

# CORD

## Activities and Summary Report on the House Committee on Homeland Security: 110th Congress

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## Union Calendar No. 613

110TH CONGRESS }  
*2d Session*

HOUSE OF REPRESENTATIVES

{ REPORT  
110-940

### REPORT ON LEGISLATIVE AND OVERSIGHT ACTIVITIES

of the

### HOUSE COMMITTEE ON HOMELAND SECURITY

together with

### ADDITIONAL VIEWS

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

2009

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



JANUARY 3, 2009.—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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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC, January 3, 2009.*

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

DEAR MS. MILLER: Pursuant to clause 1(d)(1) of Rule XI and Rule X of the Rules of the House of Representatives, here is a report of the legislative and oversight activities of the Committee on Homeland Security during the 110th Congress.

Sincerely,

BENNIE G. THOMPSON,  
*Chairman.*



# Union Calendar No. 613

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## LEGISLATIVE AND OVERSIGHT ACTIVITIES OF THE COMMITTEE ON HOMELAND SECURITY 110TH CONGRESS

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JANUARY 3, 2009.—Committed to the Committee of the Whole House on the State  
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Mr. THOMPSON, from the Committee on Homeland Security,  
submitted the following

### R E P O R T

together with

### ADDITIONAL VIEWS

#### OVERVIEW

The Committee on Homeland Security met on January 23, 2007, for an organizational meeting for the 110th Congress under the direction of Chairman Bennie G. Thompson of Mississippi. The Committee Membership was set at 34 Members, with 19 Democrats and 15 Republicans.

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

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## JURISDICTION AND LEGISLATIVE HISTORY

The establishment of a Committee on Homeland Security was included H. Res. 5, the Rules of the House of Representatives for the 109th Congress, agreed to on January 4, 2005. 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 measures, 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 measure 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 re-

port 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. (f) 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.

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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 measure coordinating the homeland security efforts by all of the critical infrastructure protection sectors. Jurisdiction over a measure 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 security 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 measures 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 measures addressing the separate entities that comprise the first responders. For example, the Committee on Energy and Commerce shall retain its jurisdiction over a measure 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 in-

cluding 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 measures 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 measures addressing the Transportation Security Administration and the Committee on Transportation and Infrastructure would have jurisdiction over measures 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.

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

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

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

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

First, with regard to the Federal Emergency Management Agency's, FEMA, emergency preparedness and response programs, the Committee on Homeland Security has jurisdiction over the Department of Homeland Security's responsibilities with regard to emergency preparedness and collective response only as they relate to terrorism. However, in light of the federal emergency manage-

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

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

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

JAMES L. OBERSTAR

*Chairman-designate,  
Committee on Transportation & Infrastructure*

BENNIE G. THOMPSON

*Chairman-designate,  
Committee on Homeland Security*





## MEMBERSHIP AND ORGANIZATION OF THE COMMITTEE ON HOMELAND SECURITY

(19–15)

### COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

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January 4, 2007-Appointment of Mr. Bennie G. Thompson of Mississippi as Chairman, and Mr. Peter T. King of New York as Ranking Member pursuant to H. Res. 7 and H. Res. 8 respectively.

January 10, 2007-Appointment of additional Minority Members to the Committee pursuant to H. Res. 45.

January 12, 2007-Appointment of additional Majority Members to the Committee pursuant to H. Res. 56.

March 12, 2007-Ms. Marsha Blackburn of Tennessee resigned as a Member of the Committee; and Mr. Kevin McCarthy of California was appointed as a Member of the Minority pursuant to H. Res. 236.

July 25, 2007-Mr. Kevin McCarthy of California resigned from the Committee.

July 25, 2007-Mr. Paul C. Broun of Georgia was appointed as a Member of the Minority pursuant to H. Res. 566.

September 20, 2007-Mr. Bill Pascrell, Jr. of New Jersey was appointed as a Member of the Majority pursuant to H. Res. 667.

January 14, 2008-Mr. Bobby Jindal of Louisiana resigned as a Member of the House of Representatives.

March 11, 2008-Mrs. Candice S. Miller of Michigan was appointed as a Member of the Minority pursuant to H. Res. 1034.

November 24, 2008-Mr. Tom Davis of Virginia resigned as a Member of the House of Representatives.

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### SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

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<p>JANE HARMAN, California            ZOE LOFGREN, California            SHEILA JACKSON-LEE, Texas            JAMES R. LANGEVIN, Rhode Island            HENRY CUELLAR, Texas            AL GREEN, Texas            BENNIE G. THOMPSON, Mississippi              (<i>Ex Officio</i>)</p>	<p>MARK E. SOUDER, Indiana            DAVID G. REICHERT, Washington            MICHAEL T. MCCAUL, Texas            GUS M. BILIRAKIS, Florida            MIKE ROGERS, Alabama            PETER T. KING, New York              (<i>Ex Officio</i>)</p>
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TERRORISM RISK ASSESSMENT

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PROTECTION

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

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AL GREEN, Texas	PAUL C. BROUN, Georgia
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BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	<i>(Ex Officio)</i>

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BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	<i>(Ex Officio)</i>

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

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ED PERLMUTTER, Colorado	CANDICE S. MILLER, Michigan
BILL PASCRELL, JR, New Jersey	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	<i>(Ex Officio)</i>

# HISTORY OF THE COMMITTEE ON HOMELAND SECURITY

## SELECT COMMITTEES ON HOMELAND SECURITY

### *107th Congress*

In the 107th Congress, the House Select Committee on Homeland Security was established on June 19, 2002, pursuant to H. Res. 449 (adopted by voice vote). The Committee was composed of nine Members of the House: Mr. Arney, Chairman; Mr. DeLay; Mr. Watts of Oklahoma; Ms. Pryce of Ohio; Mr. Portman; Ms. Pelosi; Mr. Frost; Mr. Menendez; and Ms. DeLauro.

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

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

Law	Title	Bill
P.L. 107-296	<i>The Homeland Security Act of 2002.</i>	H.R. 1555

### *108th Congress*

The second House Select Committee on Homeland Security was established in the 108th Congress on January 7, 2003, pursuant to provisions of H. Res. 5 (adopted by a recorded vote of 221 yeas and 203 nays.) The Membership of the Select Committee was established on February 12, 2003, as: Mr. Cox of California, Chairman; Ms. Dunn of Washington; Mr. Young of Florida; Mr. Young of Alaska; Mr. Sensenbrenner of Wisconsin; Mr. Tauzin of Louisiana; Mr. Dreier of California; Mr. Hunter of California; Mr. Rogers of Kentucky; Mr. Boehlert of New York; Mr. Smith of Texas; Mr. Weldon of Pennsylvania; Mr. Shays of Connecticut; Mr. Goss of Florida; Mr. Camp of Michigan; Mr. Lincoln Diaz-Balart of Florida; Mr. Goodlatte of Virginia; Mr. Istook of Oklahoma; Mr. King of New York; Mr. Linder of Georgia; Mr. Shadegg of Arizona; Mr. Souder of Indiana; Mr. Thornberry of Texas; Mr. Gibbons of Nevada;

Ms. Granger of Texas; Mr. Sessions of Texas; Mr. Sweeney of New York; Mr. Turner of Texas; Mr. Thompson of Mississippi; Ms. Loretta Sanchez of California; Mr. Markey of Massachusetts; Mr. Dicks of Washington; Mr. Frank of Massachusetts; Ms. Harman of California; Mr. Cardin of Maryland; Ms. Slaughter of New York; Mr. DeFazio of Oregon; Mrs. Lowey of New York; Mr. Andrews of New Jersey; Ms. Norton, a Delegate from the District of Columbia; Ms. Lofgren of California; Ms. McCarthy of Missouri; Ms. Jackson-Lee of Texas; Mr. Pascrell of New Jersey; Mrs. Christensen, a Delegate from the U.S. Virgin Islands; Mr. Etheridge of North Carolina; Mr. Gonzalez of Texas; Mr. Lucas of Kentucky; Mr. Langevin of Rhode Island; and Mr. Meek of Florida.

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

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

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

Law	Title	Bill
P.L. 108-136 .....	<i>National Defense Authorization Act for Fiscal Year 2004.</i> ..	H.R. 1588★
P.L. 108-268 .....	<i>To provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities.</i> ..	H.R. 4332★
P.L. 108-276 .....	<i>Project BioShield Act of 2004.</i> .....	S. 15 (H.R. 2122)
P.L. 108-293 .....	<i>Coast Guard and Maritime Transportation Act of 2004.</i> .....	H.R. 2443★
P.L. 108-330 .....	<i>Department of Homeland Security Financial Accountability Act.</i> ..	H.R. 4259
P.L. 108-458 .....	<i>Intelligence Reform and Terrorism Prevention Act of 2004.</i> ..	S. 2845 (H.R. 5223)

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

#### COMMITTEE ON HOMELAND SECURITY

##### *109th Congress*

The 109th Congress marked the first Congress for the standing Committee on Homeland Security. During the two previous Con-

gresses, the House of Representatives established separate Select Committees on Homeland Security: the first — to establish the Department of Homeland Security, the second — to monitor the initial activities of the Department and to examine the need for a standing committee in the House with jurisdictional authority over the Department.

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

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

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

On August 2, 2005, Mr. Christopher Cox of California, Chairman of the Committee, resigned as a Member of the House of Representatives after the Senate confirmed on July 29, 2005, his nomination to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2009. Subsequently, on September 15, 2005, Mr. Peter T. King of New York was appointed Chairman of the Committee on Homeland Security.

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

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

Law	Title	Bill
P.L. 109-13 .....	<i>Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.</i>	H.R. 1268★ (H.R. 418)

Law	Title	Bill
P.L. 109-59 .....	<i>Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users..</i>	H.R. 3★
P.L. 109-163 .....	<i>National Defense Authorization Act for Fiscal Year 2006. ..</i>	H.R. 1815★
P.L. 109-241 .....	<i>Coast Guard and Maritime Transportation Act of 2006. ....</i>	H.R. 889★
P.L. 109-347 .....	<i>“Security and Accountability For Every Port Act of 2006” or the “SAFE Port Act”..</i>	H.R. 4954
P.L. 109-364 .....	<i>John Warner National Defense Authorization Act for Fiscal Year 2007..</i>	H.R. 5122★
P.L. 109-367 .....	<i>Secure Fence Act of 2006. ....</i>	H.R. 6061

### 110th Congress

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

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

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

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

### 110th Congress

Law	Title	Bill
P.L. 110-53 .....	<i>Implementing Recommendations of the 9/11 Commission Act of 2007.</i>	H.R. 1
P.L. 110-161 .....	<i>Consolidated Appropriations, 2008.</i> .....	H.R. 2764★ (H.R. 1680)★
P.L. 110-181 .....	<i>National Defense Authorization Act for Fiscal Year 2008.</i> ..	H.R. 4986★ (H.R. 1585)★
P.L. 110-388 .....	<i>A measure to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.</i>	S. 2816
P.L. 110-412 .....	<i>Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act of 2008.</i>	H.R. 6098





## FULL COMMITTEE

BENNIE G. THOMPSON, Mississippi, *Chairman*

LORETTA SANCHEZ, California, <i>Vice Chair</i>	PETER T. KING, New York
EDWARD J. MARKEY, Massachusetts	LAMAR SMITH, Texas
NORMAN D. DICKS, Washington	CHRISTOPHER SHAYS, Connecticut
JANE HARMAN, California	MARK E. SOUDER, Indiana
PETER A. DEFAZIO, Oregon	DANIEL E. LUNGREN, California
NITA M. LOWEY, New York	MIKE ROGERS, Alabama
ELEANOR HOLMES NORTON, District of Columbia	DAVID G. REICHERT, Washington
ZOE LOFGREN, California	MICHAEL T. MCCAUL, Texas
SHEILA JACKSON-LEE, Texas	CHARLES W. DENT, Pennsylvania
DONNA M. CHRISTENSEN, Virgin Islands	GINNY BROWN-WAITE, Florida
BOB ETHERIDGE, North Carolina	GUS M. BILIRAKIS, Florida
JAMES R. LANGEVIN, Rhode Island	DAVID DAVIS, Tennessee
HENRY CUELLAR, Texas	PAUL C. BROUN, Georgia
CHRISTOPHER P. CARNEY, Pennsylvania	CANDICE S. MILLER, Michigan
YVETTE D. CLARKE, New York	VACANCY
AL GREEN, Texas	
ED PERLMUTTER, Colorado	
BILL PASCRELL, JR, New Jersey	

During the 110th Congress, the Committee on Homeland Security held a total of 35 days of hearings and received testimony from 110 witnesses on numerous topics and measures. The legislative and oversight record of the Committee is discussed more fully below.

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### ORGANIZATIONAL MEETING OF THE COMMITTEE

The Committee on Homeland Security met on January 23, 2007, for an organizational meeting for the 110th Congress under the direction of Chairman Bennie G. Thompson of Mississippi.

The Full Committee met pursuant to notice and adopted, the Committee Rules for the 110th Congress by voice vote. The Committee also approved the Committee on Homeland Security's Oversight Plan for the 110th Congress and Committee Resolution No. 1, relating to staff hiring both by voice vote.

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

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

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## LEGISLATIVE ACTIVITIES OF THE COMMITTEE

### IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

PUBLIC LAW 110-53     H.R. 1 (S. 4, H.R. 884, H.R. 1401)

To provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

#### *Legislative History*

H.R. 1 was introduced by Mr. Thompson of Mississippi and 200 original co-sponsors on January 4, 2007. H.R. 1 was referred to the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Transportation and Infrastructure, the Committee on Oversight and Government Reform, and the Committee on Ways and Means.

The House considered H.R. 1 on January 9, 2007, and passed the measure by a recorded vote of 299 yeas and 128 nays (Roll No. 15).

H.R. 1 was received in the Senate, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs on January 9, 2007.

S. 4, the Senate companion measure, was introduced in the Senate on January 4, 2007, and referred to the Senate Committee on Homeland Security and Governmental Affairs. The Senate Committee on Homeland Security and Governmental Affairs considered S. 4 on February 15, 2007, and ordered the measure reported to the Senate, amended.

The Senate Committee on Homeland Security and Governmental Affairs reported S. 4 to the Senate, with no written report, on February 22, 2007.

A motion on February 27, 2007, to proceed to the consideration of S. 4 was made in the Senate. A cloture motion on the motion to proceed was made on that date. Cloture on the motion to proceed to the consideration of the measure was invoked in the Senate by a record vote 97 yeas and 0 nays. The Senate considered S. 4 on February 28, March 1, 2, 5, 6, 7, 8, and 9, 2007. On March 9, 2007, a cloture motion on the measure was withdrawn by unanimous consent in Senate. The Senate continued consideration of S. 4 on March 13, 2007, and on that date passed the measure, amended, by a record vote of 60 yeas and 38 nays.

S. 4 was received in the House and held at the desk on March 20, 2007.

On June 26, 2007, a unanimous consent request was made in the Senate to discharge the Senate Committee on Homeland Security and Governmental Affairs from further consideration of H.R. 1; to proceed to the immediate consideration of H.R. 1; strike all after the enacting clause, and insert in lieu thereof the text of S. 4, as

passed by the Senate on March 13, 2007; the request was objected to.

The Senate, on July 9, 2007, discharged the Senate Committee on Homeland Security and Governmental Affairs from further consideration of H.R. 1, proceeded to the immediate consideration of H.R. 1 and passed the measure after striking all after the enacting clause, and inserting in lieu thereof, the text of S. 4, as passed by the Senate on March 13, 2007. The Senate then insisted on its amendment, requested a Conference with the House thereon, and appointed conferees on the part of the Senate: Senators Lieberman, Levin, Akaka, Carper, Pryor, Collins, Voinovich, Coleman, Coburn; from the Committee on Banking, Housing, and Urban Affairs: Senators Dodd and Shelby; from the Committee on Commerce, Science, and Transportation: Senators Inouye and Stevens; and from the Committee on Foreign Relations: Senators Biden and Lugar.

The House disagreed to the Senate amendment to H.R. 1, on July 17, 2007, and agreed to a Conference with the Senate thereon by voice vote. The House agreed to a motion to instruct Conferees by a recorded vote of 354 yeas and 66 nays (Roll no. 635).

The Speaker appointed conferees on the part of the House on July 17, 2007, from the Committee on Homeland Security for consideration of the House measure and the Senate amendment, and modifications committed to Conference: Thompson (MS), Sanchez, Loretta, Dicks, Harman, Lowey, Jackson-Lee (TX), Christensen, Etheridge, Langevin, Cuellar, Green, Al, Perlmutter, King (NY), Smith (TX), Souder, Davis, Tom, Lungren, Daniel E., Rogers (AL), McCaul (TX), Dent, and Brown-Waite, Ginny; and Members from the following Committees: Committee on Armed Services; the Committee on Energy and Commerce; the Committee on Foreign Affairs; the Committee on the Judiciary; from the Committee on Oversight and Government Reform; the Permanent Select Committee on Intelligence; the Committee on Science and Technology; and the Committee on Transportation and Infrastructure, and in addition Mr. Larsen of Connecticut.

The Committee of Conference on the disagreements to H.R. 1 met on July 19, 2007, with Senator Lieberman as Chair of the Committee of Conference.

The Conference Report to accompany H.R. 1 was filed in the House as H. Rpt. 110-259 on July 25, 2007.

The Committee on Rules met and granted a Rule providing for the consideration of the Conference Report to accompany H.R. 1 on July 25, 2007.

On July 26, 2007, the Senate considered the Conference Report to accompany H.R. 1. The Senate rejected a motion to recommit to the Senate Committee on Homeland Security and Governmental Affairs by a record vote of 26 yeas and 67 nays (Record Vote Number 283). The Senate then agreed to the Conference Report to accompany H.R. 1 by a record vote of 85 yeas and 8 nays (Record Vote Number 284).

On July 27, 2007, the House agreed to the Rule providing for consideration of the Conference Report to accompany H.R. 1, by voice vote. The House then agreed to the Conference Report to accompany H.R. 1 by a record vote of 371 yeas and 40 nays (Roll No. 757.), clearing the measure for the President.

H.R. 1 was presented to the President on August 1, 2007. The President signed H.R. 1 into Law on August 3, 2007. (Public Law 110-53).

Provisions of H.R. 884 were included in Title XIX of P.L. 110-53. See discussion of H.R. 884 listed below.

Provisions of H.R. 1401 were included in P.L. 110-53. See discussion of H.R. 1401 listed below.

#### CYBERSECURITY EDUCATION ENHANCEMENT ACT OF 2007

##### H.R. 263

To authorize the Secretary of Homeland Security to establish a program to award grants to institutions of higher education for the establishment or expansion of cybersecurity professional development programs, and for other purposes.

##### *Legislative History*

H.R. 263 was introduced in the House by Ms. Jackson-Lee of Texas on January 5, 2007, and referred to the Committee on Science and Technology, and in addition to the Committee on Education and Labor and the Committee on Homeland Security. Within the Committee on Homeland Security, H.R. 263 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

On June 26, 2008, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology was discharged from consideration of H.R. 263.

The Full Committee considered H.R. 263 on June 26, 2008, and ordered the measure reported to the House, amended, with a favorable recommendation by voice vote.

The Committee reported H.R. 263 to the House on September 8, 2008 as H. Rpt. 110-829, Pt. 1.

On September 12, 2008, the Chairman of the Committee on Science and Technology sent a letter to the Chairman of the Committee on Homeland Security indicating a jurisdictional interest in H.R. 263 as reported by the Committee on Homeland Security. In order to expedite consideration, the Chair agreed to not seek a sequential referral on H.R. 263 and requested support for the appointment of Conferees should a House-Senate Conference be called.

On September 18, 2008, the Chairman of the Committee on Education and Labor sent a letter to the Chairman of the Committee on Homeland Security indicating a jurisdictional interest in H.R. 263, but agreeing to waive consideration in order to expedite consideration on the House Floor. The letter further requested an appointment of conferees should a House-Senate Conference be called. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Education and Labor acknowledging the jurisdictional interests of the Committee on Education and Labor, and agreeing to support the appointment of Conferees should a House-Senate Conference be called.

SAFETY ACT AND ANTI-TERRORISM TECHNOLOGY PROCUREMENT  
PROCESSES

H.R. 599

To direct the Secretary of Homeland Security to streamline the SAFETY Act and anti-terrorism technology procurement processes.

*Legislative History*

H.R. 599 was introduced in the House by Mr. Langevin and sixteen original co-sponsors on January 22, 2007. H.R. 599 was referred solely to the Committee on Homeland Security.

On January 23, 2007, the House considered H.R. 599 under Suspension of the Rules, and passed the measure by a record vote of 427 yeas and 0 nays.

H.R. 599 was received in the Senate, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs on January 24, 2007.

