The Subcommittee monitored and will continue to monitor the Department’s efforts to recruit and retain personnel and employee morale issues. The Chair and Ranking Member of the Subcommittee sent a letter to the Government Accountability Office requesting specific information on the extent to which the Department of Homeland Security (DHS) has identified the root causes of low employee morale and progress made in addressing these issues within the Department. In addition, throughout the first session of the 112th Congress, Committee staff met with management leaders at DHS, including its Chief Human Capital Officer, Chief Procurement Officer, Chief Financial Officer, Chief Administrative Officer, and Chief Information Officer.

During the second session of the 112th Congress in a continued effort to examine the problem of low morale, on March 22, 2012, the Subcommittee held a hearing entitled “Building One DHS: Why is Employee Morale Low?” Following the March 22 hearing, the Subcommittee chair sent a letter to the Secretary of Homeland Security encouraging the Department to work with stakeholders, leadership, and DHS employees to adopt a robust plan to improve morale within the agency.

On February 9, 2012 the Subcommittee hosted a Member briefing on the Department’s management goals and priorities for 2012. The briefing was led by the DHS Under Secretary for Management, Mr. Rafael Borrás. Main topics covered during the briefing included strengthening DHS’s acquisition process, contracting duplication, a simplified budget structure, improper payments, and progress made on the Department’s “qualified” audit opinion.

The Subcommittee Chair sent a letter to the Comptroller General of the United States on April 24, 2012, requesting to be a co-requester of two reports that GAO is preparing on the Department of Homeland Security’s Office of Policy and intelligence analysis capabilities at the request of the Senate Committee on Homeland Security and Governmental Affairs.

Over the past two years several reports of DHS employees acting unethically and in some cases criminally have eroded the faith entrusted to them by the American people. In response, the Subcommittee held a hearing on May 17, 2012, entitled “Department

of Homeland Security: An Examination of Ethical Standards.” Furthermore, on April 24, 2012, the Subcommittee Chair asked to become a co-requester of a report that the Government Accountability Office (GAO) is preparing on personnel misconduct in the Transportation Security Administration at the request of the Chairman of the House Transportation and Infrastructure Committee. In addition, Subcommittee staff again met with management leaders at DHS.

#### INFORMATION TECHNOLOGY SYSTEMS MANAGEMENT

In an effort to review the Department of Homeland Security’s (DHS) practices to address information technology challenges, including the management and integration of the Department’s information technology (IT) systems, the Department’s progress in IT architectural planning, investment management, policy development and operations, the Chair and Ranking Member of the Subcommittee sent a letter to the Government Accountability Office (GAO) requesting a review to assess how the Department is managing IT investments. Additionally, the Chair and Ranking Member of the Subcommittee requested GAO to evaluate the extent to which DHS has established IT governance and oversight structures and how these are being used to manage and oversee IT investments.

#### HSPD-12 IMPLEMENTATION

During the second session of the 112th Congress, the Subcommittee plans to further monitor and examine the Department’s implementation of Homeland Security Presidential Directive-12 (HSPD-12), including DHS’s completion of card issuance, installation of card readers, and other identification security efforts.

#### HEADQUARTERS CONSOLIDATION

The Subcommittee conducted a Member site visit to the Department of Homeland Security Consolidated Headquarters site at St. Elizabeths to examine the progress of construction and the status of consolidation efforts. As a continued effort to closely monitor this project, during the second session of the 112th Congress, Subcommittee staff were briefed from DHS officials and General Services Administration on updates to the St. Elizabeths facility and discussed upcoming budget requests.

#### ACQUISITION MANAGEMENT

As an additional oversight responsibility, the Subcommittee reviewed the efforts of the Department of Homeland Security (DHS) to improve the integration and coordination of the procurement functions of its components to ensure effective management and the prevention of contract waste, fraud and abuse. The Chair and Ranking Member of the Subcommittee sent a letter to the Government Accountability Office (GAO) requesting a review of contracting mechanisms at the Department. The Subcommittee met with the Chief Procurement Officer at DHS to discuss management authorities and procurement activities. Furthermore, in an effort to

review the Department's implementation of Section 831(a) of the Homeland Security Act of 2002, and to examine DHS's process for seeking out technologies across DHS components, the Federal Government and the private sector, the Subcommittee held a hearing entitled, "Homeland Security Contracting: Does the Department Effectively Leverage Emerging Technologies?"