PROMOTING ANTITERRORISM COOPERATION THROUGH TECHNOLOGY  
AND SCIENCE ACT

H.R. 884

To provide for the establishment of the Science and Technology Homeland Security International Cooperative Programs Office, and for other purposes.

*Legislative History*

H.R. 884 was introduced in the House by Mr. King of New York, Mr. Thompson of Mississippi, and 12 original co-sponsors on February 7, 2007. H.R. 884 was referred solely to the Committee on Homeland Security. Within the Committee, H.R. 884 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

The Chairman of the Committee on Science and Technology sent a letter to the Chairman of the Committee on Homeland Security on February 26, 2007, indicating jurisdictional interests within H.R. 884 and agreeing not seek a sequential referral of the legislation in order to expedite consideration on the House Floor. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Science and Technology acknowledging the jurisdictional interests of the Committee on Science and Technology and their agreement on sequential referral of the measure. The letter further agreed to support a request for appointment of Conferees should a House-Senate Conference be called.

The Chairman of the Committee on Foreign Affairs sent a letter to the Chairman of the Committee on Homeland Security on February 27, 2007, indicating jurisdictional interests within H.R. 884 and agreeing not to seek a sequential referral of the legislation in order to expedite consideration on the House Floor. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Foreign Affairs acknowledging the jurisdictional interests of the Committee on For-

eign Affairs and their agreement not request a sequential referral of the measure. The letter further agreed to support a request for appointment of Conferees should a House-Senate Conference be called.

On February 27, 2007, the House agreed to Suspend the Rules and pass H.R. 884 by a  $\frac{2}{3}$  recorded vote of 396 yeas and 16 nays.

H.R. 884 was received in the Senate, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs on February 28, 2007.

Provisions of H.R. 884 were included in Title XIX of P.L. 110-53. See discussion of H.R. 1 listed above.

STUDY ON THE USE OF CIVIL AIR PATROL PERSONNEL AND  
RESOURCES TO SUPPORT HOMELAND SECURITY MISSIONS

H.R. 1333

To amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions.

*Legislative History*

H.R. 1333 was introduced in the House on March 6, 2007, by Mr. Dent and 32 original co-sponsors. H.R. 1333 was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure. Within the Committee on Homeland Security, the measure was referred to the Subcommittee on Emergency Communications, Preparedness and Response.

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

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

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

The Committee reported H.R. 1333 to the House as H.Rpt. 110-691, Pt. 1. Referral of the measure to the Committee on Transportation and Infrastructure extended for a period ending not later than June 13, 2008.

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

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

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

## RAIL AND PUBLIC TRANSPORTATION SECURITY ACT

## H.R. 1401 (S. 184)

To improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes.

*Legislative History*

On January 4, 2007, Mr. Inouye and 13 original co-sponsors introduced S. 184, the Senate companion measure to H.R. 1401, which was read twice and referred to the Senate Committee on Commerce, Science, and Transportation.

The Senate Committee on Commerce, Science, and Transportation considered S. 184 on February 13, 2008, and ordered the measure to be reported to the Senate favorably, amended.

A motion to proceed to the consideration of S. 184 was made in the Senate on February 17, 2007; a cloture motion on the motion to proceed to the measure was presented in the Senate on that same date. The motion to proceed to the consideration of S. 184 was withdrawn in Senate on February 27, 2007, and the cloture motion was subsequently withdrawn.

The Senate Committee on Commerce, Science, and Transportation reported S. 184 to the Senate on March 1, 2007, as S. Rpt. 110-29.

On March 1, 2007, the Subcommittee on Transportation Security and Infrastructure Protection considered a Subcommittee Print, which was forwarded to the Full Committee for consideration, amended, by voice vote.

On March 6, 2007, the Committee on Homeland Security held a hearing on a Committee Print entitled "Rail and Public Transportation Security Act of 2007." The Committee received testimony from Hon. Edmund S. "Kip" Hawley, Administrator, Transportation Security Agency, Department of Homeland Security; Mr. Terry Rosapep, Deputy Associate Administrator, Program Management, Department of Transportation; Mr. Richard Fairfax, Director of Enforcement Programs, Occupational Safety and Health Administration, Department of Labor; Mr. Richard Falkenrath, Deputy Commissioner for Counterterrorism, New York City Police Department, City of New York; Mr. William Millar, President, American Public Transportation Association; Mr. Ed Hamberger, President and CEO, Association of American Railroads; Mr. Ed Rodziewicz, President, Teamsters Rail Conference; Mr. Fred Weiderhold, Inspector General, National Railroad Passenger Corporation (Amtrak); and Mr. David Shuman, Private Citizen.

H.R. 1401 was introduced by Mr. Thompson of Mississippi, Mr. King of New York, Ms. Jackson-Lee of Texas, Mr. Daniel E. Lungren of California, and sixteen original co-sponsors on March 8, 2007. The measure was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure.

The Full Committee considered H.R. 1401 and ordered the measure reported to the House, amended, by voice vote on March 13, 2007.

The Chairman of the Committee on Science and Technology sent a letter to the Chairman of the Committee on Homeland Security



on March 20, 2007, indicating jurisdictional interests in H.R. 1401. The letter further indicated that in order to expedite consideration on the House Floor, the Committee on Science would not seek a sequential referral of the measure, but would request the appointment of Conferees should a House-Senate Conference be called. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Science and Technology acknowledging the jurisdictional interests of the Committee on Science and Technology and agreeing to the request for Conferees should a House-Senate Conference be called.

The Committee on Homeland Security reported H.R. 1401 to the House on March 22, 2007, as H. Rpt. 110-65, Pt. I. The Committee on Transportation and Infrastructure was subsequently discharged from further consideration of H.R. 1401.

The Chairman of the Committee on Oversight and Government Reform sent a letter to the Chairman of the Committee on Homeland Security on March 26, 2007, indicating jurisdiction interests in section 112. The letter further agreed to waive consideration of the measure, and reserved a right to seek Conferees should a House-Senate Conference be called. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Oversight and Government Reform acknowledging the jurisdictional interests of the Committee on Oversight and Government Reform and agreeing to support the request for Conferees should a House-Senate Conference be called.

The Committee on Rules met on March 26, 2007, and granted a Rule providing for the consideration of H.R. 1401. The House considered and agreed to the Rule on March 27, 2007, by a record vote of 223 yeas and 199 nays. The House proceeded to the consideration of H.R. 1401 and passed the measure by a record vote of 299 yeas and 124 nays, with 1 voting "present", after agreeing to a motion to recommit with instructions by Mr. King of New York which was agreed to by a record vote of 304 yeas and 121 nays.

H.R. 1401 was received in the Senate on March 28, 2007, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

Provisions of H.R. 1401 were included in P.L. 110-53, see action on H.R. 1 (P.L. 110-53) listed above.

#### PILOT PROGRAM SCREENING ACCESS TO SECURE AREAS OF AIRPORTS

##### H.R. 1413

To direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to address vulnerabilities in aviation security by carrying out a pilot program to screen individuals with unrestricted access to secure and sterile areas of airports, and for other purposes.

##### *Legislative History*

H.R. 1413 was introduced by Mrs. Lowey, Mr. Thompson of Mississippi, Ms. Ginny Brown-Waite of Florida, Ms. Jackson-Lee of Texas, and Mr. Markey on March 8, 2007. The measure was referred solely to the Committee on Homeland Security. Within the

Committee, H.R. 1413 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

The Subcommittee on Transportation Security and Infrastructure Protection considered H.R. 1413 on April 24, 2007, and ordered the measure favorably forwarded to the Full Committee for consideration, amended, by unanimous consent.

The Full Committee considered H.R. 1413 on August 1, 2007, and ordered the measure favorably reported to the House, amended, by voice vote. The Committee reported H.R. 1413 to the House on December 11, 2007, as H. Rpt. 110-482.

On December 11, 2007, the House agreed to suspend the rules and pass H.R. 1413, amended, by voice vote. The House also agreed to amend the title of the measure.

H.R. 1413 was received in the Senate on December 12, 2007, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

PUBLIC LAW 110-181      H.R. 1585 (H.R. 4986, S. 1547)

To authorize appropriations for fiscal year 2008 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.

#### *Legislative History*

H.R. 1585 was introduced in the House on March 20, 2007, by Mr. Skelton, and Mr. Hunter. H.R. 1585 was referred to the Committee on Armed Services.

The Committee on Armed Services considered H.R. 1585 on May 9, 2007, and ordered the measure reported to the House, amended, by a record vote of 58 yeas and 0 nays.

The Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Armed Services on May 11, 2007, indicating jurisdictional interests in provisions of H.R. 1585. The letter further agreed to waive consideration of the measure, and reserved a right to seek Conferees should a House-Senate Conference be called. On that same date, the Chairman of the Committee on Armed Services sent a letter to the Chairman of Homeland Security acknowledging the jurisdictional interests of the Committee on Homeland Security and agreeing to support the request for Conferees should a House-Senate Conference be called.

The Committee on Armed Services reported H.R. 1585 to the House on May 11, 2007. The report was filed in the House as H. Rpt. 110-146. The Committee on Armed Services filed a supplemental report on May 14, 2007, as H. Rpt. 110-146, Pt. II.

On May 15, 2007, the Committee on Rules met and granted a Rule providing for the consideration of H.R. 1585. The Rule was filed in the House as H. Res. 403 (H. Rpt. 110-151).

The House considered H.R. 1585 under the provisions of H. Res. 403 on May 16 and 17, 2007. The House passed H.R. 1585 on May

17, 2007, (Legislative Day of May 16, 2007) by a record vote of 397 yeas and 27 nays (Roll No. 373).

H.R. 1585 was received in the Senate on June 4, 2007, on the following day, H.R. 1585 was read twice, and placed on Senate Legislative Calendar under General Orders.

On June 5, 2007, the Senate Committee on Armed Services reported an original measure to the Senate as S.1547 (S.Rpt. 110-77).

S.1547, the Senate companion measure to H.R. 1585, was referred to the Select Committee on Intelligence pursuant to section 3(b) of S.Res. 400, 94th Congress, as amended by S.Res. 445, 108th Congress for a period not to exceed 10 days of session.

The Senate Select Committee on Intelligence considered S.1547 and ordered the measure to be reported to the Senate favorably, amended.

A motion was made in the Senate on June 27, 2007, to proceed to the consideration of H.R. 1585. A cloture motion on the motion to proceed was made in the Senate. Subsequently, the motion to proceed was withdrawn.

On June 28, 2007, the cloture motion in the Senate on the motion to proceed to the consideration of H.R. 1585 was withdrawn. Subsequently, a motion to proceed to the consideration was agreed to in the Senate by Unanimous Consent.

On June 29, the Senate Select Committee on Intelligence reported S.1547 to the Senate (S.Rpt. 110-125.)

The Senate considered H.R. 1585 on July 9, 10, 11, 12, 13, 16, 17, and 18, 2007. On July 31, 2007, H.R. 1585 was returned to the Senate Calendar.

The Chairman of the Committee on Homeland Security sent letter to the Speaker of the House on August 1, 2007, requesting the appointment of Conferees to the House Senate Conference of H.R. 1585 or S.1547. The letter further indicated that sections 1611, 2852, 351, 1622, 922, 1242, 1051, 1033, 954, 1042, 1614, 1621, of the House measure and sections 1065, 352, 1068, 1433 of the Senate measure fall under the jurisdiction prerogatives of the Committee on Homeland Security.

The Senate continued consideration of H.R. 1585 on September 17, 18, 19, 20, 21, 25, 26, 27, and October 1, 2007. The text of S.1547, the Senate companion measure, was incorporated in H.R. 1585, as substitute amendment S.Amdt. 2011. On October 1, 2007, the Senate passed H.R. 1585, amended, by a record vote of 92 yeas and 3 nays (Roll Call Vote No. 359).

The Senate insisted upon its amendment and requested a Conference with the House thereon. The Senate appointed following Conferees: Senators Levin; Kennedy; Byrd; Lieberman; Reed; Akaka; Nelson (FL); Nelson (NE); Bayh; Clinton; Pryor; Webb; McCaskill; McCain; Warner; Inhofe; Sessions; Collins; Chambliss; Graham; Dole; Cornyn; Thune; Martinez; and Corker.

The Chairman of the Committee on Homeland Security sent a letter to the Speaker of the House on October 12, 2007, requesting an appointment of Conferees to the House-Senate Conference on H.R. 1585. The letter further indicated jurisdictional interests in sections 351, 922, 954, 1042, 1051, 1242, 1611, 1614, 1621, 1622, and 2852 of the House-passed measure. Additionally, the Com-

mittee requested appointment of conferees to sections 1042, 1066, 1076, 1080, 1096, 1219, 1802, 1806, and 3133-3139 of the Senate-passed measure.

The House disagreed to the Senate amendment to H.R. 1585 on October 14, 2007, and agreed to a Conference with the Senate thereon. The House further agreed to a motion to close portions of the Conference by a record vote of 405 yeas and 6 nays (Roll No. 1127). The House also agreed to a motion to instruct Conferees by a record of 328 yeas and 83 nays (Roll No. 1128.)

The Speaker appointed Conferees on the part of the House:

From the Committee on Armed Services for consideration of the House measure and the Senate amendment, and modifications committed to Conference;

From the Permanent Select Committee on Intelligence for consideration of matters within the jurisdiction of that committee under clause 11 of rule X;

From the Committee on Education and Labor for consideration of secs. 561, 562, 675, 953, and 3118 of the House measure, and secs. 561, 562, 564, 565, and 3137 of the Senate amendment, and modifications committed to Conference;

From the Committee on Energy and Commerce for consideration of secs. 311-313 and 1082 of the Senate amendment, and modifications committed to Conference;

From the Committee on Foreign Affairs for consideration of secs. 831, 833, 1022, 1201, 1203, 1204, 1206-1208, 1221, 1222, 1231, 1241, 1242, Title XIII, and sec. 3117 of the House measure, and secs. 871, 934, 1011, 1201-1203, 1205, 1211, 1212, 1214, 1215, 1217, 1219, 1232, Title XIII, secs. 1511, 1512, 1532, 1533, 1539-1542, 1571, 1574-1576, 1579, 3134, and 3139 of the Senate amendment, and modifications committed to Conference;

From the Committee on Homeland Security for consideration of sec. 1076 of the Senate amendment, and modifications committed to Conference: Thompson (MS), Carney, and Lungren, Daniel E.

From the Committee on the Judiciary for consideration of secs. 582, 672, 673, and 850 of the House measure, and secs. 824, 1023, 1024, 1078, 1087, 1571-1574, 1576, 1577, 1579, and Title LII of the Senate amendment, and modifications committed to Conference;

From the Committee on Science and Technology for consideration of secs. 846, 1085, and 1088 of the Senate amendment, and modifications committed to Conference;

From the Committee on Transportation and Infrastructure for consideration of secs. 523 and 1048 of the House measure, and secs. 311-313, 353, 1070, 2853, 2855, 2863, 5101, 5202, and 5208 of the Senate amendment, and modifications committed to Conference;

From the Committee on Veterans' Affairs for consideration of secs. 525, 1421, 1433, and 1453 of the House measure, and secs. 701, 710, 1084, 1611, 1612, 1621, 1626, 1634, 1641, 1654, 1662, and 1702-1712 of the Senate amendment, and modifications committed to Conference;

From the Committee on Ways and Means for consideration of sec. 536 of the Senate amendment, and modifications committed to Conference;

The Conference Committee met on December 6, 2007, and agreed to file a Conference Report. The Conference Report was filed in the House on December 6, 2008, as H. Rpt. 110-477.

The Committee on Rules met on December 11, 2007, and granted a Rule providing for the consideration of the Conference Report to accompany H.R. 1585. The Rule was filed in the House as H. Res. 860. (H. Rpt. 110-488).

The House considered the Conference Report to accompany H.R. 1585 under the provisions of H. Res. 860. The House agreed to the Conference Report to accompany H.R. 1585 by a record vote of 370 yeas and 49 nays (Roll Call Vote No. 1151). The House subsequently considered H. Con. Res. 269, correcting the enrollment of the Conference Report to accompany H.R. 1585, and agreed to the concurrent resolution without objection.

The Conference Report to accompany H.R. 1585 and H. Con. Res. 269 were received in the Senate on December 12, 2007. On December 14, 2007, the Senate proceeded to the consideration of the Conference Report to accompany H.R. 1585 and agreed to the Conference Report by record vote of 90 yeas and 3 nays. The Senate then agreed to H. Con. Res. 269 by unanimous consent. Clearing the measure for the President.

H.R. 1585 was presented to the President on December 19, 2007. The President disapproved of H.R. 1585 on December 28, 2007.

The House read a message from the President wherein he transmitted his memorandum of disapproval of H.R. 1585 (H. Doc. 110-88) on January 15, 2008. Subsequently, the House agreed by voice vote to a motion to refer the veto message of the President, together with the accompanying measure, H.R. 1585, to the Committee on Armed Services.

On January 16, 2008, H.R. 4986 was introduced in the House by Mr. Skelton and Mr. Hunter. H.R. 4986 was referred to the Committee on Armed Services.

On January 16, 2008, the House agreed to Suspend the Rules and pass H.R. 4986, by a  $\frac{2}{3}$  record vote of 369 yeas and 46 nays (Roll No. 11). Pursuant to section 1(b) of H.R. 4986, the Joint Explanatory Statement submitted by the Committee of Conference for the Conference Report to accompany H.R. 1585 of the 110th Congress (Report 110-477) shall be deemed to be part of the legislative history of H.R. 4986 and shall have the same effect with respect to the implementation of this Act as it would have had with respect to the implementation of H.R. 1585, if such measure had been enacted.

The Senate passed H.R. 4986 on January 22, 2008, by a record vote of 91 yeas and 3 nays (Vote No. 1), clearing the measure for the President.

H.R. 4986 was presented to the President on January 24, 2008. The President approved H.R. 4986 on January 28, 2008, as Public Law 110-181.

## SECURE HANDLING OF AMMONIUM NITRATE

## H.R. 1680

To authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes.

*Legislative History*

H.R. 1680 was introduced in the House by Mr. Thompson of Mississippi, Mr. King of New York, and 6 original co-sponsors on March 26, 2007. The measure was referred solely to the Committee on Homeland Security. Within the Committee, H.R. 1680 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology considered H.R. 1680 on March 29, 2007, and ordered the measure to be forwarded to the Full Committee with a favorable recommendation, without amendment, by voice vote.

The Full Committee considered H.R. 1680 on April 26, 2007, and ordered the measure favorably reported to the House, amended, by voice vote. The Committee reported H.R. 1680 to the House on October 2, 2007, as H. Rpt. 110-357.

On October 23, 2007, the House agreed to Suspend the Rules and pass H.R. 1680 as amended, by voice vote.

H.R. 1680 was received in the Senate on October 24, 2007, read twice and referred to the Senate Committee on Homeland Security and Governmental Affairs

H.R. 1680 was included in Section 550 of H.R. 2638, the "Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009"; P.L. 110-329. See action taken on H.R. 2638 listed above.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR  
FISCAL YEAR 2008

## H.R. 1684

To authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes.

*Legislative History*

H.R. 1684 was introduced in the House by Mr. Thompson of Mississippi, Mr. King of New York, and 7 original co-sponsors on March 26, 2007. The measure was referred solely to the Committee on Homeland Security

The Full Committee considered H.R. 1684 on March 27, 2007, and ordered the measure reported to the House, favorably, amended, by a record vote of 26 yeas and 0 nays.

The Chairman and Ranking Member of the Committee on the Judiciary sent a letter to the Chairman of the Committee on Homeland Security on May 1, 2007, indicating jurisdictional interests in provisions of H.R. 1684, as ordered reported. The letter further re-

requested that those provisions be stricken before the measure is considered on the House Floor.

The Chairman of the Committee on Science and Technology sent a letter to the Chairman of the Committee on Homeland Security on May 2, 2007, indicating jurisdictional interests in provisions of H.R. 1684, specifically Sec. 702 and Title VII. The letter further agreed to waive consideration of the measure, and reserved a right to seek Conferees should a House-Senate Conference be called. The following day, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Science and Technology recognizing the jurisdictional interests of the Committee on Science and Technology and agreeing to support the request for Conferees should a House-Senate Conference be called.

The Chairman of the Committee on Transportation and Infrastructure sent a letter to the Chairman of the Committee on Homeland Security on May 3, 2007, indicating jurisdictional interests in provisions of H.R. 1684. The letter further agreed to waive consideration of the measure, and reserved a right to seek Conferees should a House-Senate Conference be called. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Transportation and Infrastructure recognizing the jurisdictional interests of the Committee on Transportation and Infrastructure and agreeing to support the request for Conferees should a House-Senate Conference be called.

The Chairman of the Committee on Energy and Commerce sent a letter to the Chairman of the Committee on Homeland Security on May 3, 2007, indicating jurisdictional interests in provisions of H.R. 1684. The letter further agreed to waive consideration of the measure, and reserved a right to seek Conferees should a House-Senate Conference be called. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Energy and Commerce recognizing the jurisdictional interests of the Committee on Energy and Commerce and agreeing to support the request for Conferees should a House-Senate Conference be called.

The Chairman of the Committee on Oversight and Government Reform sent a letter to the Chairman of the Committee on Homeland Security on May 3, 2007, indicating jurisdictional interests in provisions of H.R. 1684. The letter further agreed to waive consideration of the measure, and reserved a right to seek Conferees should a House-Senate Conference be called. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Oversight and Government Reform recognizing the jurisdictional interests of the Committee on Oversight and Government Reform and agreeing to support the request for Conferees should a House-Senate Conference be called.

The Chairman of the Committee on the Judiciary sent a letter to the Chairman of the Committee on Homeland Security on May 3, 2007, indicating jurisdictional interests in provisions of H.R. 1684. The letter further agreed to waive consideration of the measure, and reserved a right to seek Conferees should a House-Senate Conference be called. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on the Judiciary recognizing the jurisdictional inter-

ests of the Committee on the Judiciary and agreeing to support the request for Conferees should a House-Senate Conference be called.

The Chairman of the Committee on Agriculture sent a letter to the Chairman of the Committee on Homeland Security on May 4, 2007, indicating jurisdictional interests in provisions of H.R. 1684. The letter further agreed to waive consideration of the measure, and reserved a right to seek Conferees should a House-Senate Conference be called. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Agriculture recognizing the jurisdictional interests of the Committee on Agriculture and agreeing to support the request for Conferees should a House-Senate Conference be called.

The Committee on Homeland Security reported H.R. 1684 to the House on May 4, 2007, as H. Rpt. 110-122.

The Committee on Rules met on May 8, 2007, and granted a Rule providing for the consideration of H.R. 1684. The House considered the Rule on May 9, 2007, and agreed to the Rule by a record vote of 222 yeas and 197 nays. The House then proceeded to the consideration of H.R. 1684 and passed the measure by a recorded vote of 296 yeas and 126 nays, after agreeing to a motion to recommit the measure to the Committee on Homeland Security with instructions to report the same back to the House forthwith with an amendment, by a record vote of 264 yeas and 160 nays.

On May 11, 2007, H.R. 1684 was received in the Senate, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

#### NATIONAL BIO- AND AGRO-DEFENSE FACILITY

##### H.R. 1717

To amend the Homeland Security Act of 2002 to establish a National Bio- and Agro-defense Facility, and for other purposes.

##### *Legislative History*

H.R. 1717 was introduced in the House by Mr. McCaul and 5 original co-sponsors on March 27, 2007. The measure was referred to the Committee on Homeland Security, and in addition to the Committee on Agriculture, and the Committee on Energy and Commerce. Within the Committee on Homeland Security, H.R. 1717 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology considered H.R. 1717 on June 6, 2007, and ordered the measure forwarded to the Full Committee, amended, by voice vote.

The Full Committee considered H.R. 1717 on August 1, 2007, and ordered the measure favorably reported to the House, amended, by voice vote.

On August 1, 2008, the Committee on Homeland Security reported H.R. 1717 to the House as H. Rpt. 110-819, Part I. Subsequently, the Committee on Agriculture was discharged, and the Committee on Energy and Commerce was granted an extension for further consideration ending not later than September 12, 2008.



The referral of H.R. 1717 to the Committee on Energy and Commerce was extended on September 12, 2008, for a period ending not later than September 26, 2008. The referral of H.R. 1717 to the Committee on Energy and Commerce was extended on September 26, 2008, for a period ending not later than October 2, 2008. The referral of H.R. 1717 to the Committee on Energy and Commerce was extended on October 2, 2008, for a period ending not later than October 3, 2008. The referral of H.R. 1717 to the Committee on Energy and Commerce was extended on October 3, 2008, for a period ending not later than January 3, 2009.

VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM  
PREVENTION ACT OF 2007

H.R. 1955 (H.R. 1695)

To prevent homegrown terrorism, and for other purposes.

*Summary*

H.R. 1955 creates a National Commission to examine the causes of violent radicalization and homegrown terrorism and to propose concrete recommendations and legislative strategies for mitigating these threats. A Center of Excellence for the Prevention of Radicalization and Home Grown Terrorism also established under this measure will study the social, criminal, political, psychological and economic roots of violent radicalization and homegrown terrorism and will provide homeland security officials across the government with solutions to these threats. The measure further requires the Nation's homeland security leadership to reach out to other Nations that have experienced homegrown terrorism in the past to benefit from the lessons learned by those Nations.

H.R. 1955 protects the civil rights and civil liberties of Americans by ensuring that in the effort to secure the Nation from domestic threats, the Nation abides by the rights and safeguards guaranteed by the Constitution.

*Legislative History*

H.R. 1695 was introduced by Mr. Reichert and Mr. Dent on March 26, 2007. The measure was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security. Within the Committee, the measure was referred to the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

Provisions of H.R. 1695 were included in H.R. 1955 as introduced.

H.R. 1955 was introduced by Ms. Harman and Mr. Reichert on April 19, 2007. The measure was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary. Within the Committee, the measure was referred to the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment considered H.R. 1955 on July 17, 2007,

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

The Full Committee considered H.R. 1955 on August 1, 2007, and ordered the measure favorably reported to the House, amended, by voice vote.

The Chairman of the Committee on the Judiciary sent a letter to the Chairman of the Committee on Homeland Security on October 16, 2007, agreeing to not seek a sequential referral of H.R. 1955. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on the Judiciary acknowledging the jurisdictional interests of the Committee on the Judiciary and agreeing to support the appointment of Conferees should a House-Senate Conference occur.

On October 16, 2007, the Committee on Homeland Security reported H.R. 1955 to the House as H. Rpt. 110-384, Pt. I. The Committee on the Judiciary was subsequently discharged from further consideration of H.R. 1955.

On October 23, 2007, the House agreed to Suspend the Rules and pass H.R. 1955, amended, by a  $\frac{2}{3}$  record vote of 404 yeas and 6 nays.

H.R. 1955 was received in the Senate on October 24, 2007, read twice and referred to the Senate Committee on Homeland Security and Governmental Affairs.

#### ALIEN SMUGGLING AND TERRORISM PREVENTION ACT OF 2007

##### H.R. 2399

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

##### *Legislative History*

H.R. 2399 was introduced in the House by Mr. Hill and three original co-sponsors on May 21, 2007. The measure was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security.

On May 22, 2007, the House agreed to Suspend the Rules and pass H.R. 2399 by a record vote of 412 yeas with none voting “nay” and 6 voting “present.”

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

On April 22, 2008, the Committee on Rules met and granted a Rule providing for the consideration of H.R. 2830. The provided that in the engrossment of H.R. 2830, the Clerk is directed to add at the end the text of H.R. 2399, the “Alien Smuggling and Terrorism Prevention Act of 2007,” as it passed the House.

For additional action, see action taken on H.R. 2830 listed below.

#### MOBILE BIOMETRIC IDENTIFICATION PILOT PROGRAM

##### H.R. 2490

To require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime en-

vironment of aliens unlawfully attempting to enter the United States.

*Legislative History*

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

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

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

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

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

NUCLEAR FORENSICS AND ATTRIBUTION ACT

H.R. 2631

To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material.

*Legislative History*

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

On October 10, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing on H.R. 2631, the Nuclear Forensics and Attribution Act. The Subcommittee received testimony from Hon. Adam B. Schiff, the Representative in Congress from the Twenty-Ninth District in the State of California; Mr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security; Dr. Steven Aoki, Deputy Under Secretary for Counterterrorism, National Nuclear Security Administration, Department of Energy; Mr. Mike Evenson, Associate Director for Operations, Defense Threat Reduction Agency, Department of Defense; Dr. Vahid Majidi, Assistant Director, Weapons of Mass Destruction Directorate, Federal Bureau of Investigation, Department of Justice; Mr. Andrew Grant, Acting Director for WMD Terrorism, Bureau of International Security and Nonproliferation, Department of State; and Dr. Carol

Burns, Group Leader, Nuclear and Radiochemistry, Chemistry Division, Los Alamos National Laboratory.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology considered H.R. 2631 on October 31, 2007, and forwarded the measure to the Full Committee with a favorable recommendation, amended.

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

The Chairman of the Committee on Science and Technology sent a letter to the Chairman of the Committee on Homeland Security on May 28, 2008, agreeing to not seek a sequential referral of H.R. 2631. On May 28, 2008, The Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Science and Technology acknowledging the jurisdictional interests of the Committee on Science and Technology and agreed to support the appointment of Conferees should a House-Senate Conference be requested.

The Chairman of the Committee on Foreign Affairs sent a letter to the Chairman of the Committee on Homeland Security on June 11, 2008, agreeing to waive further consideration of H.R. 2631 in order to expedite consideration on the House Floor. The letter further requested support for the appointment of Conferees should a House-Senate Conference be requested. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Foreign Affairs agreeing to the jurisdictional interests of the Committee on Foreign Affairs, and the request to expedite consideration of the measure. The letter further agreed to support the request for Conferees should a House-Senate Conference be called.

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

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

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

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

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

#### COAST GUARD AUTHORIZATION ACT OF 2007

H.R. 2830 (S. 1892)

To authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes.

*Legislative History*

H.R. 2830 was introduced in the House by Mr. Oberstar, Mr. Cummings, and Mr. LaTourette on June 22, 2007. The measure was referred to the Committee on Transportation and Infrastructure.

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

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

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

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

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

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

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

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

The referral of the measure to the Committee on Energy and Commerce was further extended on November 15, 2007, for a period ending not later than December 7, 2007. Subsequently, the referral was again extended on December 7, 2007, to end on December 14, 2007; and again on December 14, 2007, for a period ending not later than January 12, 2008.

H.R. 2830 was received in the Senate on April 28, 2008, read twice, and placed on the Senate Legislative Calendar.

On July 26, 2007, Ms. Cantwell and five original co-sponsors introduced S.1892, the Senate companion measure to H.R. 2830, which was read twice and referred to the Senate Committee on Commerce, Science, and Transportation.

The Senate Committee on Commerce, Science, and Transportation considered S.1892 and ordered the measure reported to the Senate. Reported to the Senate as S. Rpt. 110-261.

On February 5, 2008, the Senate Committee on Commerce, Science, and Transportation reported S.1892, the Senate companion measure to the Senate as (S.Rpt. 110-261). S.1892 was placed on the Senate Legislative Calendar.

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

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

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

The House considered H.R. 2830 on April 24, 2008, under the provisions of H. Res. 1126 and passed the measure by a record vote of 395 yeas and 7 nays (Roll No. 223).

#### TRAVEL PROMOTION ACT OF 2007

##### H.R. 3232

To establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.

##### *Legislative History*

H.R. 3232 was introduced in the House on July 31, 2007, by Mr. Delahunt and 11 original co-sponsors. H.R. 3232 was referred to the Committee on Energy and Commerce, the Committee on the Judiciary, and in addition the Committee on Homeland Security. Within the Committee on Homeland Security, H.R. 3232 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

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

The House considered H.R. 3232 under Suspension of the Rules on September 25, 2008, and agreed to the measure by voice vote.

H.R. 3232 was received in the Senate on September 26, 2008, read twice, and on October 2, 2008, was placed on the Senate Calendar.

#### HOMELAND SECURITY OPEN SOURCE INFORMATION ENHANCEMENT ACT OF 2007

##### H.R. 3815

To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, and for other purposes.

##### *Summary*

H.R. 3815 directs the Department of Homeland Security to establish an office to collect and analyze open source information and disseminate open source intelligence products to Federal, State, and local law enforcement and the private sector. These products

can be shared more easily with such customers because they are based largely on publicly available information. Accordingly, they do not require any classification or controlled unclassified information (CUI) markings that might otherwise interfere with information sharing. The measure gives the Department's Privacy Officer a key oversight role when it comes to the operations of the open source office to ensure that the Department's open source collection, analysis, and dissemination is conducted in accordance with the Constitution.

*Legislative History*

H.R. 3815 was introduced in the House on October 10, 2007, by Mr. Perlmutter and seven original co-sponsors, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 3815 was referred the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

On June 11, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment considered H.R. 3815 and ordered the measure favorably forwarded to the Full Committee for consideration, amended, by unanimous consent.

On June 26, 2008, the Committee on Homeland Security considered H.R. 3815 and ordered the measure to be reported to the House favorably, amended, by voice vote. The Committee reported H.R. 3815 to the House on July 21, 2008, as H. Rpt. 110-763.

The House considered H.R. 3815 under Suspension of the Rules on July 28, 2008, and passed the measure on July 30, 2008, by voice vote.

On September 9, 2008, the Committee was referred Executive Communication 8179, a letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing H.R. 3815, H.R. 4806, H.R. 6193, and H.R. 6098.

The Senate Committee on Homeland Security and Governmental Affairs considered H.R. 3815 on September 23, 2008, and reported the measure to the Senate, amended, with no written report.

FAIR, ACCURATE, SECURE AND TIMELY REDRESS ACT OF 2007

H.R. 4179 (S. 3392)

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

*Legislative History*

H.R. 4179 was introduced in the House on November 14, 2007, by Ms. Clarke, Mr. Thompson of Mississippi, and nine original co-sponsors and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 4179 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

The Subcommittee on Transportation Security and Infrastructure Protection considered H.R. 4179 on May 1, 2008, and adopted the measure, amended.

The Chairman discharged the Subcommittee on Transportation Security and Infrastructure Protection from further consideration of H.R. 4179.

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

The Committee reported H.R. 4179 to the House on June 5, 2008, as H.Rpt. 110-686.

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

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

On July 31, 2008, Ms. Klobuchar and four original co-sponsors introduced S. 3392, the Senate companion measure to H.R. 4179, in the Senate, which was read twice and referred to the Senate Committee on Commerce, Science, and Transportation.

#### NATIONAL BOMBING PREVENTION ACT OF 2007

##### H.R. 4749 (S. 2292)

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

##### *Legislative History*

S. 2292, the Senate companion measure to H.R. 4749, was introduced in the Senate on November 1, 2007, by Ms. Collins and Mr. Lieberman. S. 2292 was referred to the Senate Committee on Homeland Security and Governmental Affairs.

H.R. 4749 was introduced in the House on December 17, 2007, by Mr. King of New York and Mr. Thompson of Mississippi. H.R. 4749 was referred solely to the Committee on Homeland Security. Within the Committee, H.R. 4749 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

The Subcommittee on Transportation Security and Infrastructure Protection met on May 1, 2008, and adopted the measure, without amendment, by voice vote.

The Chairman discharged the Subcommittee on Transportation Security and Infrastructure Protection from further consideration of H.R. 4749 on May 20, 2008.

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

The Committee reported H.R. 4749 to the House on June 5, 2008, as H.Rpt. 110-689.

The House considered H.R. 4749 under Suspension of the Rules on June 18, 2008, and passed the measure by voice vote.

H.R. 4749 was received in the Senate on June 19, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.



On September 23, 2008, the Senate Committee on Homeland Security and Governmental Affairs considered S. 2292 and reported the measure to the Senate, as amended. Report filed in the Senate as S. Rpt. 110-481.

#### REDUCING OVER-CLASSIFICATION ACT OF 2007

#### H.R. 4806

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

#### *Summary*

To improve information sharing and to overcome the problem of over-classification of intelligence, H.R. 4806 directs the Department of Homeland Security to adopt a series of accountability mechanisms to ensure that Department employees use classification markings in strict accordance with applicable Executive Orders and other authorities.

The measure requires that all classified intelligence products created at the Department be simultaneously created in a standard unclassified format. It likewise establishes an auditing mechanism for the Department's Inspector General that randomly samples classified intelligence products; identifies over-classification problems that exist in those samples; and recommends improvements to fix them. The measure also requires the Secretary of Homeland Security to establish a process through which employees may challenge original classification decisions at the Department and a series of penalties for staff who repeatedly fail to comply with applicable classification policies despite notice of their noncompliance and an opportunity to undergo re-training.

In addition to creating annual classification training requirements for Department staff, the measure directs the Secretary to develop a plan that would assign an electronic personal identifier to every Department employee with original classification authority that would attach to every document that they classify. Such an identifier will allow the Secretary to track how and where information classified by the Department is used and to address and correct over-classification problems as they are discovered.

#### *Legislative History*

H.R. 4806 was introduced in the House by Ms. Harman and 13 original co-sponsors on December 18, 2007, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 4806 was referred to the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment considered H.R. 4806 on June 11, 2008, and favorably forwarded H.R. 4806, amended, to the Full Committee for consideration, by unanimous consent.

On June 26, 2008, the Committee on Homeland Security considered H.R. 4806 and ordered the measure to be reported to the

House favorably, amended, by voice vote. The Committee on Homeland Security reported H.R. 4806 to the House on July 24, 2008, as H.Rpt. 110-776.

The House considered H.R. 4806 under Suspension of the Rules on July 28, 2008, and passed the measure on July 30, 2008, by voice vote.

H.R. 4806 was received in the Senate on July 31, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

On September 9, 2008, the Committee was referred Executive Communication 8179, a letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing H.R. 3815, H.R. 4806, H.R. 6193, and H.R. 6098.

DEPARTMENT OF HOMELAND SECURITY COMPONENT PRIVACY  
OFFICER ACT OF 2008

H.R. 5170

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

*Legislative History*

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

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

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

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

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

NEXT GENERATION RADIATION SCREENING ACT OF 2008

H.R. 5531

To amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors, and for other purposes.

*Legislative History*

H.R. 5531 was introduced in the House by Mr. King of New York and Mr. McCaul of Texas on March 5, 2008, and referred solely to

the Committee on Homeland Security. Within the Committee, H.R. 5170 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

On June 26, 2008, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology was discharged from consideration of H.R. 5531.

On June 26, 2008, the Committee on Homeland Security considered H.R. 5531 and ordered the measure reported to the House, amended, by voice vote. The Committee on Homeland Security reported H.R. 5531 to the House on July 22, 2008, as H. Rpt. 110-764.

The House considered H.R. 5531 under Suspension of the Rules on July 28, 2008, and on July 30, 2008, passed the measure by voice vote.

H.R. 5531 was received in the Senate on July 31, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

On September 9, 2008, the Committee was referred Executive Communication 8178, a letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the measure H.R. 5531.

#### CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2008

##### H.R. 5577

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

##### *Legislative History*

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

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

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

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

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

Pursuant to the unanimous consent agreement by the Committee on Homeland Security of March 6, 2008, the Committee on Homeland Security reported H.R. 5577 to the House on March 14, 2008, as H. Rpt. 110-550, Pt. 1.

The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on March 14, 2008, for a period ending not later than April 11, 2008. On April 11, 2008, the referral to the Committee on Energy and Commerce was extended for a period ending May 30, 2008. On May 30, 2008, the referral to the Committee on Energy and Commerce was extended for a period ending July 11, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on July 11, 2008, for a period ending not later than September 12, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on September 12, 2008, for a period ending not later than September 26, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on September 26, 2008, for a period ending not later than October 2, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on October 2, 2008, for a period ending not later than October 3, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on October 3, 2008, for a period ending not later than January 3, 2009.

SCIENTIFIC TRANSFORMATIONS THROUGH ADVANCING RESEARCH  
(STAR) ACT

H.R. 5743

To provide the Secretary of Homeland Security with the authority to procure real property and accept in-kind donations.

*Legislative History*

H.R. 5743 was introduced in the House by Mr. Broun of Georgia on April 9, 2008, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 5743 was referred to the Subcommittee on Management, Investigations, and Oversight.

On June 26, 2008, the Subcommittee on Management, Investigations, and Oversight was discharged from consideration of H.R. 5743.

On June 26, 2008, the Committee on Homeland Security considered H.R. 5743 and ordered the measure favorably reported to the House, amended, by voice vote.

The Committee reported H.R. 5743 to the House on September 8, 2008, as H. Rpt. 110-828.

CATCHING OPERATIONAL VULNERABILITIES BY ENSURING RANDOM  
TESTING ACT OF 2008

H.R. 5909

To amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes.

*Legislative History*

H.R. 5909 was introduced in the House on April 24, 2008, by Mrs. Lowey. The measure was referred solely to the Committee on Homeland Security. Within the Committee, H.R. 5909 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

The Subcommittee on Transportation Security and Infrastructure Protection met on May 1, 2008, and adopted the measure, amended, by voice vote.

The Chairman discharged the Subcommittee on Transportation Security and Infrastructure Protection from further consideration of H.R. 5909.

The Committee on Homeland Security considered H.R. 5909 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, amended, by unanimous consent.

The Committee reported H.R. 5909 to the House on June 5, 2008, as H.Rpt. 110-687.