Furthermore, on March, 21, 2012, the Subcommittee Chair sent a letter to the Comptroller General asking to be a co-requester of a report that GAO is preparing on the Department of Homeland Security's acquisition policy at the request of the Senate Committee on Homeland Security and Governmental Affairs.

#### PRIVACY AND CIVIL LIBERTIES

The Subcommittee held a field hearing entitled, "Ten Years After 9/11: Assessing Airport Security and Preventing a Future Terrorist Attack," which examined the Screening Passengers by Observation Techniques (SPOT) program. SPOT attempts to screen passengers using a behavioral analysis technique which some believe is discriminatory. On December 9, 2011, the Chair of the Subcommittee sent a letter to the Secretary of Homeland Security regarding the hearing's findings and recommendations.





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**APPENDICES**

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# 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 web site 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 web site for the same purposes. The official Committee web site 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 web site.

(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 acknowledgement by the Chairman or the Committee of a decision to initiate an investigation of a particular person, entity, or subject, no member of the Committee staff shall knowingly divulge

to any person any information, including non—classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if the member of the Committee staff has a reasonable expectation that such information may alert the subject of a Committee investigation to the existence, nature, or substance of such investigation, unless authorized to do so by the Chairman or the Committee.

**RULE XIV.—COMMITTEE MEMBER AND COMMITTEE STAFF TRAVEL.**

(A) *Approval of Travel.*—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any Committee Member or Committee staff shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any Committee Member or Committee staff only in connection with official Committee business, such as the attendance of hearings conducted by the Committee and meetings, conferences, site visits, and investigations that involve activities or subject matters under the general jurisdiction of the Full Committee.

(1) *Proposed Travel by Majority Party 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 web site 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 web site 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.

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#### 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
CHIP CRAVAACK, Minnesota	Islands
JOE WALSH, Illinois	DANNY K. DAVIS, Illinois
PATRICK MEEHAN, Pennsylvania	BRIAN HIGGINS, New York
BEN QUAYLE, Arizona	JACKIE SPEIER, California
E. SCOTT RIGELL, Virginia	CEDRIC L. RICHMOND, Louisiana
BILLY LONG, Missouri	HANSEN CLARKE, Michigan
JEFF DUNCAN, South Carolina	WILLIAM R. KEATING, Massachusetts
TOM MARINO, Pennsylvania	
BLAKE FARENTHOLD, Texas	
MO BROOKS, Alabama	

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#### 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> )	

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## 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> )	

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## SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

GUS M. BILIRAKIS, Florida, *Chairman*

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

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## 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
BEN QUAYLE, Arizona, <i>Vice Chair</i>	Islands
E. SCOTT RIGELL, Virginia	BRIAN HIGGINS, New York
JEFF DUNCAN, South Carolina	HANSEN CLARKE, Michigan
PETER T. KING, New York	BENNIE G. THOMPSON, Mississippi
( <i>Ex Officio</i> )	( <i>Ex Officio</i> )

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## 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
E. 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
E. SCOTT RIGELL, Virginia	VACANCY
BILLY LONG, Missouri	VACANCY
JEFF DUNCAN, South Carolina	
TOM MARINO, Pennsylvania	
BLAKE FARENTHOLD, Texas	
MO BROOKS, Alabama	

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### 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>	

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### 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>	

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## SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

GUS M. BILIRAKIS, Florida, *Chairman*

JOE WALSH, Illinois	LAURA RICHARDSON, California
E. 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>	

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## 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
E. 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>	

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## 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
E. 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. On July 6, 2011, Ms. Hochul was appointed to Subcommittees.

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
E. 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	

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### 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>	

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### 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
E. SCOTT RIGELL, Virginia	HANSEN CLARKE, Michigan
TOM MARINO, Pennsylvania, <i>Vice Chair</i>	KATHLEEN C. HOCHUL, New York
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
E. 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
E. SCOTT RIGELL, Virginia	KATHLEEN C. HOCHUL, New York
BILLY LONG, Missouri	BENNIE G. THOMPSON, Mississippi
PETER T. KING, New York	( <i>Ex Officio</i> )
( <i>Ex Officio</i> )	

## August 17, 2011

Ms. Janice Hahn of California was elected to the Committee on July 28, 2011 pursuant to H. Res. 377. On August 17, additional changes were made to the Subcommittee Memberships.