The House considered H.R. 5909 under Suspension of the Rules on June 18, 2008, and passed the measure by voice vote.

H.R. 5909 was received in the Senate on June 19, 2008, and referred to the Senate Committee on Commerce, Science, and Transportation.

AMERICAN STEEL FIRST ACT OF 2008

H.R. 5935

To require certain Federal agencies to use iron and steel produced in the United States in carrying out projects for the construction,

alteration, or repair of a public building or public work, and for other purposes.

*Legislative History*

H.R. 5935 was introduced in the House by Mr. Visclosky and 10 original co-sponsors on April 30, 2008, and referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security and Armed Services. Within the Committee on Homeland Security H.R. 5935 was referred to the Subcommittee on Management, Investigations, and Oversight.

On June 26, 2008, the Subcommittee on Management, Investigations, and Oversight was discharged from consideration of H.R. 5935.

On June 26, 2008, the Committee on Homeland Security considered H.R. 5935 and ordered the measure favorably reported to the House, amended, by voice vote.

BIOMETRIC ENHANCEMENT FOR AIRPORT-RISK REDUCTION ACT OF  
2008

H.R. 5982

To direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and inter operable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes.

*Legislative History*

H.R. 5982 was introduced in the House on May 7, 2008, by Mr. Thompson of Mississippi and Ms. Jackson-Lee of Texas. H.R. 5982 was referred solely to the Committee on Homeland Security.

The Committee on Homeland Security considered H.R. 5982 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, amended, by unanimous consent.

The Committee reported H.R. 5982 to the House on June 5, 2008, as H.Rpt. 110-688.

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

H.R. 5982 was received in the Senate on June 19, 2008, and referred to the Senate Committee on Commerce, Science, and Transportation.

TO AMEND THE HOMELAND SECURITY ACT OF 2002 TO ENHANCE THE  
INFORMATION SECURITY OF THE DEPARTMENT OF HOMELAND SE-  
CURITY, AND FOR OTHER PURPOSES.

H.R. 5983

To amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security, and for other purposes.

*Legislative History*

H.R. 5983 was introduced in the House by Mr. Langevin and Mr. Thompson of Mississippi on May 7, 2008, and referred solely to the Committee on Homeland Security.

On June 26, 2008, the Committee on Homeland Security considered H.R. 5983 and ordered the measure favorably reported to the House, amended, by voice vote. The Committee on Homeland Security reported H.R. 4806 to the House on July 24, 2008, as H.Rpt. 110-777.

The House considered H.R. 5983 under Suspension of the Rules on July 28, 2008, and passed the measure on July 30, 2008, by voice vote.

On September 9, 2008, the Committee was referred Executive Communication 8177, a letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing H.R. 5983.

PERSONNEL REIMBURSEMENT FOR INTELLIGENCE COOPERATION AND  
ENHANCEMENT OF HOMELAND SECURITY ACT

PUBLIC LAW 110-412     H.R. 6098

To amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes.

*Summary*

H.R. 6098, the Personnel Reimbursement for Intelligence and Enhancement of Homeland Security Act, clarifies how Department of Homeland Security grant recipients can use funds for hiring and retaining intelligence analysts at State, local, and regional fusion centers and elsewhere at the State and local levels.

Under the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 100-53, Congress made clear that Department grant recipients could use up to 50 percent of their State Homeland Security Grant Program (SHSGP) and Urban Area Security Initiative (UASI) funding for personnel costs, without time limitation. The Department, however, capped allowable personnel costs far below the 50 percent threshold and imposed a two-year limit, later changed to three years, on how long States could employ intelligence analysts hired with Department grant funds.

H.R. 6098 corrects the Department's misinterpretation of the law by specifically clarifying that States and localities may spend up to 50 percent of their grant awards for personnel costs should they so desire. The measure likewise removes the Department's time limits for such funding.

*Legislative History*

H.R. 6098 was introduced in the House by Mr. Reichert on May 20, 2008, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 6098 was referred to the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment considered H.R. 6098 on June 11, 2008, and favorably forwarded H.R. 6098, amended, to the Full Committee for consideration, by unanimous consent.

On June 26, 2008, the Committee on Homeland Security considered H.R. 6098 and ordered the measure favorably reported to the House, amended, by voice vote. The Committee reported H.R. 6098 to the House on July 10, 2008, as H. Rpt. 110-752.

The House considered H.R. 6098 under Suspension of the Rules on July 28, 2008, and passed the measure by voice vote.

H.R. 6098 was received in the Senate on July 30, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

On September 9, 2008, the Committee was referred Executive Communication 8179, a letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing H.R. 3815, H.R. 4806, H.R. 6193, and H.R. 6098.

The Senate Committee on Homeland Security and Governmental Affairs considered H.R. 6098 on September 23, 2008, and ordered the measure to be reported to the Senate, amended. On September 24, 2008, the Senate Committee on Homeland Security and Governmental Affairs reported H.R. 6098 to the House, amended, with no written report.

The Senate considered H.R. 6098 on September 27, 2008, and passed the measure, amended, by unanimous consent.

On September 29, 2008, the House agreed to the Senate amendment to H.R. 6098 by unanimous consent, clearing the measure for the President.

The President approved H.R. 6098 on October 24, 2008, as P.L. 110-412.

## IMPROVING PUBLIC ACCESS TO DOCUMENTS ACT OF 2008

### H.R. 6193

#### *Summary*

H.R. 6193, the Improving Public Access to Documents Act of 2008, is a companion measure to H.R. 4806 that addresses the Intelligence Community's "sensitive but unclassified" (SBU) control markings regime. That regime, like over-classification, has stymied the robust information sharing needed to protect the homeland from terrorist attacks. Unlike classified records, however, there has been no monitoring of the use or impact of SBU control markings on that effort. H.R. 6193 accordingly implements the White House's new attack. Information (CUI) Framework at the Department of Homeland Security to begin addressing the problem the confusion.

The CUI Framework - developed by the Program Manager of the Information Sharing Environment - reduces the number of allowed information control markings from over 100 to just seven. It likewise imposes strict requirements for when CUI control markings may be used.

Among other things, H.R. 6193 requires the Secretary of Homeland Security to adopt a CUI Framework Implementation Plan



with rigorous policy development, training, and auditing requirements. Moreover, it promotes greater accountability by requiring the Department to create a publicly available list of all Department documents marked as CUI that have been withheld from disclosure under a valid Freedom of Information Act (FOIA) exemption. This transparency will help highlight any improper use of CUI control markings in response to FOIA requests - empowering the public to bring abuses to the DHS Inspector General's attention. H.R. 6193 also clarifies that a CUI control marking has no bearing on whether information may be withheld under FOIA.

#### *Legislative History*

H.R. 6193 was introduced in the House by Ms. Harman, Mr. Reichert and six original co-sponsors on June 5, 2008, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 6193 was referred to the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

On June 11, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing on H.R. 6193. The Subcommittee received testimony from Ms. Meredith Fuchs, General Counsel, National Security Archive; Ms. Caroline Fredrickson, Director, Washington Legislative Office, American Civil Liberties Union; and Ms. Patrice McDermott, Director, OpenTheGovernment.org.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment considered H.R. 6193 on June 11, 2008, and favorably forwarded H.R. 6193, amended, to the Full Committee for consideration, by unanimous consent.

On June 26, 2008, the Committee on Homeland Security considered H.R. 6193 and ordered the measure favorably reported to the House, amended, by voice vote. The Committee reported the measure on July 28, 2008, as H. Rpt. 110-779.

The Chairman of the Committee on Oversight and Government Reform sent a letter to the Chairman of the Committee on Homeland Security on July 25, 2008, indicating that in order to expedite consideration on the House Floor, the Committee on Oversight and Government Reform would not seek a sequential referral of H.R. 4806. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Oversight and Government reform agreeing to expedite consideration and supporting the request for an appointment of Conferees should a House-Senate Conference be called.

The House considered H.R. 6193 under Suspension of the Rules on July 28, 2008, and passed the measure on July 30, 2008, by voice vote.

On September 9, 2008, the Committee was referred Executive Communication 8179, a letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing H.R. 3815, H.R. 4806, H.R. 6193, and H.R. 6098.

PROVIDING FOR THE APPOINTMENT OF THE CHIEF HUMAN CAPITAL  
OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY

S. 2816

To provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.

*Legislative History*

S. 2816 was introduced in the Senate on April 3, 2008, by Mr. Voinovich and Mr. Akaka, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Senate Committee on Homeland Security and Governmental Affairs considered S. 2816 on June 25, 2008, and ordered the measure to be reported without amendment favorably. On September 16, 2008, the Senate Committee on Homeland Security and Governmental Affairs reported S. 2816 to the Senate as S. Rpt. 110-466.

The Senate considered S. 2816 on September 23, 2008, and passed the measure, without amendment, by unanimous consent.

S. 2816 was received in the House on September 24, 2008, and referred to the Committee on Homeland Security.

On September 27, 2008, the House agreed to Suspend the Rules and pass S. 2816, clearing the measure for the President.

S. 2816 was presented to the President on October 2, 2008, and approved by the President on October 10, 2008, as P.L. 110-338.

RESOLUTION HONORING EMPLOYEES OF THE DEPARTMENT OF  
HOMELAND SECURITY

H. RES. 134 (S. RES. 94)

Recognizing and honoring the employees of the Department of Homeland Security for their efforts and contributions to protect and secure the Nation.

*Legislative History*

H. Res. 134 was introduced by Mr. Carney, Mr. King of New York, and fourteen original co-sponsors. H. Res. 134 was referred solely to the Committee on Homeland Security.

On February 12, 2007, the House agreed to Suspend the Rules and agree to H. Res. 134 by a record vote of 412 yeas and 0 nays.

On March 5, 2007, Senator Voinovich and five original co-sponsors introduced a Senate considered a companion measure, S. Res. 94. On that same date, the Senate agreed to the Senate resolution by unanimous consent.

HONORING BORDER PATROL AGENT LUIS A. AGUILAR

H. RES. 954

Honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008.

*Legislative History*

H.Res. 954 was introduced on January 29, 2008, by Ms. Zoe Lofgren of California, Mr. King of New York, and 29 original co-sponsors. H. Res. 954 was referred solely to the Committee on Homeland Security.

On February 12, 2008, the House agreed to suspend the rules and agree to H. Res. 954, amended, by a  $\frac{2}{3}$  record vote of 357 yeas and none voting nay, (Roll No. 43).

RECOGNIZING THE FIFTH ANNIVERSARY OF THE DEPARTMENT OF  
HOMELAND SECURITY

## H. RES. 1038

A resolution recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our Nation.

*Legislative History*

H.Res. 1038 was introduced on March 11, 2008, by Mr. Thompson of Mississippi and Mr. King of New York. H. Res. 1038 was referred solely to the Committee on Homeland Security.

On April 9, 2008, the House began consideration of H. Res. 1038 under Suspension of the Rules. The House continued consideration of H. Res. 1038 on April 10 and agreed to Suspend the Rules and agree to H. Res. 1038 by a  $\frac{2}{3}$  record vote of 406 yeas and 3 nays.

SENSE OF THE HOUSE OF REPRESENTATIVES ON SECURING RAIL AND  
MASS TRANSIT LINES

## H.RES. 1150

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

*Legislative History*

H. Res. 1150 was introduced in the House on April 25, 2008, by Ms. Jackson-Lee of Texas and Mr. Thompson of Mississippi. The measure was referred solely to the Committee on Homeland Security. Within the Committee, H. Res. 1150 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

The Subcommittee on Transportation Security and Infrastructure Protection met on May 1, 2008, and adopted the measure, without amendment, by voice vote.

The Chairman discharged the Subcommittee on Transportation Security and Infrastructure Protection from further consideration of H. Res. 1150 on May 20, 2008.

The Committee on Homeland Security considered H.Res. 1150 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, amended, by voice vote.

The Committee on Homeland Security reported H.Res. 1150 to the House on June 17, 2008, as H.Rpt. 110-716.

The House considered H.Res. 1150 under Suspension of the Rules on June 18, 2008, and adopted the resolution by voice vote.

SENSE OF THE HOUSE OF REPRESENTATIVES ON SEPTEMBER 11, 2001

H.RES. 1420

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

*Legislative History*

H. Res. 1420 was introduced in the House on September 9, 2008, by Mr. Hoyer 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 Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence.

The House agreed to Suspend the Rules on September 11, 2008, and passed H. Res. 1420 by a  $\frac{2}{3}$  record vote of 402 yeas and 0 nays (Roll No. 586).

SENSE OF THE HOUSE OF REPRESENTATIVES RELATING TO THE  
EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

H.RES. 1429

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

*Legislative History*

H. Res. 1429 was introduced by Ms. Clarke, Chairman Thompson of Mississippi, Ranking Member Mr. King of New York and 8 original co-sponsors on September 11, 2008, and referred to the Committee on Homeland Security.

On September 27, 2008, the House considered H. Res. 1429 under Suspension of the Rules and agreed to the resolution by voice vote.

## OVERSIGHT ACTIVITIES OF THE COMMITTEE

## SAFE PORT ACT

On January 24, 2007, the Committee on Homeland Security hosted a Committee Member Staff briefing at which representatives from the United States Coast Guard briefed staff on the SAFE Port Act (Public Law 109-347).

On January 30, 2007, the Committee on Homeland Security hosted a Committee Member Staff briefing at which representatives from Customs and Border Protection briefed staff on the SAFE Port Act (Public Law 109-347).

## DEPARTMENT OF HOMELAND SECURITY ORGANIZATION

On January 31, 2007, the Committee on Homeland Security held a Member briefing on the Department of Homeland Security's organizational structure. Representatives from the Department of Homeland Security provided an overview of the current organizational and reporting structure of the agency.

## FY2008 DEPARTMENT OF HOMELAND SECURITY BUDGET

On February 6, 2007, the Committee on Homeland Security hosted a briefing at which representatives from Department of Homeland Security briefed Committee Staff on the Department's FY2008 Budget Request.

## CHALLENGES FACING THE DEPARTMENT OF HOMELAND SECURITY

On February 7, 2007, the Committee on Homeland Security held a hearing entitled "An Overview of Issues and Challenges Facing the Department of Homeland Security." The Committee received testimony from Hon. David Walker, Comptroller General of the United States; and Hon. Richard Skinner, Inspector General, Department of Homeland Security.

## U.S.-ISRAELI COOPERATION

On February 8, 2007, the Committee on Homeland Security hosted a Committee Member briefing at which Avi Dicter, Minister of Public Security, State of Israel, briefed Members on the current status of U.S.-Israeli cooperation against terrorism.

## FY2008 DEPARTMENT OF HOMELAND SECURITY BUDGET REQUEST

On February 9, 2007, the Full Committee held a hearing entitled "An Examination of the President's FY 2008 Budget Request for the Department of Homeland Security." The Committee received testimony from Hon. Michael Chertoff, Secretary, Department of Homeland Security.

## DEPARTMENT OF HOMELAND SECURITY BUDGET PRIORITIES

On February 15, 2007, the Committee on Homeland Security held a hearing entitled "Lessons Learned and Grading Goals: The Department of Homeland Security in 2007." The Committee received testimony from Michael Jackson, Deputy Secretary, Department of Homeland Security.

This hearing focused on the Department's budget priorities, as expressed in the President's \$2.9 Trillion FY 2008 Budget Proposal submitted to Congress on February 5, 2007. The hearing also provided Members an opportunity to inquire how the Department planned to use the proposed budget to implement the reorganization of FEMA and other key offices, pursuant to the Notice of Implementation of the Post-Katrina Emergency Reform Act of 2006 (P.L. 109-296) as well as the Additional Changes Pursuant to Section 872 of the Homeland Security Act of 2002, provided to Congress on January 18, 2007.

## HOMELAND OPERATIONS OF THE NATIONAL GUARD

On February 28, 2007, the Committee on Homeland Security hosted a Committee Member briefing on the role of the National Guard its functions and homeland security operations. Representatives from the National Guard were present.

## SBINET

On February 28, 2007, the Committee on Homeland Security held Member briefing to receive an update on the Department of Homeland Security's SBInet program. Representatives from the Department of Homeland Security, including the Department of Homeland Security's Inspector General's Office, and the Government Accountability Office briefed Members on SBInet, a component of the Secure Border Initiative assigned to Customs and Border Protection.

On June 19, 2007, the Chairman of the Committee on Homeland Security and the Chairwoman of the Subcommittee on Border, Maritime, and Global Counterterrorism sent a letter to the Secretary of Homeland Security expressing concerns that the testimony provided to the Subcommittee on June 7, 2007, failed to mention delays in the SBInet program.

## RAIL AND PUBLIC TRANSPORTATION SECURITY ACT

On March 6, 2007, the Committee on Homeland Security held a hearing on a Committee Print entitled "Rail and Public Transportation Security Act of 2007." The Committee received testimony from Hon. Edmund S. "Kip" Hawley, Administrator, Transportation Security Agency, Department of Homeland Security; Mr. Terri Rosapep, Deputy Associate Administrator, Program Management, Department of Transportation; Mr. Richard Fairfax, Director of Enforcement Programs, Occupational Safety and Health Administration, Department of Labor; Mr. Richard Falkenrath, Deputy Commissioner for Counterterrorism, New York City Police Department, City of New York; Mr. William Millar, President, American Public

Transportation Association; Mr. Edward Hamberger, President, American Association of Railroads; Mr. Ed Rodzwick, President, Teamsters Rail Conference; Mr. Fred Weiderhold, Inspector General, National Railroad Passenger Corporation (Amtrak); and Mr. David Shuman, Private Citizen.

#### GOVERNMENT WATCH LISTS

On March 13, 2007, the Committee on Homeland Security hosted a Classified Member briefing to discuss the Terrorist Screening Center and Federal Government Watch Lists. Representatives from the Department of Homeland Security's Transportation Security Administration, Customs and Border Protection, the Terrorist Screening Center, and the Federal Bureau of Investigation briefed Members on the operation of the Terrorist Screening Center and its management of the Federal Watch Lists.

#### SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEMS

On March 15, 2007, the Committee on Homeland Security hosted a Classified Member briefing to discuss an emerging threat to Supervisory Control and Data Acquisition (SCADA) systems. Representatives from the Department of Homeland Security and the Idaho National Laboratory briefed Members on the threat and the Department's ongoing response.

#### FEMA: DISASTER DECLARATIONS

On March 15, 2007, the Committee on Homeland Security held a hearing entitled "Disaster Declarations: Where is FEMA in a Time of Need?" The Committee received testimony from Admiral Harvey Johnson, Deputy Director, Federal Emergency Management Agency, Department of Homeland Security; Hon. Mike Beebe, Governor, State of Arkansas; and Mr. Bruce Baughman, Director, Emergency Management Agency, State of Alabama.

#### US-VISIT AND QUADRENNIAL REVIEW

On March 20, 2007, the Committee on Homeland Security held a hearing entitled "Organizational and Policy Proposals for the FY 2008 Department of Homeland Security Authorization: Positioning US-VISIT for Success and Establishing a Quadrennial Homeland Security Review Process." The Committee received testimony from Mr. Robert A. Mocny, Acting Director, US-VISIT, Department of Homeland Security; Mr. Richard Stana, Director, Homeland Security and Justice Issues, Government Accountability Office; Mr. Richard Robert Zitz, Deputy Under Secretary for Preparedness, Department of Homeland Security; Dr. James Jay Carafano, Senior Fellow, The Heritage Foundation; Ms. Michele A. Flournoy, President and Co-Founder, Center for a New American Security; and Hon. Asa Hutchinson, Founding Partner, Hutchinson Group.

## SECURING LNG TANKERS

On March 21, 2007, the Committee on Homeland Security held a hearing entitled "Securing LNG Tankers to Protect the Homeland." The Committee received testimony from Mr. Jim Wells, Director, Energy, NRC, Natural Resources and Environment, Government Accountability Office; Rear Admiral Brian M. Salerno, Director, Inspection and Compliance, U.S. Coast Guard, Department of Homeland Security; Mr. H. Keith Lesnick, Director, Office of Deep-water Port Licensing, Maritime Administration, Department of Transportation; Mr. J. Mark Robinson, Director, Office of Energy Projects, Federal Regulatory Commission; Mr. Ron Davis, President, Marine Engineers' Beneficial Association; and Dr. Phani Raj, President, Technology & Management Systems, Inc.

## FEDERAL HOMELAND SECURITY CONTRACTING

On April 20, 2007, the Full Committee held a hearing entitled "Responsibility in Federal Homeland Security Contracting." The Committee received testimony from Ms. Elaine Duke, Chief Procurement Officer, Department of Homeland Security; Mr. Scott Amey, General Counsel, Project on Government Oversight (POGO); Mr. Alan Chvotkin, Senior Vice President and Counsel, Professional Services Council; and Professor Charles Tiefer, Private Citizen.

## FEDERAL PROTECTIVE SERVICE

On May 1, 2007, the Full Committee held a hearing entitled "The Direction and Viability of the Federal Protective Service." The Committee received testimony from Hon. James L. Taylor, Deputy Inspector General, Department of Homeland Security; Mr. Gary Schenkel, Director, Federal Protective Service, Department of Homeland Security; Mr. David L. Wright, President, American Federation of Government Employees, Local 918, FPS Union; and Mr. Joseph Ricci, Executive Director, National Association of Security Companies.

This hearing examined proposed budget and staff cuts in the Federal Protective Service (FPS) and the effect that increased privatization has had on security and agency integrity. The Committee specifically examined the replacement of FPS security guards with private guards; bribery and corruption in the oversight of private contractors; and the long-term viability of FPS as a Federal agency in light of the planned transformation of FPS into a primarily contract guard based workforce.

## OPERATION VIGILANT SENTRY

On May 2 2007, the Committee on Homeland Security held Classified Member-only briefing on Operation Vigilant Sentry, the Department of Homeland Security's Plan for deterring and responding to possible mass migrations in the Caribbean.



## 2007, HURRICANE SEASON

On May 15, 2007, the Full Committee held a hearing entitled "The 2007, Hurricane Season: Are We Prepared?" The Committee received testimony from Hon. R. David Paulison, Director, Federal Emergency Management Agency, Department of Homeland Security; Mr. William Jenkins, Director, Homeland Security and Justice Issues Division, Government Accountability Office; Mr. Craig Fugate, Director, Florida Division of Emergency Management; and Mr. Joe Becker, Senior Vice President, Preparedness and Response, American Red Cross National Headquarters.

## SCHOOL PREPAREDNESS AND RESPONSE

On May 17, 2007, the Full Committee held a hearing entitled "Protecting our Schools: Federal Efforts to Strengthen Community Preparedness and Response." The Committee received testimony from Ms. Holly Kuzmich, Deputy Chief of Staff, Policy and Programs, Department of Education; Mr. Robert J. Sica, Special Agent in Charge, United States Secret Service, National Threat Assessment Center, Department of Homeland Security; Ms. Cornelia M. Ashby, Director, Education, Workforce, and Income Security, Government Accountability Office; Kenneth S. Trump, M.P.A., President, National School Safety and Security Services; Mr. David Rainer, Associate Vice Chancellor, Environmental Health and Public Safety, North Carolina State University; and Dr. James C. Renick, Senior Vice President for Programs and Research, American Council on Education.

## GULF COAST REBUILDING AND RECOVERY

On May 22, 2007, the Full Committee held a hearing entitled "The Role of the Department of Homeland Security in Gulf Coast Rebuilding and Recovery Efforts." The Committee received testimony from Mr. John J. Castellani, President, Business Roundtable; Ms. Lezli Baskerville, Esq., President and CEO, National Association for Equal Opportunity in Higher Education; Mr. Bryan McDonald, Director, Office of Recovery and Renewal, State of Mississippi; and Mr. Jeff Johnson, President and CEO, Truth is Power.

## XDR TUBERCULOSIS

On June 6, 2007, the Full Committee held a hearing entitled "The XDR Tuberculosis Incident: A Poorly Coordinated Federal Response to an Incident with Homeland Security Implications." The Committee received testimony from Dr. Julie L. Gerberding, Director, Centers for Disease Control and Prevention, Department of Health and Human Services; Dr. Jeffrey Runge, Chief Medical Officer, Department of Homeland Security; Mr. W. Ralph Basham, Commissioner, Customs and Border Protection, Department of Homeland Security; and Mr. Jayson P. Ahern, Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security.

## SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEMS

On June 21, 2007, the Full Committee held a Classified Member-only briefing on efforts to mitigate an emerging threat to Supervisory Control and Data Acquisition (SCADA) systems.

## CRITICAL INFRASTRUCTURE

On July 11, 2007, the Committee on Homeland Security held a Member briefing on critical infrastructure protections. Representatives from the Government Accountability Office and the Department of Homeland Security provided Members with an update on critical infrastructure issues, including sector specific plans.

## PORTS OF ENTRY INSPECTIONS

On July 18, 2007, the Committee on Homeland Security held a Member briefing on inspection procedures at land ports of entry to the U.S. Representatives from Customs and Border Protection (CBP) showed surveillance video depicting inadequate inspections at ports of entry along both the northern and southern borders, as well as surveillance video showing the tuberculosis patient, Mr. Andrew Speaker, being permitted to enter the U.S. at the Champlain, New York port of entry in May 2007.

## HOMELAND SECURITY ADVISORY COMMITTEES

On July 25, 2007, the Committee on Homeland Security held a hearing entitled "An Overview of Department of Homeland Security Federal Advisory Committees." The Committee received testimony from Mr. Doug Hoelscher, Executive Director, Homeland Security Advisory Committees, Department of Homeland Security; Mr. Robert Flaak, Director, Committee Management Secretariat Office of Government wide Policy, General Services Administration; Mr. Jeff Gaynor, Former Director, DHS Homeland Security Advisory Council Emergency Response Senior Advisory Committee and Critical Infrastructure Task Force; Mr. Randy Beardsworth, Former Assistant Secretary, Strategic Plans, Department of Homeland Security; Ms. Anne Weismann, Chief Counsel, Citizens for Responsibility and Ethics in Washington; and Mr. Al Berkeley, Chairman and CEO, Pipeline Trading Systems, LLC.

## SECURITY GAPS

On September 5, 2007, the Full Committee held a hearing entitled "Holding the Department of Homeland Security Accountable for Security Gaps." The Committee received testimony from Hon. Michael Chertoff, Secretary, Department of Homeland Security.

## NATIONAL APPLICATIONS OFFICE

On August 22, 2007, the Chairman sent a letter to the Secretary of Homeland Security requesting information about the Department's new National Applications Office (NAO). As described in press accounts by the Under Secretary for Intelligence and Anal-

ysis, the NAO is to be a clearinghouse for requests for domestic satellite images. The Under Secretary stated publicly that access to domestic satellite imagery would be expanded to State, local, and tribal law enforcement for nontraditional purposes. The Chairman asked the Secretary to provide assurances that before its October 1, 2007, rollout, the NAO would comply with the Constitution and all applicable laws and regulations. The Chairman likewise requested that the Secretary provide bi-weekly briefings on the NAO's progress until that October 1, 2007, rollout date.

On August 29, 2007, the Department's Acting General Counsel sent a letter to the Chairman of the Committee on Homeland Security declining an invitation to testify at the September 6, 2007, Full Committee hearing on the National Applications Office (NAO).

On September 6, 2007, the Full Committee held a hearing entitled "Turning Spy Satellites on the Homeland: the Privacy and Civil Liberties Implications of the National Applications Office." The Committee received testimony from Mr. Charles Allen, Under Secretary for Intelligence and Analysis, Department of Homeland Security; Mr. Daniel W. Sutherland, Officer, Civil Rights and Civil Liberties, Department of Homeland Security; Mr. Hugo Teufel, Chief Privacy Officer, Department of Homeland Security; Mr. Barry Steinhardt, Director, ACLU Program on Technology and Liberty, American Civil Liberties Union; and Ms. Lisa Graves, Deputy Director, Center for National Security Studies.

At the conclusion of the hearing, the Chairman of the Committee, and the Chairs of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment and the Subcommittee on Management, Investigations and Oversight sent a letter to Secretary of Homeland Security and the Under Secretary for Intelligence and Analysis calling for a moratorium on the NAO's operations until the Members' privacy and civil liberties concerns had been addressed. Specifically, the Members asked for the Department to provide them with a written legal framework for the NAO, along with standard operating procedures that clarified proper and improper domestic applications and uses for domestic satellite imagery.

On September 6, 2007, the Chairman of the Committee on Homeland Security, the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, and the Chairman of the Subcommittee on Management, Investigations, and Oversight sent a letter to the Secretary of Homeland Security and the Under Secretary for Intelligence and Analysis expressing concern over the National Applications Office (NAO) and requesting a written legal framework for the program as well as standard operating procedures applicable to the program.

On September 13, 2007, the Chairman of the Committee, and the Chairs of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment and the Subcommittee on Management, Investigations and Oversight sent a letter to the Chairmen of the House Permanent Select Committee on Intelligence, the Senate Committees on Homeland Security and Governmental Affairs and the Senate Select Committee on Intelligence requesting a joint meeting to discuss the NAO and the Committee's recent hearing.

On September 26, 2007, the Chairman of the Committee on Homeland Security, the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, the Chairman of the Subcommittee on Management, Investigations, and Oversight, and the fifteen other Democratic Members of the Committee on Homeland Security sent a letter to the Chair and Ranking Member of the Committee on Appropriations Subcommittee on Homeland Security clarifying their position on the National Applications Office (NAO) and requesting that they refrain from funding the NAO until the Department of Homeland Security had completed a written legal framework and standard operating procedures.

On September 28, 2007, the Under Secretary for Intelligence and Analysis responded to the Chairman of the Committee on Homeland Security's letter of August 22, 2007, promising a progress report on the written legal framework, and standard operating procedures, and a briefing on that progress report in the near term. The letter further indicated that NAO would not begin operations until the Department responded to the Committee's concerns.

On October 10, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, the Committee on Appropriations' Subcommittee for Homeland Security, and the House Permanent Select Committee on Intelligence held a classified joint Member-only briefing on plans to establish the NAO at the Department of Homeland Security. Representatives from the Department of Homeland Security, the Department of the Interior (DOI), and the Director of National Intelligence provided Members with an update of the program.

The Department thereafter advised Committee staff that it was drafting a NAO "Charter" that, among other things, would address the Member's privacy and civil liberties concerns. The Department further advised that NAO standard operating procedures would be developed following the completion of the NAO Charter.

On January 16, 2008, the Director of National Intelligence sent a letter to the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment responding to a December 19, 2007, letter sent to the Office of the Director of National Intelligence expressing concern over the impact of the National Applications Office (NAO) on the capabilities of the Civil Applications Committee (CAC).

On February 13, 2008, the Secretary of Homeland Security briefed the Chairman of the Full Committee on the forthcoming NAO Charter and explained that it would include at least three customer domains for satellite imagery: Law Enforcement, Civil Applications, and Homeland Security Domains. The Secretary advised that the Charter would address the Members' privacy and civil liberties concerns, and that supporting privacy and civil liberties impact assessments and standard operating procedures would follow. The Secretary also advised that the NAO's Law Enforcement Domain would not be completed until "summer 2008" and that the remaining domains would start up in the interim.

On March 27, 2008, the Committee received the NAO Charter from the Department. Subsequently, on April 7, 2008, the Chairman and the Chair of the Subcommittee on Intelligence, Informa-

tion Sharing, and Terrorism Risk Assessment and the Chairman of the Subcommittee on Management, Investigations and Oversight sent a letter to the Secretary expressing concern about the inadequacy of Charter, the lack of legal framework, and Department job postings for NAO staff prior to both the production of a legal framework and a Government Accountability Office privacy and civil liberties review of the NAO required in Section 525 of H.R. 2764, the Consolidated Appropriations Act, 2008.

On April 7, 2008, the Chairman of the Committee on Homeland Security, the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, and the Chairman of the Subcommittee on Management, Investigations, and Oversight sent a letter to the Secretary of Homeland Security reiterating Member concerns about the development of the NAO and requesting an update on the Department of Homeland Security's efforts to address outstanding privacy and civil liberties concerns with the program.

On April 10, 2008, the Committee received the Department's NAO privacy impact assessment, civil rights and civil liberties impact assessment, and standard operating procedures. The procedures made clear that the NAO's Law Enforcement Domain would be put off indefinitely.

On April 11, 2008, the Secretary of Homeland Security sent separate letters to the Chairman, the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, and the Chairman of the Subcommittee on Management, Investigations and Oversight asserting that the Members had "left some with the impression that the Department is seeking to use satellites to spy on Americans," disputing that notion, and asserting that the documents provided would address Member concerns. The Secretary also advised that hiring of NAO staff was merely "preparatory step" and stated that the NAO would be stood up in phases, excluding the Law Enforcement Domain. The Secretary stated that, when and if the Law Enforcement Domain was stood up, Congress would have an opportunity to inquire about the legal, privacy, and civil liberties safeguards that would be in place. The Secretary concluded the letter by advising it is not Congress' role to draft the NAO Charter.

On April 28, 2008, Committee staff advised the Department that Members sought an Article I-based legal framework that could be used for oversight purposes that 1) identified the uses for which satellite imagery would be made available for law enforcement officers and for customers falling within the Homeland Security Domain; and 2) provided legal authorities and analysis that supported the proposed expanded use of satellite imagery. The Department advised Committee staff that it would not be producing such a legal framework.

On May 15, 2008, the Chairman of the Committee and the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter to the Chairman of the House Permanent Select Committee on Intelligence, the Chairman of the Committee on Appropriations Subcommittee on Homeland Security, and the Chairman of the Committee on Appropriations Select Intelligence Oversight Panel expressing serious concern over any

actions to authorize or appropriate funding for the National Applications Office (NAO) and urging an abstention from any such authorization or appropriation until a written legal framework was in place.

On June 4, 2008, the Chairman of the Committee on Homeland Security and the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment received a letter from 33 privacy and civil liberties organizations thanking them for their oversight of the NAO and raising eight points for consideration as part of their oversight work.

#### DEPARTMENT OF HOMELAND SECURITY ACCOMPLISHMENTS AND FAILURES

On September 18, 2007, the Full Committee held a hearing entitled “The Grades are In! — Is the Department of Homeland Security Measuring Up?” The Committee received testimony from Hon. David M. Walker, Comptroller General of the United States, Government Accountability Office; and Hon. Paul A. Schneider, Under Secretary Management, Department of Homeland Security.

#### TERRORIST SCREENING DATABASE

On September 19, 2007, the Committee on Homeland Security held a Member briefing on the Terrorist Screening Database (TSDB), otherwise known as the terrorist watchlist. The Terrorist Screening Center, Social Security Administration, Department of Homeland Security, and Government Accountability Office officials will brief Committee Members on the Federal Government’s management and use of the terrorist watchlist.

#### CYBERSECURITY THREATS

On October 25, 2007, the Committee on Homeland Security held a Member briefing on the threats to the Nation’s cybersecurity infrastructure. Representatives from the Department of Homeland Security were present.

#### CALIFORNIA WILDFIRES

On October 25, 2007, the Committee on Homeland Security held a Member briefing on the status and response to the wildfires in California. Representatives from the Federal Emergency Management Agency (FEMA) were present.

#### CYBERSECURITY THREATS

On October 31, 2007, the Committee on Homeland Security held a Classified Member-only briefing on cybersecurity threats. Representatives from the Department of Homeland Security were present to respond to Member questions.

## TRANSPORTATION WORKER IDENTIFICATION CARDS (TWIC)

On October 31, 2007, the Full Committee held a hearing entitled "Homeland Security Failures: TWIC Examined." The Subcommittee received testimony from Hon. Edmond S. "Kip" Hawley, Administrator, Transportation Security Administration, Department of Homeland Security; Admiral Brian Salerno, Director, Inspection and Compliance, U.S. Coast Guard, Department of Homeland Security; and Ms. Cathy Berrick, Director, Homeland Security and Justice, Government Accountability Office.

## CYBERSECURITY INITIATIVE

On November 6, 2007, the Committee on Homeland Security held a classified Member-only briefing on the "Cybersecurity Initiative," referenced in media reports. Representatives from the Department of Homeland Security and other agencies were present to discuss the initiative, the proposed implementation of the initiative, and respond to Member questions.

## TERRORIST WATCH LIST

On November 8, 2007, the Committee on Homeland Security held a hearing entitled "The Progress and Pitfalls of the Terrorist Watch List." The Committee received testimony from Hon. Glenn A. Fine, Inspector General, Office of the Inspector General, Department of Justice; Ms. Eileen Larence, Director, Homeland Security and Justice Issues, Government Accountability Office; Mr. Leonard C. Boyle, Director, Terrorist Screening Center; and Ms. Kathleen Kraninger, Director Screening Coordination Office, Department of Homeland Security.

## TSA COVERT TESTING

On November 14, 2007, the Committee held a hearing entitled "Cover Blown — Did TSA Tip Off Airport Screeners about Covert Testing?" The Committee received testimony from Hon. Edmond S. "Kip" Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; Mr. Gregory Kutz, Managing Director, Office of Forensic Audits and Special Investigations, Government Accountability Office; Hon. Clark Kent Ervin, Director, Homeland Security Program, The Aspen Institute.

## SPORTS VENUE SECURITY

On November 14, 2007, the Committee on Homeland Security held a Member-only briefing on sports venue security. Representatives from the National Collegiate Athletic Association (NCAA), the National Football League (NFL), the National Basketball Association (NBA), the National Hockey League (NHL), Major League Baseball (MLB), and the National Association for Stock Car Auto Racing (NASCAR) were present.

## DISASTER HOUSING

On January 29, 2008, the Committee on Homeland Security held a hearing entitled "Ensuring Safe and Effective Housing Programs in the Wake of Disasters." The Committee received testimony from Mr. Carlos Castillo, Assistant Administrator for the Disaster Assistance Directorate, Federal Emergency Management Agency, Department of Homeland Security; Henry Falk, MD, MPH, Director, Coordinating Center for Environmental Health and Injury Prevention, Center for Disease Control and Prevention, Department of Health and Human Services; Mr. Nelson Bregón, General Deputy Assistant Secretary, Office of Community Planning and Development Department of Housing and Urban Development; Mr. David Tipson, Interim Director, Community Development Project, Lawyers' Committee for Civil Rights Under Law; and Mr. Michael Gerber, Executive Director, Texas Department of Housing and, Community Affairs.

## FY2009 BUDGET REQUEST

On February 13, 2008, the Full Committee held a hearing entitled "The President's FY 2009 Budget Request for the Department of Homeland Security." The Subcommittee received testimony from Hon. Michael Chertoff, Secretary, Department of Homeland Security.

## CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2008

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

## THE CYBER INITIATIVE

On February 27, 2008, the Full Committee received a classified briefing on the Administration's newly announced "Cyber Initiative," a multi-agency initiative designed to protect Federal networks from cyber attack. Representatives from the Department of Homeland Security, the Office of the Director of National Intelligence, the Department of Justice, the Office of Management and Budget, responded to Member questions and concerns.

On February 28, 2008, the Full Committee held a hearing entitled "The Cyber Initiative." The Committee received testimony from Hon. Karen Evans, Administrator, Electronic Government and Information Technology, Office of Management and Budget; Hon. Robert Jamison, Under Secretary, National Protection and Programs Directorate, Department of Homeland Security; and Mr. Scott Charbo, Deputy Under Secretary, National Protection and Programs Directorate, Department of Homeland Security.



## REGISTERED TRAVELER

On April 3, 2008, the Committee on Homeland Security held a Member briefing on Registered Traveler examining the implementation of the Registered Traveler program and its outlook in 2008.

## MOVING BEYOND THE FIRST FIVE YEARS

On April 23, 2008, the Committee on Homeland Security held a hearing entitled "Moving Beyond the First Five Years: Improving the Functionality, Governance, and Accountability of the Department of Homeland Security." The Committee received testimony from Hon. Paul A. Schneider, Acting Deputy Secretary, Department of Homeland Security.

## RESILIENCY

On Tuesday, May 6, 2008, the Committee on Homeland Security held a hearing entitled "The Resilient Homeland — Broadening the Homeland Security Strategy." The Committee received testimony from Hon. Stewart A. Baker, Assistant Secretary for Policy, Department of Homeland Security; Dr. Yossi Sheffi, Professor of Engineering, Massachusetts Institute of Technology; Mr. Erroll G. Southers, Chief of Homeland Security and Intelligence, Los Angeles World Airports Police Department; Susan R. Bailey, Ph.D., Vice President, Global Network Operations Planning, AT&T; and Ms. Mary Arnold, Vice President, Government Relations, SAP America.

## PERFORMANCE BASED ACQUISITIONS

On May 8, 2008, the Committee on Homeland Security held a hearing entitled "Performance Based Acquisitions: Creating Solutions or Causing Problems?" The Committee received testimony from Mr. John Hutton, Director, Acquisition and Sourcing Management, Government Accountability Office; Mr. Thomas Essig, Chief Procurement Officer, Department of Homeland Security; Ms. Anne F. Thompson Reed, President and CEO, Acquisition Solutions; and Alan Chvotkin, Esq., Executive Vice President and Counsel, Professional Services Council.

## DIVERSITY AT DHS

In March 2008, the Committee Staff released a report entitled, "The Department of Homeland Security: Minority and Gender Diversity in the Workforce and Career Senior Executive Service." The report illustrated that racial minorities constituted 20.3 percent of DHS, while only constituting 10.8 percent of the DHS SES workforce. This data suggested that relatively few members of racial minority groups rise into the DHS career SES leadership ranks.