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
E. SCOTT RIGELL, Virginia	KATHLEEN C. HOCHUL, New York
BILLY LONG, Missouri	JANICE HAHN, California
JEFF DUNCAN, South Carolina	
TOM MARINO, Pennsylvania	
BLAKE FARENTHOLD, Texas	
MO BROOKS, Alabama	

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### 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>	

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### 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> )	

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## SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

GUS M. BILIRAKIS, Florida, *Chairman*

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

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## 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
E. 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> )	

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## 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	BRIAN HIGGINS, New York
BEN QUAYLE, Arizona	KATHLEEN C. HOCHUL, New York
E. SCOTT RIGELL, Virginia	JANICE HAHN, California
BILLY LONG, Missouri	BENNIE G. THOMPSON, Mississippi
PETER T. KING, New York	( <i>Ex Officio</i> )
( <i>Ex Officio</i> )	



## October 2011

Mr. Mo Brooks of Alabama resigned as a Member of the Committee on Homeland Security. Mr. Robert L. Turner of New York was elected to the Committee on pursuant to H. Res. 420.

On October 26, 2011, Mr. Turner was appointed to Subcommittees.

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
E. SCOTT RIGELL, Virginia	KATHLEEN C. HOCHUL, New York
BILLY LONG, Missouri	JANICE HAHN, California
JEFF DUNCAN, South Carolina	
TOM MARINO, Pennsylvania	
BLAKE FARENTHOLD, Texas	
ROBERT L. TURNER, New York	

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### 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>	

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### 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
ROBERT L. TURNER, New York	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>	

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## SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

GUS M. BILIRAKIS, Florida, *Chairman*

E. SCOTT RIGELL, Virginia	LAURA RICHARDSON, California
TOM MARINO, Pennsylvania, <i>Vice Chair</i>	HANSEN CLARKE, Michigan
BLAKE FARENTHOLD, Texas	KATHLEEN C. HOCHUL, New York
ROBERT L. TURNER, New York	BENNIE G. THOMPSON, Mississippi
PETER T. KING, New York	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

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## 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
E. 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>	

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## 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	BRIAN HIGGINS, New York
BEN QUAYLE, Arizona	KATHLEEN C. HOCHUL, New York
E. SCOTT RIGELL, Virginia	JANICE HAHN, California
BILLY LONG, Missouri	BENNIE G. THOMPSON, Mississippi
PETER T. KING, New York	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

## February 2012

Ms. Jackie Speier of California resigned as a Member of the Committee on Homeland Security on February 16, 2012.

On February 27, 2012, changes were made to Subcommittee assignments.

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	CEDRIC L. RICHMOND, Louisiana
JOE WALSH, Illinois	HANSEN CLARKE, Michigan
PATRICK MEEHAN, Pennsylvania	WILLIAM R. KEATING, Massachusetts
BEN QUAYLE, Arizona	KATHLEEN C. HOCHUL, New York
E. SCOTT RIGELL, Virginia	JANICE HAHN, California
BILLY LONG, Missouri	VACANCY
JEFF DUNCAN, South Carolina	
TOM MARINO, Pennsylvania	
BLAKE FARENTHOLD, Texas	
ROBERT L. TURNER, New York	

### 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	CEDRIC L. RICHMOND, Louisiana
JOE WALSH, Illinois, <i>Vice Chair</i>	VACANCY
ROBERT L. TURNER, New York	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*

E. SCOTT RIGELL, Virginia	LAURA RICHARDSON, California
TOM MARINO, Pennsylvania, <i>Vice Chair</i>	HANSEN CLARKE, Michigan
BLAKE FARENTHOLD, Texas	KATHLEEN C. HOCHUL, New York
ROBERT L. TURNER, New York	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
E. 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>	BRIAN HIGGINS, New York
CHIP CRAVAACK, Minnesota	LORETTA SANCHEZ, California
JOE WALSH, Illinois	KATHLEEN C. HOCHUL, New York
BEN QUAYLE, Arizona	JANICE HAHN, California
E. SCOTT RIGELL, Virginia	VACANCY
BILLY LONG, Missouri	BENNIE G. THOMPSON, Mississippi
PETER T. KING, New York	( <i>Ex Officio</i> )
( <i>Ex Officio</i> )	