On May 21, 2008, the Committee on Homeland Security held a hearing entitled "Diversity at DHS: Keeping Pace or Missing the Mark?" The Committee received testimony from Ms. Elaine Duke, Under Secretary for Management, Department of Homeland Security; Mr. George Stalcup, Director of Strategic Issues, Government

Accountability Office; and Ms. Stacey D. Stewart, Senior Vice President and Chief Diversity Officer, Fannie Mae Corporation.

The hearing and report were in response to a June 2007 report released by the Department's Chief Human Capital Officer. That report, "Diversity Works!: Finding Hiring, and Keeping a Qualified Diverse Workforce," found that all minority groups were underrepresented in senior levels (GS-13-15/SES) and that the department could improve its record with regard to women in law enforcement positions. The Department asserted that it would participate in several activities to attract, hire and retain a more diverse workforce. First, the Department will meet with each DHS Component head to reinforce diversity objectives. Second, the Department would spearhead corporate participation in minority job fairs. In addition, the Department would complete a year long review of DHS employment policies and practices to identify barriers to full employment and retention and communicate departmental and component workforce demographics and profiles.

The Committee's oversight in this area has been geared toward examining the Department's efforts to fulfill its diversity objectives.

On June 12, 2008, the Chairman of the Committee on Homeland Security sent a letter to the Under Secretary for Management, Department of Homeland Security requesting additional information with respect to the Department's hiring and promotion practices.

#### PORT SECURITY ROUNDTABLE

On June 24, 2008, the Committee on Homeland Security hosted a port security roundtable. The roundtable event brought together the Department of Homeland Security and stakeholders to discuss port security and efforts to improve capabilities to protect the Nation's ports.

#### DIVERSITY ROUNDTABLE

On June 25, 2008, the Committee on Homeland Security hosted a diversity roundtable. The roundtable event brought together representatives of various companies to discuss efforts to improve diversity in the workplace.

#### MASS GATHERING PROTECTION

On July 9, 2008, the Committee on Homeland Security held a hearing entitled "The Challenge of Protecting Mass Gatherings in a Post-9/11 World." The Committee received testimony from Hon. Robert B. Stephan, Col. USAF (Ret.), Assistant Secretary for Infrastructure Protection, Department of Homeland Security; Vice Admiral Roger T. Rufe, Jr., USCG (Ret.), Director of the Operations Directorate, Department of Homeland Security; Thomas H. Blackwell, MD, FACEP, Medical Director, Center for Prehospital Medicine, Carolinas Medical Center; Sergeant Scott McCartney, Office of the Governor, State of California; and Mr. Douglas Reynolds, Director of Security, Mall of America.

## BORDER SECURITY

On July 17, 2008, the Committee on Homeland Security held a hearing entitled “The Challenge of Aligning Programs, Personnel, and Resources to Achieve Border Security.” The Committee received testimony from Hon. Michael Chertoff, Secretary, Department of Homeland Security.

## PRESIDENTIAL CANDIDATE SECURITY

On July 23, 2008, the Committee on Homeland Security held a briefing on the United States Secret Service’s capabilities and programs with respect to the security of candidates for the Office of the President.

On July 31, 2008, the Members received a classified briefing as a follow-up.

## VIRTUAL FENCE

On September 10 and 18, 2008, the Committee on Homeland Security held a hearing entitled “Mismanagement, Missteps, and Missed Benchmarks: Why the Virtual Fence Has Not Become a Reality.” The Committee received testimony from Hon. W. Ralph Basham, Commissioner, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Jayson P. Ahern, Deputy Commissioner, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Richard Stana, Director, Homeland Security and Justice, Government Accountability Office; and Mr. Randolph C. Hite, Director, IT Architecture & Systems Issues, Government Accountability Office.

## WASTED LESSONS OF 9/11

On September 9, 2008, the Majority Staff of the Committee on Homeland Security and the Committee on Foreign Affairs issued a joint staff report entitled “Wasted Lessons of 9/11: How the Bush Administration Has Ignored the Law and Squandered Its Opportunities to Make our Country Safer.”

## PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES ROUNDTABLE

On December 3, 2008, the staff of the Committee on Homeland Security hosted a privacy, civil rights, and civil liberties roundtable. The roundtable brought together experts from various fields to discuss their views and recommendations on privacy, civil rights and civil liberties in the areas of natural disasters, data mining, intelligence and information sharing, transportation security, border security, and cybersecurity.

## ATTACKS IN MUMBAI, REPUBLIC OF INDIA

On December 9, 2008, the Committee on Homeland Security received a classified briefing on the attacks in Mumbai, Republic of India on November 29, 2008.

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## FULL COMMITTEE HEARINGS HELD

- “An Overview of Issues and Challenges Facing the Department of Homeland Security.”* February 7, 2007. (Serial No. 110-2)
- “An Examination of the President’s FY 2008 Budget Request for the Department of Homeland Security.”* February 9, 2007. (Serial No. 110-3)
- “Lessons Learned and Grading Goals: The Department of Homeland Security of 2007.”* February 15, 2007. (Serial No. 110-8 )
- Committee Print entitled *“Rail and Public Transportation Security Act of 2007.”* March 6, 2007. (Serial No. 110-12)
- “Disaster Declarations: Where is FEMA in a Time of Need?”* March 15, 2007. (Serial No. 110-17)
- “Organizational and Policy Proposals for the FY 2008 Department of Homeland Security Authorization: Positioning US-VISIT for Success and Establishing a Quadrennial Homeland Security Review Process.”* March 20, 2007. (Serial No. 110-18)
- “Securing LNG Tankers to Protect the Homeland.”* March 21, 2007. (Serial No. 110-19)
- “Responsibility in Federal Homeland Security Contracting.”* April 20, 2007. (Serial No. 110-27)
- “The Direction and Viability of the Federal Protective Service.”* May 1, 2007. (Serial No. 110-32)
- “The 2007, Hurricane Season: Are We Prepared?”* May 15, 2007. (Serial No. 110-35)
- “Protecting our Schools: Federal Efforts to Strengthen Community Preparedness and Response.”* May 17, 2007. (Serial No. 110-37)
- “The Role of the Department of Homeland Security in Gulf Coast Rebuilding and Recovery Efforts.”* May 22, 2007. (Serial No. 110-39)
- “The XDR Tuberculosis Incident: A Poorly Coordinated Federal Response to an Incident with Homeland Security Implications.”* June 6, 2007. (Serial No. 110-44)
- Field hearing in Buffalo, New York entitled *“The Western Hemisphere Travel Initiative: Perspectives of a Community on the U.S.-Canada Border.”* July 20, 2007. (Serial No. 110-58)
- “An Overview of Department of Homeland Security Federal Advisory Committees.”* July 25, 2007. (Serial No. 110-61)
- “Holding the Department of Homeland Security accountable for Security Gaps.”* July 25, 2007. (Serial No. 110-67)
- “Turning Spy Satellites on the Homeland: the Privacy and Civil Liberties Implications of the National Applications Office.”* September 6, 2007. (Serial No. 110-68)
- “The Grades are In! — Is the Department of Homeland Security Measuring Up?”* September 18, 2007. (Serial No. 110-70)
- “Protecting the Protectors: Ensuring the Health and Safety of our First Responders in the Wake of Catastrophic Disasters.”* September 20, 2007. (Serial No. 110-71)
- “Homeland Security Failures: TWIC Examined.”* October 31, 2007. (Serial No. 110-81)
- “The Progress and Pitfalls of the Terrorist Watch List.”* November 8, 2007. (Serial No. 110-84)
- “Cover Blown — Did TSA Tip Off Airport Screeners about Covert Testing?”* November 14, 2007. (Serial No. 110-86)

- Field hearing in El Paso, Texas entitled "*Ensuring Homeland Security While Facilitating Legitimate Travel: The Challenge at America's Ports of Entry.*" January 3, 2008. (Serial No. 110-90)
- "*Ensuring Safe and Effective Housing Programs in the Wake of Disasters.*" January 29, 2008. (Serial No. 110-91)
- "*The President's FY 2009 Budget Request for the Department of Homeland Security.*" February 13, 2008. (Serial No. 110-93)
- Committee Print "*Chemical Facility Anti-Terrorism Act of 2008*" February 26, 2008. (Serial No. 110-95)
- "*The Cyber Initiative.*" February 28, 2008. (Serial No. 110-98)
- "*Moving Beyond the First Five Years: Improving the Functionality, Governance, and Accountability of the Department of Homeland Security.*" April 23, 2008. (Serial No. 110-107)
- "*The Resilient Homeland — Broadening the Homeland Security Strategy.*" May 26, 2008. (Serial No. 110-110)
- "*Performance Based Acquisitions: Creating Solutions or Causing Problems?*" May 8, 2008. (Serial No. 110-112)
- "*Diversity at DHS: Keeping Pace or Missing the Mark?*" May 21, 2008. (Serial No. 110-116)
- "*The Challenges of Protecting Mass Gatherings in a Post-9/11 World.*" July 9, 2008 (Serial No. 110-124)
- "*The Challenge of Aligning Programs, Personnel, and Resources to Achieve Border Security.*" July 17, 2008 (Serial No. 110-129)
- "*Mismanagement, Missteps, and Missed Benchmarks: Why the Virtual Fence Has Not Become a Reality.*" September 10 and 18, 2008 (Serial No. 110-136)

## SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

LORETTA SANCHEZ, California, *Chairwoman*

JANE HARMAN, California  
ZOE LOFGREN, California  
SHEILA JACKSON-LEE, Texas  
BOB ETHERIDGE, North Carolina  
JAMES R. LANGEVIN, Rhode Island  
HENRY CUELLAR, Texas  
AL GREEN, Texas  
BENNIE G. THOMPSON, Mississippi  
(*Ex Officio*)

MARK E. SOUDER, Indiana  
DAVID G. REICHERT, Washington  
MICHAEL T. MCCAUL, Texas  
GUS BILIRAKIS, Florida  
MIKE ROGERS, Alabama  
PETER T. KING, New York  
(*Ex Officio*)

The Subcommittee on Border, Maritime, and Global Counterterrorism held 20 days of hearings and received testimony from 96 witnesses.

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### LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

#### MOBILE BIOMETRIC IDENTIFICATION PILOT PROGRAM

#### H.R. 2490

To require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States.

#### *Legislative History*

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

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

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

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

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

## TRAVEL PROMOTION ACT OF 2007

## H.R. 3232

To establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.

*Legislative History*

H.R. 3232 was introduced in the House on July 31, 2007, by Mr. Delahunt and 11 original co-sponsors. H.R. 3232 was referred to the Committee on Energy and Commerce, the Committee on the Judiciary, and in addition the Committee on Homeland Security. Within the Committee on Homeland Security, H.R. 3232 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

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

The House considered H.R. 3232 under Suspension of the Rules on September 25, 2008, and agreed to the measure by voice vote.

H.R. 3232 was received in the Senate on September 26, 2008, read twice, and on October 2, 2008, was placed on the Senate Calendar.

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 OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

 BORDER SECURITY INFRASTRUCTURE, TECHNOLOGY, AND THE  
 HUMAN ELEMENT

On February 13, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Border Security: Infrastructure, Technology, and the Human Element." The Subcommittee received testimony from Chief David Aguilar, U.S. Border Patrol, and Rear Admiral David Pekoske, U.S. Coast Guard.

This hearing examined the state of the Border Patrol and the U.S. Coast Guard's border security activities, and assessed the infrastructure, technology, and personnel requirements necessary to strengthening America's border security.

On March 8, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism continued its hearing entitled "Border Security: Infrastructure, Technology, and the Human Element, Part II." The Subcommittee received testimony from Dr. Jeffrey McIlwain, Co-Director, Homeland Security Program, San Diego State University; Mr. Michael O'Hanlon, Senior Fellow, Brookings Institution; Mr. Michael Wermuth, Director, RAND Homeland Security Program; and Mr. Andrew M. Ramirez, Chairman, Friends of the Border Patrol.

## IMMIGRANT DETENTION AND HUMAN TRAFFICKING

On March 15, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Crossing the Border: Immigrants in Detention and Victims of Trafficking." The Sub-

committee received testimony from Mr. John P. Torres, Director, Office of Detention and Removal Operations, Immigration and Customs Enforcement, Department of Homeland Security, Mr. Richard P. Seiter, Executive Vice President and Chief Corrections Officer, Corrections Corporation of America; Ms. Michelle Brane, Director, Detention and Asylum Program, Women's Commission for Refugee Women and Children; Ms. Christina Fiflis, Member, Commission on Immigration, American Bar Association; and Mr. Michael Cutler, Fellow, Center for Immigration Studies.

On March 20, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism continued its hearing entitled "Crossing the Border: Immigrants in Detention and Victims of Trafficking, Part II." The Subcommittee received testimony from Mr. Gabriel Garcia, Program Manager, Human Smuggling and Trafficking Unit, Office of Investigations, Immigration and Customs Enforcement, Department of Homeland Security; Ms. Ann Jordan, Program Director, Initiative Against Trafficking in Persons Global Rights, Lt. Derek Marsh, Co-Director, Orange County California Human Trafficking Task Force; and Mr. Victor X. Cerda, Partner, Siff and Cerda LLP.

#### SAFE PORT ACT

On April 26, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "The SAFE Port Act: A Six Month Review." The Subcommittee received testimony from Admiral Craig E. Bone, Assistant Commandant for Prevention, U.S. Coast Guard, Department of Homeland Security; Mr. Jayson Ahern, Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Ms. Maurine S. Fanguy, Program Director, Transportation Worker Identification Credential (TWIC) Program, Transportation Security Administration, Department of Homeland Security; Mr. Stephen L. Caldwell, Director, Homeland Security and Justice Issues, Government Accountability Office; Mr. George P. Cummings, Director of Homeland Security, Port of Los Angeles; Mr. Richard A. Wainio, Port Director and Chief Executive Officer, Tampa Port Authority; Mr. Leal Sundet, Coast Committeeman, Longshore Division of the International Longshore and Warehouse Union; and Mr. Manny Aschemeyer, Executive Director, Marine Exchange of Southern California.

On October 30, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "The SAFE Port Act: Status of Implementation One Year Later." The Subcommittee received testimony from Ms. Maurine Fanguy, Program Director, Transportation Worker Identification Credential Program, Transportation Security Administration, Department of Homeland Security; Captain Francis Sturm, U.S. Coast Guard, Department of Homeland Security; Mr. Thomas Winkowski, Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Mr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security; Mr. Stephen L. Caldwell, Director, Homeland Security and Justice Issues, Government Accountability Office; Mr. Lindsay McLaughlin, Legislative Director, International Longshore and Warehouse



Union; Mr. Robert F. Blanchet, Teamster Port Representative, International Brotherhood of Teamsters; Mr. Chris Koch, President, World Shipping Council; Ms. Mary Alexander, Chair, Joint Industry Group; and Mr. Wade Battles, Managing Director, Port of Houston Authority.

#### INTEGRATED DEEPWATER PROGRAM

The Integrated Deepwater system is an acquisition program to upgrade and replace an aging fleet of ships and aircraft. On May 10, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism held a joint Member briefing with the Subcommittee on Management, Investigations, and Oversight on the U.S. Coast Guard's Integrated Deepwater System.

On May 17, 2007, the Subcommittee on Border, Maritime and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled "Deepwater: Charting a Course for Safer Waters." The Subcommittees received testimony from Rear Admiral Gary T. Blore, Program Executive Officer, Integrated Deepwater System, U.S. Coast Guard, Department of Homeland Security; Mr. Richard L. Skinner, Inspector General, Department of Homeland Security; Captain Steven T. Baynes, Chief, Atlantic Area Response Enforcement Branch, U.S. Coast Guard, Department of Homeland Security; Mr. Fred Moosally, President, Lockheed Martin Maritime Systems and Sensors; and Mr. James E. Anton, Sector Vice President and General Manager, U.S. Coast Guard Programs, Northrop Grumman.

On May 10, 2007, the Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Border, Maritime, and Global Counterterrorism hosted a joint Member briefing for the Members of the Committee on problems associated with the Integrated Deepwater System.

#### SBINET

On February 28, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism hosted a Member briefing to receive an update on the Department of Homeland Security's SBInet program. Representatives from the Department of Homeland Security, including the Department of Homeland Security's Inspector General's Office, and the Government Accountability Office briefed Members on SBInet, a component of Customs and Border Protection's Secure Border Initiative.

On June 7, 2007, the Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled "Project 28: The Future of SBInet." The Subcommittee received testimony from Chief David V. Aguilar, U.S. Border Patrol, Customs and Border Protection, Department of Homeland Security; Mr. Gregory Giddens, Executive Director, Secure Border Initiative, Department of Homeland Security; Mr. Jerry W. McElwee, Vice President and Program Manager SBInet, Boeing Advanced Systems.

On June 19, 2007, the Chairman of the Committee on Homeland Security and the Chairwoman of the Subcommittee on Border, Maritime, and Global Counterterrorism sent a letter to the Secretary of Homeland Security expressing concerns that the testi-

mony provided to the Subcommittee on June 7, 2007, failed to mention delays in the SBInet program, also known as Project 28.

On September 25, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight of the Committee on Homeland Security held a Member briefing to receive an update on the Department of Homeland Security's progress in implementing SBInet, and particularly, Project 28. Representatives from the Department of Homeland Security and the Government Accountability Office were present to provide Members with an update on this program.

On October 24, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled "The Future of Border Security: Can SBInet Succeed?" The Subcommittees received testimony from Mr. Gregory Giddens, Executive Director, Secure Border Initiative, Department of Homeland Security; Chief Robert W. Gilbert, Chief Patrol Agent, Tucson Sector, United States Border Patrol, Department of Homeland Security; Mr. Richard M. Stana, Director, Homeland Security and Justice Issues, Government Accountability Office; Mr. Roger Krone, President, Network and Space Systems, The Boeing Company; and Mr. Jerry W. McElwee, Vice President, Advanced Systems, The Boeing Company.

On February 27, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled "Project 28: Lessons Learned and the Future of SBInet." The Subcommittee received testimony from Mr. Jayson P. Ahern, Deputy Commissioner, Customs and Border Protection, Department of Homeland Security; Chief David V. Aguilar, U.S. Border Patrol, Customs and Border Protection, Department of Homeland Security; Mr. Gregory Giddens, Executive Director, Secure Border Initiative, Customs and Border Protection, Department of Homeland Security; Mr. Richard Stana, Director, Homeland Security and Justice Issues, Government Accountability Office; and Mr. Roger Krone, President, Network and Space Systems, Integrated Defense Systems, The Boeing Company.

#### US-VISIT EXIT

On June 20, 2007, the Subcommittee on Border, Maritime and Global Counterterrorism held a Member briefing on the Department of Homeland Security's progress in implementing the US-VISIT program.

On June 28, 2007, the Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled "US-VISIT Exit: Closing Gaps in Our Security." The Subcommittee received testimony from Mr. Robert A. Mocny, Director, US-VISIT Program, Department of Homeland Security; Mr. Robert M. Jacksta, Executive Director, Travel Security & Facilitation, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Mr. Randolph C. Hite, Director, Architecture and Systems Issues, Information Technology, Government Accountability Office;

Mr. James C. May, President and Chief Executive Officer, Air Transport Association; and Ms. Ana Sotorrio, Associate Director, Governmental Affairs, Miami-Dade Aviation Department.

#### FREQUENT TRAVELER PROGRAMS

On July 26, 2007, the Subcommittee on Border, Maritime & Global Counterterrorism held a hearing entitled "Frequent Traveler Programs: Balancing Security and Commerce at our Land Borders." The Subcommittee received testimony from Mr. Robert M. Jacksta, Executive Director, Travel Security & Facilitation, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Ms. Maria Luisa O'Connell, President, Border Trade Alliance; Mr. Neal M. Belitsky, Executive Vice President & General Manager, Detroit & Canada Tunnel Corporation; and Mr. Thomas Gann, Vice President, Public Policy, Digimarc Corporation.

#### MARITIME DOMAIN AWARENESS AND VESSEL TRACKING

On November 26, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism held a field hearing in Miami, Florida entitled "Homeland Security in the Maritime Environment: Maritime Domain Awareness and Vessel Tracking." The Subcommittee received testimony from Captain Karl Schultz, Commander, U.S. Coast Guard-Sector Miami, Department of Homeland Security; Mr. Stephen D. Dryden, President and CEO, The Mariner Group; and Colonel William H. Janes (U.S. Army, Ret.), Director, Florida Office of Drug Control.

#### IMMIGRATION AND CUSTOMS ENFORCEMENT'S COUNTERTERRORISM INITIATIVES

On April 10, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism of the Committee on Homeland Security held a Classified Member briefing on the counterterrorism efforts of Immigration and Customs Enforcement's (ICE) Office of Investigations. The briefing included an explanation of the Counter Terrorism program within ICE's Office of Investigations, current and past investigations involving terrorism, and contributions made by the agency to support other law enforcement agencies in fighting terrorism.

#### WESTERN HEMISPHERE TRAVEL INITIATIVE

On April 16, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Moving Beyond the First Five Years: Ensuring Successful Implementation of the Western Hemisphere Travel Initiative." The Subcommittee received testimony from Ms. Kathleen Kraninger, Deputy Assistant Secretary, Policy, Screening Coordination Office, Department of Homeland Security; Mr. Robert Jacksta, Deputy Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Mr. Derwood "Woody" Staeben, Senior Advisor, Western Hemisphere Travel Initiative, Department of State; Ms. Liz Luce, Director, Washington State Department of Li-

censing; Mr. Jim Phillips, President & CEO, CAN/AM Border Trade Alliance; and Ms. Janice L. Kephart, President, 911 Security Solutions.

#### SUPPLY CHAIN RESILIENCY

On May 7, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Assessing the Resiliency of the Nation's Supply Chain." The Subcommittee received testimony from Mr. Todd Owen, Executive Director, Cargo and Conveyance Security Office, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Rear Admiral James Watson, Director, Prevention Policy for Marine Safety, Security and Stewardship, U.S. Coast Guard, Department of Homeland Security; Mr. Robert W. Kelly, Senior Advisor, The Reform Institute; and Mr. Paul Zimmermann, Director of Operations, Board of Commissioners, Port of New Orleans.

#### BORDER SECURITY

On May 22, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "The Border Security Challenge: Recent Developments and Legislative Proposals." The Subcommittee received testimony from Hon. Silvestre Reyes, Member in Congress from the 16th District of Texas; Hon. Brian P. Bilbray, Member in Congress from the 50th District of California; Hon. Ginny Brown-Waite, Member in Congress from the 5th District of Florida; Hon. Gabrielle Giffords, Member in Congress from the 8th District of Arizona; Hon. Heath Shuler, Member in Congress from the 11th District of North Carolina; Mr. Thomas S. Winkowski, Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Chief David V. Aguilar, U.S. Border Patrol, Customs and Border Protection, Department of Homeland Security; and Major General Michael C. Kostelnik, USAF (Ret.), Assistant Commissioner, Office of Air and Marine, Customs and Border Protection, Department of Homeland Security.

#### THE MERIDA INITIATIVE

On June 5, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "The Merida Initiative: Examining U.S. Efforts to Combat Transnational Criminal Organizations." The Subcommittee received testimony from Mr. Paul Rosenzweig, Assistant Secretary (Acting), Office of International Affairs and Deputy Assistant Secretary for Policy, Department of Homeland Security; and Mr. David T. Johnson, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, Department of State.

#### VISA WAIVER PROGRAM

On July 10, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism held a Member briefing on the Visa Waiver Program modernization provisions of the Implementing Recommendations of the 9/11 Commission Act of 2007, (P.L. 110-53),

including implementation of the US-VISIT and Electronic System for Travel Authorization (ESTA) programs. Members were briefed by representatives from the Government Accountability Office.

On July 16, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Implementing the 9/11 Act Mandates for Enhancing the Visa Waiver Program." The Subcommittee received testimony from Dr. Richard C. Barth, Assistant Secretary, Office of Policy Development, Department of Homeland Security; Mr. Robert Mocny, Director, US-VISIT Program, Department of Homeland Security; Mr. Stephen A. Edson, Deputy Assistant Secretary for Visa Services, Bureau of Consular Affairs, Department of State; Mr. Douglas E. Lavin, Regional Vice President for North America, International Air Transport Association; Mr. Greg Principato, President, Airports Council International-North America; and Mr. Nathan A. Sales, Assistant Professor of Law, George Mason University School of Law.

#### TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

On September 17, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Transportation Worker Identification Credential: A Status Update." The Subcommittee received testimony from Rear Admiral James Watson, Director, Prevention Policy for Marine Safety, Security and Stewardship, U.S. Coast Guard, Department of Homeland Security; Ms. Maurine Fanguy, Acting Director, Maritime and Surface Credentialing, Transportation Security Administration, Department of Homeland Security; Mr. Stephen Lord, Acting Director, Homeland Security and Justice Issues, Government Accountability Office; Ms. Judy Marks, President, Transportation Security Systems, Lockheed Martin Corporation; Ms. Stephanie Bowman, Manager, Federal Governmental Affairs, Port of Tacoma; Mr. Philip L. Byrd Sr., American Trucking Association; Mr. Steve Golding, President, Golding Barge Line, Inc.; and Ms. Laura Moskowitz, Staff Attorney, National Employment Law Project.

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#### SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM HEARINGS HELD

*"Border Security: Infrastructure, Technology, and the Human Element."* February 28, 2007. (Serial No. 110-4)

*"Border Security: Infrastructure, Technology, and the Human Element, Part II."* March 8, 2007. (Serial No. 110-4)

*"Crossing the Border: Immigrants in Detention and Victims of Trafficking, Part I."* March 15, 2007. (Serial No. 110-16)

*"Crossing the Border: Immigrants in Detention and Victims of Trafficking, Part II."* March 20, 2007. (Serial No. 110-16)

*"The SAFE Port Act: A Six Month Review."* April 26, 2007. (Serial No. 110-31)

Joint hearing with the Subcommittee on Management, Investigations and Oversight *"Deepwater: Charting a Course for Safer Waters."* May 17, 2007. (Serial No. 110-38)

- “Project 28: The Future of SBInet.”* June 7, 2007. (Serial No. 110-45)
- “US-VISIT Exit: Closing Gaps in Our Security.”* June 28, 2007. (Serial No. 110-54)
- “Frequent Traveler Programs: Balancing Security and Commerce at our Land Borders.”* July 26, 2007. (Serial No. 110-63)
- “Homeland Security Beyond Our Borders: Examining the Status of Counterterrorism Coordination Overseas.”* October 4, 2007. (Serial No. 110-75)
- Joint Hearing with the Subcommittee on Management, Investigations, and Oversight *“The Future of Border Security: Can SBInet Succeed?”* October 24, 2007. (Serial No. 110-79)
- “The SAFE Port Act: Status of Implementation One Year Later.”* October 30, 2007. (Serial No. 110-80)
- Field hearing in Miami, Florida *“Homeland Security in the Maritime Environment: Maritime Domain Awareness and Vessel Tracking.”* November 26, 2007. (Serial No. 110-88)
- “Project 28: Lessons Learned and the Future of SBInet.”* February 27, 2008. (Serial No. 110-97)
- “Moving Beyond the First Five Years: Ensuring Successful Implementation of the Western Hemisphere Travel Initiative.”* Apr. 16, 2008. (Serial No. 110-106)
- “Assessing the Resiliency of the Nation’s Supply Chain.”* May 7, 2008 (Serial No. 110-111)
- “The Border Security Challenge: Recent Developments and Legislative Proposals.”* May 22, 2008 (Serial No. 110-118)
- “The Merida Initiative: Examining U.S. Efforts to Combat Transnational Criminal Organizations.”* Jun. 5, 2008 (Serial No. 110-120)
- “Implementing the 9/11 Act Mandates for Enhancing the Visa Waiver Program.”* July 16, 2008 (Serial No. 110-127)
- “Transportation Worker Identification Credential: A Status Update.”* September 17, 2008 (Serial No. 110-139)



## SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

JANE HARMAN, California, *Chair*

NORMAN D. DICKS, Washington  
JAMES R. LANGEVIN, Rhode Island  
CHRISTOPHER P. CARNEY,  
Pennsylvania  
ED PERLMUTTER, Colorado  
BENNIE G. THOMPSON, Mississippi  
(*Ex Officio*)

DAVID G. REICHERT, Washington  
CHRISTOPHER SHAYS, Connecticut  
CHARLES W. DENT, Pennsylvania  
PETER T. KING, New York  
(*Ex Officio*)

The Subcommittee held 20 hearings, 20 Member briefings and numerous Subcommittee Staff level briefings focused on intelligence, information sharing, terrorism threat and risk assessment, privacy and civil liberties, violent radicalization, over-classification and pseudo-classification, and general departmental oversight. These activities resulted in, among other things, to the formulation and passage through the Committee of H.R. 1955, which subsequently passed the House on October 23, 2007; H.R. 6098, which subsequently became P.L. 110-412; and H.R. 3815, H.R. 4806, and H.R. 6193, which subsequently passed the House on July 30, 2008.

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### LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

#### VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM PREVENTION ACT OF 2007

H.R. 1955 (H.R. 1695)

To prevent homegrown terrorism, and for other purposes.

#### *Summary*

H.R. 1955 creates a National Commission to examine the causes of violent radicalization and homegrown terrorism and to propose concrete recommendations and legislative strategies for mitigating these threats. A Center of Excellence for the Prevention of Radicalization and Home Grown Terrorism also established under this measure will study the social, criminal, political, psychological and economic roots of violent radicalization and homegrown terrorism and will provide homeland security officials across the government with solutions to these threats. The measure further requires the Nation's homeland security leadership to reach out to other Nations that have experienced homegrown terrorism in the past to benefit from the lessons learned by those Nations.

H.R. 1955 protects the civil rights and civil liberties of Americans by ensuring that in the effort to secure the Nation from domestic



threats, the Nation abides by the rights and safeguards guaranteed by the Constitution.

*Legislative History*

H.R. 1695 was introduced by Mr. Reichert and Mr. Dent on March 26, 2007. The measure was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security. Within the Committee, the measure was referred to the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

Provisions of H.R. 1695 were included in H.R. 1955 as introduced.

H.R. 1955 was introduced by Ms. Harman and Mr. Reichert on April 19, 2007. The measure was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary. Within the Committee, the measure was referred to the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment considered H.R. 1955 on July 17, 2007, and ordered the measure forwarded to the Full Committee, favorably, for consideration, amended, by voice vote.

The Full Committee considered H.R. 1955 on August 1, 2007, and ordered the measure favorably reported to the House, amended, by voice vote.

The Chairman of the Committee on the Judiciary sent a letter to the Chairman of the Committee on Homeland Security on October 16, 2007, agreeing to not seek a sequential referral of H.R. 1955. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on the Judiciary acknowledging the jurisdictional interests of the Committee on the Judiciary and agreeing to support the appointment of Conferees should a House-Senate Conference occur.

On October 16, 2007, the Committee on Homeland Security reported H.R. 1955 to the House as H. Rpt. 110-384, Pt. I. The Committee on the Judiciary was subsequently discharged from further consideration of H.R. 1955.

On October 23, 2007, the House agreed to Suspend the Rules and pass H.R. 1955, amended, by a  $\frac{2}{3}$  record vote of 404 yeas and 6 nays.

H.R. 1955 was received in the Senate on October 24, 2007, read twice and referred to the Senate Committee on Homeland Security and Governmental Affairs.

HOMELAND SECURITY OPEN SOURCE INFORMATION ENHANCEMENT  
ACT OF 2007

H.R. 3815

To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, and for other purposes.

*Summary*

H.R. 3815 directs the Department of Homeland Security to establish an office to collect and analyze open source information and disseminate open source intelligence products to Federal, State, and local law enforcement and the private sector. These products can be shared more easily with such customers because they are based largely on publicly available information. Accordingly, they do not require any classification or controlled unclassified information (CUI) markings that might otherwise interfere with information sharing. The measure gives the Department's Privacy Officer a key oversight role when it comes to the operations of the open source office to ensure that the Department's open source collection, analysis, and dissemination is conducted in accordance with the Constitution.

*Legislative History*

H.R. 3815 was introduced in the House on October 10, 2007, by Mr. Perlmutt and seven original co-sponsors, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 3815 was referred to the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

On June 11, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment considered H.R. 3815 and ordered the measure favorably forwarded to the Full Committee for consideration, amended, by unanimous consent.

On June 26, 2008, the Committee on Homeland Security considered H.R. 3815 and ordered the measure to be reported to the House favorably, amended, by voice vote. The Committee reported H.R. 3815 to the House on July 21, 2008, as H. Rpt. 110-763.

The House considered H.R. 3815 under Suspension of the Rules on July 28, 2008, and passed the measure on July 30, 2008, by voice vote.

On September 9, 2008, the Committee was referred Executive Communication 8179, a letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing H.R. 3815, H.R. 4806, H.R. 6193, and H.R. 6098.

The Senate Committee on Homeland Security and Governmental Affairs considered H.R. 3815 on September 23, 2008, and reported the measure to the Senate, amended, with no written report.

## REDUCING OVER-CLASSIFICATION ACT OF 2007

## H.R. 4806

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

*Summary*

To improve information sharing and to overcome the problem of over-classification of intelligence, H.R. 4806 directs the Department of Homeland Security to adopt a series of accountability mecha-

nisms to ensure that Department employees use classification markings in strict accordance with applicable Executive Orders and other authorities.

The measure requires that all classified intelligence products created at the Department be simultaneously created in a standard unclassified format. It likewise establishes an auditing mechanism for the Department's Inspector General that randomly samples classified intelligence products; identifies over-classification problems that exist in those samples; and recommends improvements to fix them. The measure also requires the Secretary of Homeland Security to establish a process through which employees may challenge original classification decisions at the Department and a series of penalties for staff who repeatedly fail to comply with applicable classification policies despite notice of their noncompliance and an opportunity to undergo re-training.

In addition to creating annual classification training requirements for Department staff, the measure directs the Secretary to develop a plan that would assign an electronic personal identifier to every Department employee with original classification authority that would attach to every document that they classify. Such an identifier will allow the Secretary to track how and where information classified by the Department is used and to address and correct over-classification problems as they are discovered.

#### *Legislative History*

H.R. 4806 was introduced in the House by Ms. Harman and 13 original co-sponsors on December 18, 2007, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 4806 was referred to the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment considered H.R. 4806 on June 11, 2008, and favorably forwarded H.R. 4806, amended, to the Full Committee for consideration, by unanimous consent.

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

The House considered H.R. 4806 under Suspension of the Rules on July 28, 2008, and passed the measure on July 30, 2008, by voice vote.

H.R. 4806 was received in the Senate on July 31, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

On September 9, 2008, the Committee was referred Executive Communication 8179, a letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing H.R. 3815, H.R. 4806, H.R. 6193, and H.R. 6098.

PERSONNEL REIMBURSEMENT FOR INTELLIGENCE COOPERATION AND  
ENHANCEMENT OF HOMELAND SECURITY ACT

PUBLIC LAW 110-412 H.R. 6098

To amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes.

*Summary*

H.R. 6098, the Personnel Reimbursement for Intelligence and Enhancement of Homeland Security Act, clarifies how Department of Homeland Security grant recipients can use funds for hiring and retaining intelligence analysts at State, local, and regional fusion centers and elsewhere at the State and local levels.

Under the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 100-53, Congress made clear that Department grant recipients could use up to 50 percent of their State Homeland Security Grant Program (SHSGP) and Urban Area Security Initiative (UASI) funding for personnel costs, without time limitation. The Department, however, capped allowable personnel costs far below the 50 percent threshold and imposed a two-year limit, later changed to three years, on how long States could employ intelligence analysts hired with Department grant funds.

H.R. 6098 corrects the Department's misinterpretation of the law by specifically clarifying that States and localities may spend up to 50 percent of their grant awards for personnel costs should they so desire. The measure likewise removes the Department's time limits for such funding.

*Legislative History*

H.R. 6098 was introduced in the House by Mr. Reichert on May 20, 2008, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 6098 was referred to the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment considered H.R. 6098 on June 11, 2008, and favorably forwarded H.R. 6098, amended, to the Full Committee for consideration, by unanimous consent.

On June 26, 2008, the Committee on Homeland Security considered H.R. 6098 and ordered the measure favorably reported to the House, amended, by voice vote. The Committee reported H.R. 6098 to the House on July 10, 2008, as H. Rpt. 110-752.

The House considered H.R. 6098 under Suspension of the Rules on July 28, 2008, and passed the measure by voice vote.

H.R. 6098 was received in the Senate on July 30, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

On September 9, 2008, the Committee was referred Executive Communication 8179, a letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing H.R. 3815, H.R. 4806, H.R. 6193, and H.R. 6098.

The Senate Committee on Homeland Security and Governmental Affairs considered H.R. 6098 on September 23, 2008, and ordered the measure to be reported to the Senate, amended. On September 24, 2008, the Senate Committee on Homeland Security and Governmental Affairs reported H.R. 6098 to the House, amended, with no written report.

The Senate considered H.R. 6098 on September 27, 2008, and passed the measure, amended, by unanimous consent.

On September 29, 2008, the House agreed to the Senate amendment to H.R. 6098 by unanimous consent, clearing the measure for the President.

The President approved H.R. 6098 on October 24, 2008, as P.L. 110-412.

#### IMPROVING PUBLIC ACCESS TO DOCUMENTS ACT OF 2008

##### H.R. 6193

To require the Secretary of Homeland Security to develop and administer policies, procedures, and programs to promote the implementation of the Controlled Unclassified Information Framework applicable to unclassified information that is homeland security information, terrorism information, weapons of mass destruction information and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and for other purposes.

##### *Summary*

H.R. 6193, the Improving Public Access to Documents Act of 2008, is a companion measure to H.R. 4806 that addresses the Intelligence Community's "sensitive but unclassified" (SBU) control markings regime. That regime, like over-classification, has stymied the robust information sharing needed to protect the homeland from terrorist attacks. Unlike classified records, however, there has been no monitoring of the use or impact of SBU control markings on that effort. H.R. 6193 accordingly implements the White House's new Controlled Unclassified Information (CUI) Framework at the Department of Homeland Security to begin addressing the problem the confusion.

The CUI Framework - developed by the Program Manager of the Information Sharing Environment - reduces the number of allowed information control markings from over 100 to just seven. It likewise imposes strict requirements for when CUI control markings may be used.

Among other things, H.R. 6193 requires the Secretary of Homeland Security to adopt a CUI Framework Implementation Plan with rigorous policy development, training, and auditing requirements. Moreover, it promotes greater accountability by requiring the Department to create a publicly available list of all Department documents marked as CUI that have been withheld from disclosure under a valid Freedom of Information Act (FOIA) exemption. This transparency will help highlight any improper use of CUI control markings in response to FOIA requests - empowering the public to

bring abuses to the DHS Inspector General's attention. H.R. 6193 also clarifies that a CUI control marking has no bearing on whether information may be withheld under FOIA.

#### *Legislative History*

H.R. 6193 was introduced in the House by Ms. Harman, Mr. Reichert and six original co-sponsors on June 5, 2008, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 6193 was referred to the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

On June 11, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing on H.R. 6193. The Subcommittee received testimony from Ms. Meredith Fuchs, General Counsel, National Security Archive; Ms. Caroline Fredrickson, Director, Washington Legislative Office, American Civil Liberties Union; and Ms. Patrice McDermott, Director, OpenTheGovernment.org.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment considered H.R. 6193 on June 11, 2008, and favorably forwarded H.R. 6193, amended, to the Full Committee for consideration, by unanimous consent.

On June 26, 2008, the Committee on Homeland Security considered H.R. 6193 and ordered the measure favorably reported to the House, amended, by voice vote. The Committee reported the measure on July 28, 2008, as H. Rpt. 110-779.

The Chairman of the Committee on Oversight and Government Reform sent a letter to the Chairman of the Committee on Homeland Security on July 25, 2008, indicating that in order to expedite consideration on the House Floor, the Committee on Oversight and Government Reform would not seek a sequential referral of H.R. 4806. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Oversight and Government Reform agreeing to expedite consideration and supporting the request for an appointment of Conferees should a House-Senate Conference be called.

The House considered H.R. 6193 under Suspension of the Rules on July 28, 2008, and passed the measure on July 30, 2008, by voice vote.

On September 9, 2008, the Committee was referred Executive Communication 8179, a letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing H.R. 3815, H.R. 4806, H.R. 6193, and H.R. 6098.

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## OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

### NATIONAL APPLICATIONS OFFICE

On August 22, 2007, the Chairman sent a letter to the Secretary of Homeland Security requesting information about the Department's new National Applications Office (NAO). As described in press accounts by the Under Secretary for Intelligence and Analysis, the NAO is to be a clearinghouse for requests for domestic domestic satellite images. The Under Secretary stated publicly that

access to domestic satellite imagery would be expanded to State, local, and tribal law enforcement for nontraditional purposes. The Chairman asked the Secretary to provide assurances that before its October 1, 2007, rollout, the NAO would comply with the Constitution and all applicable laws and regulations. The Chairman likewise requested that the Secretary provide bi-weekly briefings on the NAO's progress until that October 1, 2007, rollout date.

On August 29, 2007, the Department's Acting General Counsel sent a letter to the Chairman of the Committee on Homeland Security declining an invitation to testify at the September 6, 2007, Full Committee hearing on the National Applications Office (NAO).

On September 6, 2007, the Full Committee held a hearing entitled "Turning Spy Satellites on the Homeland: the Privacy and Civil Liberties Implications of the National Applications Office." The Committee received testimony from Mr. Charles Allen, Under Secretary for Intelligence and Analysis, Department of Homeland Security; Mr. Daniel W. Sutherland, Officer, Civil Rights and Civil Liberties, Department of Homeland Security; Mr. Hugo Teufel, Chief Privacy Officer, Department of Homeland Security; Mr. Barry Steinhardt, Director, ACLU Program on Technology and Liberty, American Civil Liberties Union; and Ms. Lisa Graves, Deputy Director, Center for National Security Studies.

At the conclusion of the hearing, the Chairman of the Committee, and the Chairs of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment and the Subcommittee on Management, Investigations and Oversight sent a letter to Secretary of Homeland Security and the Under Secretary for Intelligence and Analysis calling for a moratorium on the NAO's operations until the Members' privacy and civil liberties concerns had been addressed. Specifically, the Members asked for the Department to provide them with a written legal framework for the NAO, along with standard operating procedures that clarified proper and improper domestic applications and uses for domestic satellite imagery.

On September 6, 2007, the Chairman of the Committee on Homeland Security, the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, and the Chairman of the Subcommittee on Management, Investigations, and Oversight sent a letter to the Secretary of Homeland Security and the Under Secretary for Intelligence and Analysis expressing concern over the National Applications Office (NAO) and requesting a written legal framework for the program as well as standard operating procedures applicable to the program.

On September 13, 2007, the Chairman of the Committee, and the Chairs of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment and the Subcommittee on Management, Investigations and Oversight sent a letter to the Chairmen of the House Permanent Select Committee on Intelligence, the Senate Committees on Homeland Security and Governmental Affairs and the Senate Select Committee on Intelligence requesting a joint meeting to discuss the NAO and the Committee's recent hearing.

On September 26, 2007, the Chairman of the Committee on Homeland Security, the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, the Chair-

man of the Subcommittee on Management, Investigations, and Oversight, and the fifteen other Democratic Members of the Committee on Homeland Security sent a letter to the Chair and Ranking Member of the Committee on Appropriations Subcommittee on Homeland Security clarifying their position on the National Applications Office (NAO) and requesting that they refrain from funding the NAO until the Department of Homeland Security had completed a written legal framework and standard operating procedures.

On September 28, 2007, the Under Secretary for Intelligence and Analysis responded to the Chairman of the Committee on Homeland Security's, letter of August 22, 2007, promising a progress report on the written legal framework, and standard operating procedures, and a briefing on that progress report in the near term. The letter further indicated that NAO would not begin operations until the Department responded to the Committee's concerns.

On October 10, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, the Committee on Appropriations' Subcommittee for Homeland Security, and the House Permanent Select Committee on Intelligence held a classified joint Member-only briefing on plans to establish the NAO at the Department of Homeland Security. Representatives from the Department of Homeland Security, the Department of the Interior (DOI), and the Director of National Intelligence provided Members with an update of the program.

The Department thereafter advised Committee staff that it was drafting a NAO "Charter" that, among other things, would address the Member's privacy and civil liberties concerns. The Department further advised that NAO standard operating procedures would be developed following the completion of the NAO Charter.

On January 16, 2008, the Director of National Intelligence sent a letter to the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment responding to a December 19, 2007, letter sent to the Office of the Director of National Intelligence expressing concern over the impact of the National Applications Office (NAO) on the capabilities of the Civil Applications Committee (CAC).

On February 13, 2008, the Secretary of Homeland Security briefed the Chairman of the Full Committee on the forthcoming NAO Charter and explained that it would include at least four customer domains for satellite imagery: Law Enforcement, Civil Applications, and Homeland Security Domains. The Secretary advised that the Charter would address the Members' privacy and civil liberties concerns, and that supporting privacy and civil liberties impact assessments and standard operating procedures would follow. The Secretary also advised that the NAO's Law Enforcement Domain would not be completed until "summer 2008" and that the remaining domains would start up in the interim.

On March 27, 2008, the Committee received the NAO Charter from the Department. Subsequently, on April 7, 2008, the Chairman and the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment and the Chairman of the Subcommittee on Management, Investigations and Oversight sent a letter to the Secretary expressing concern about the inad-



equacy of Charter, the lack of legal framework, and Department job postings for NAO staff prior to both the production of a legal framework and a Government Accountability Office privacy and civil liberties review of the NAO required in Section 525 of H.R. 2764, the Consolidated Appropriations Act, 2008.

On April 7, 2008, the Chairman of the Committee on Homeland Security, the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, and the Chairman of the Subcommittee on Management, Investigations, and Oversight sent a letter to the Secretary of Homeland Security reiterating Member concerns about the development of the NAO and requesting an update on the Department of Homeland Security's efforts to address outstanding privacy and civil liberties concerns with the program.

On April 10, 2008, the Committee received the Department's NAO privacy impact assessment, civil rights and civil liberties impact assessment, and standard operating procedures. The procedures made clear that the NAO's Law Enforcement Domain would be put off indefinitely.

On April 11, 2008, the Secretary of Homeland Security sent separate letters to the Chairman, the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, and the Chairman of the Subcommittee on Management, Investigations and Oversight asserting that the Members had "left some with the impression that the Department is seeking to use satellites to spy on Americans," disputing that notion, and asserting that the documents provided would address Member concerns. The Secretary also advised that hiring of NAO staff was merely "preparatory step" and stated that the NAO would be stood up in phases, excluding the Law Enforcement Domain. The Secretary stated that, when and if the Law Enforcement Domain was stood up, Congress would have an opportunity to inquire about the legal, privacy, and civil liberties safeguards that would be in place. The Secretary concluded the letter by advising it is not Congress' role to draft the NAO Charter.

On April 28, 2008, Committee staff advised the Department that Members sought an Article I-based legal framework that could be used for oversight purposes that 1) identified the uses for which satellite imagery would be made available for law enforcement officers and for customers falling within the Homeland Security Domain; and 2) provided legal authorities and analysis that supported the proposed expanded use of satellite imagery. The Department advised Committee staff that it would not be producing such a legal framework.

On May 15, 2008, the Chairman of the Committee and the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter to the Chairman of the House Permanent Select Committee on Intelligence, the Chairman of the Committee on Appropriations Subcommittee on Homeland Security, and the Chairman of the Committee on Appropriations Select Intelligence Oversight Panel expressing serious concern over any actions to authorize or appropriate funding for the National Applications Office (NAO) and urging an abstention from any such au-

thorization or appropriation until a written legal framework was in place.

On June 4, 2008, the Chairman of the Committee on Homeland Security and the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment received a letter from 33 privacy and civil liberties organizations thanking them for their oversight of the NAO and raising eight points for consideration as part of their oversight work.

#### OVER-CLASSIFICATION AND PSEUDO-CLASSIFICATION

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a briefing and series of hearings on over-classification and so-called pseudo-classification of information. This oversight work was intended to provide Members with an opportunity to examine 1) classification guidelines and techniques; 2) sensitive but unclassified control markings used by the Executive Branch; and 3) possible changes to both that might be necessary to improve information sharing.

Over-classification refers to the almost automatic decision to classify government information rather than the informed, deliberative process outlined under Executive Order 12958, as amended. According to the National Archives and Records Administration, over-classification is an impediment to information sharing among agencies, with State and local officials, and with the public. Since 1940, classification of official secrets has been governed by policies and procedures flowing from Executive orders of the President, in particular E.O. 12958, as amended by E.O. 13292. There remains a tension between the need to protect certain types of highly sensitive information and the need to share such information with people or entities with a “need to know”. For over a decade the Information Security Oversight Office (ISOO) within the National Archives and Records Administration has estimated that between one and ten percent of all classified documents are unnecessarily classified.

Pseudo-classification, in turn, refers to the proliferation of sensitive but unclassified (SBU) control markings to protect information. According to the Congressional Research Service, pseudo-classification markings have, in some instances, had the effect of deterring information sharing for homeland security purposes. The National Security Archive at George Washington University likewise has reported that, unlike classified records or ordinary agency records subject to the Freedom of Information Act (FOIA), there is no monitoring of or reporting on the use or impact of SBU control markings. The Government Accountability Office, in turn, concluded that in the years following the 9/11 attacks, Federal agencies were using up to 56 different SBU control markings (16 of which belong to one agency) to protect information that they deemed critical to their missions. By the end of the 110th Congress, that number had swelled to 107 such markings that had different protocols for disclosure.

*Scope of the Problem*

On March 22, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled “Over-classification and Pseudo-classification: The Impact on Information Sharing.” The Subcommittee received testimony from Mr. J. William Leonard, Director, Information Security Oversight Office, National Archives and Records Administration; Mr. Scott Armstrong, Founder, Information Trust; Ms. Meredith Fuchs, General Counsel, The National Security Archive, George Washington University; Ms. Cathy L. Lanier, Chief, Metropolitan Police Department, Washington, D.C.; and Mr. Michael P. Downing, Assistant Commanding Officer, Counter-Terrorism/Criminal Intelligence Bureau, Los Angeles Police Department.

This hearing was the first to examine the twin problems of over-classification and pseudo-classification of intelligence and other information relevant to homeland security and the resulting negative impacts on information sharing.

As a result of this and prior hearings, H.R. 4806 and H.R. 6193 were introduced. See the discussions of H.R. 4806 and H.R. 6193 listed above.

*Program Manager*

On April 24, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a Member briefing on the newly proposed Controlled Unclassified Information (CUI) control marking regime developed by Program Manager of the Information Sharing Environment. The CUI control marking regime is intended to replace the current sensitive but unclassified (SBU) control marking regime that to date has resulted in 107 largely unregulated, inconsistently applied, and often misunderstood SBU designations across the Federal government. The briefing provided information on the genesis of the newly proposed regime, how it will work, and what authorities exist for its enforcement.

On April 26, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled “The Over-Classification and Pseudo-Classification of Government Information: The Response of the Program Manager of the Information Sharing Environment.” The Subcommittee received testimony from Ambassador Thomas E. McNamara, Program Manager, Information Sharing Environment, Office of the Director of National Intelligence; Dr. Carter Morris, Director, Informational Sharing and Knowledge Management, Office of Intelligence and Analysis, Department of Homeland Security; Mr. Wayne M. Murphy, Assistant Director, Directorate of Intelligence, Federal Bureau of Investigation, Department of Justice; Colonel Bart R. Johnson, New York State Police; and Mr. Mark Zadra, Assistant Commissioner, Florida Department of Law Enforcement.

The purpose of this hearing was to examine efforts that were already underway to tackle the problem of pseudo-classification of intelligence and other information — specifically, the new CUI framework. The PM-ISE proposed the CUI framework in early 2007, to all Federal departments and agencies that dealt with National security information. As envisioned by the PM-ISE, the CUI framework was to have three to seven CUI control markings to re-

place the over 107 SBU control markings that have proliferated throughout the Federal government. At the time of the hearing, the CUI framework team was being staffed through an inter-agency process. The PM-ISE stated during the hearing that, if approved, the framework would require a Presidential declaration to mandate compliance by all Federal departments and agencies.

As part of his proposal, the PM-ISE also recommended the appointment of an Executive Agent to develop CUI policy and standards and to provide oversight of Federal compliance. The lead candidate to become the Executive Agent was the National Archives and Records Administration (NARA). The PM-ISE also proposed that the Executive Agent would receive advisory support from a CUI Council comprised of senior-level department and agency representatives as well as State, local and tribal officials.

As a result of these actions, H.R. 4806 and H.R. 6193 were introduced. See the discussions of H.R. 4806 and H.R. 6193 listed above.

*Department of Homeland Security as the "Gold Standard"*

On June 28, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "Over-Classification and Pseudo-Classification: Making DHS the Gold Standard for Designating Classified and Sensitive Homeland Security Information." The Subcommittee received testimony from Mr. J. William Leonard, Director, Information Security Oversight Office, National Archives and Record Administration; Mr. Scott Armstrong, Founder, Information Trust; Ms. Suzanne E. Spaulding, Principal, Bingham Consulting Group, LLC; and Mr. Mark Agrast, Senior Fellow, Center for American Progress.

This hearing was the second to examine over-classification and pseudo-classification and was designed to provide Members with an opportunity to explore recommendations from a panel of experts on how to tackle both problems. In particular, witnesses testified on the policies, procedures, and protocols that the Department might adopt. The goal was to examine whether the Department could become a "gold standard" for how to manage a more streamlined SBU process and encourage other agencies and departments to follow its lead.

This hearing addressed the feasibility and practicality of requiring the Department to 1) adopt a certification process within the Department for persons with classification authority (that might include training on how to appropriately classify information); 2) sample recent products for the appropriateness of their classification level; 3) appoint an ombudsman to be an independent arbiter that would examine classified Department products for proper and improper classifications; 4) have the Department Inspector General proactively audit all classification practices; 5) create a mechanism to review previous products classified since the inception of the Department; 6) create a system within the Department that classifies data rather than documents (by the use of metadata tags that would be unclassified but would be connected to classified reports electronically); 7) reward those analysts that create unclassified reports and avoid needless over-classification; 8) establish a presumption that all products should be unclassified; 9) adopt more stringent requirements on how long a product can be classified and de-

nied release under FOIA; and 10) develop a requirement for Department analysts to create an unclassified product on any topic before a classified product can be produced.

As a result of this and prior hearings, H.R. 4806 and H.R. 6193 were introduced. See the discussion of H.R. 4806 and H.R. 6193 listed above.

#### VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM

##### *The Torrance Criminal Case*

On April 5, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a field hearing in Torrance, California entitled “Radicalization, Information Sharing and Community Outreach: Protecting the Homeland from Homegrown Terror.” The Subcommittee received testimony from Mr. John J. Neu, Chief of Police, Torrance Police Department, Torrance, California; Mr. William J. Bratton, Chief of Police, Los Angeles Police Department; Los Angeles, California; Ms. Janice K. Fedarcyk, Special Agent in-Charge, Counterterrorism Division, Los Angeles Field Office, Federal Bureau of Investigation, Department of Justice; Sgt. Larry Mead, Deputy Sheriff, Los Angeles County Sheriff’s Department, Los Angeles, California; Ms. Sireen Sawaf, Director, Southern California Government Relations, Muslim Public Affairs Council; Mr. Brian Jenkins, Senior Advisor, RAND Corporation; and Mr. David Gersten, Director, Civil Rights and Civil Liberties Programs, Department of Homeland Security.

This hearing was the first in a series of hearings on violent radicalization and homegrown terrorism. In August 2005, four men were indicted on multiple criminal and terrorist offenses for their role in a plot to attack U.S. military, Israeli, and Jewish targets in the Los Angeles area. The plot was uncovered and ultimately disrupted in the summer of 2005 after the Torrance, California Police Department arrested two members of the group following an armed robbery at a gas station. The four suspects in the case: Kevin James (30 year old U.S. National), Levar Washington (26 year old U.S. National), Gregory Patterson (22 year old U.S. National), and Hammad Samana (22 year old lawful permanent U.S. resident originally from Pakistan), were awaiting trial at the time of hearing. Several of them pled guilty to the charges against them in December 2007.

The Members used the hearing to examine the emerging threat of domestic or “homegrown” terrorism through the lens of an actual criminal case. They asked the first panel witnesses about: 1) how the alleged plot was uncovered; 2) how law enforcement at all government levels was able to partner effectively during the investigation; 3) the witnesses’ concerns about radicalization and “homegrown” terrorism; 4) what law enforcement and others (including the Departments of Homeland Security and Justice) should be doing about those concerns; and 5) how law enforcement can effectively partner with the American Muslim and other minority communities to promote a trusted environment that helps secure the homeland.

Members asked the second panel witnesses similar questions about 1) the effectiveness and importance of community outreach

efforts to combat violent radicalization and the attacks it might encourage; 2) the differences between the American and European experiences with violent radicalization; and 3) what Congress might do from a policy perspective to help address the problem.

As a result of this and other hearings, the Subcommittee Chair Ms. Harman, and others, introduced H.R. 1955, the “Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.” See discussion of H.R. 1955, listed above.

*National Commission on Violent Radicalization and Homegrown Terrorism*

On June 14, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled “Assessing and Addressing the Threat: Defining the Role of a National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism.” The Subcommittee received testimony from Mr. Brian Jenkins, RAND Corporation; Mr. Salam Al-Marayati, Executive Director, Muslim Public Affairs Council; and Mr. Frank J. Cilluffo, Director, Homeland Security Policy Institute, The George Washington University.

The hearing provided Members with an opportunity to explore violent radicalization and homegrown terrorism in the United States and to examine legislative strategies for mitigating the threat through the creation of a National Commission to address the phenomena. Members used the hearing to review H.R. 1955, the Violent Radicalization and Terrorism Prevention Act of 2007, prior to its markup in Subcommittee and by the Full Committee.

Federal law enforcement officials had been seeking to identify the various stages of the radicalization process, those that are vulnerable to radicalization, and those who would radicalize others. The witnesses testified that violent radicalization of an individual or group of individuals cannot be prevented solely through law enforcement or intelligence measures. Instead, it must be addressed by a multi-prong approach that includes experts from various fields. The witnesses testified that the creation of a bi-partisan National Commission comprised of experts in the areas of sociology, terrorism, religion, counterterrorism, cultural anthropology, juvenile justice, education, and corrections, could aid Federal, State and local governments in preventing future attacks by potential homegrown terrorists. They added that the National Commission could benefit from reaching out to foreign governments and learning lessons about homegrown terrorism from overseas.

As a result of this and other hearings, the Committee adopted an Amendment in the Nature of a Substitute to H.R. 1955, the “Violent Radicalization and Homegrown Terrorism Prevention Act of 2007” which included several terminology and other changes. See the discussion of H.R. 1955 listed above.

*Internet Radicalization*

On November 6, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled “Using the Web as a Weapon: the Internet as a Tool for Violent Radicalization and Homegrown Terrorism.” The Subcommittee received testimony from Dr. Bruce Hoffman, Professor, Georgetown

University; Ms. Rita Katz, Director, SITE Institute; Ms. Parry Aftab, Internet Attorney; and Mr. Mark Weitzman, Director, Task Force Against Hate, Simon Wiesenthal Center.

The purpose of this hearing was to examine in more depth a topic that the National Commission envisioned in H.R. 1955 should study as part of its work: the use of the Internet as a tool to promote violent radicalization and homegrown terrorism in the United States. Of particular interest to Members was how terrorist organizations and hate groups utilize the Internet to post blogs, messages, videos and websites to recruit, radicalize and mobilize new members and supporters. Many of those websites contained violent images, "farewell" letters from suicide bombers, and passionate pleas regarding the organizations they sought to promote. Some included step-by-step instructions on how to build bombs and improvised explosive devices. Young people, in particular, had been shown to be susceptible to these types of messages and the witnesses identified a growing concern that Internet-based propaganda could lead to the commission of violent acts within the United States. How best to address violent radicalization and homegrown terrorism and to prevent attacks from happening without violating the Constitution remained an open question at the time of the hearing, because much of what was disseminated on the Internet is Constitutionally-protected speech. Members accordingly used the hearing as an opportunity to explore the prevalence of Internet-based radicalization and to consider how the U.S. could counter the messages on these websites in order to blunt their radicalizing impact.

The witnesses testified that the answer is not to shut down the Internet but to counter messages that incite violence. They concurred that the hearing findings would serve as a valuable starting point for the National Commission that would be established if H.R. 1955 ultimately became law.

#### *ACLU Correspondence*

On November 21, 2007, the American Civil Liberties Union (ACLU) sent a letter to the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment expressing concerns about the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007 (H.R. 1955), suggesting changes to the legislation, and stating its intent to not support the legislation regardless of any changes that might be made to the legislation.

On November 28, 2007, the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter to the American Civil Liberties Union (ACLU) requesting clarification as to whether or not ACLU would work with the House and the Senate on the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007, (H.R. 1955).

#### INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP (ITACG)

On November 15, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a classified

Member briefing on the progress of the newly established Interagency Threat Assessment and Coordination Group (ITACG). The ITACG was formally created in the Implementing Recommendations of the 9/11 Commission Act of 2007, (P.L. 110-53) and was designed to foster better information sharing at all levels of government and the private sector. Specifically, the ITACG stationed State, local, and tribal law enforcement officers side-by-side with NCTC intelligence analysts to assist in the identification of information that is relevant to police and sheriffs' officers in the field; the preparation of intelligence products that are useful to those officers; and the dissemination of information to appropriate agencies and departments at the State and local levels.

Members of the Subcommittee received an overview brief of the ITACG's mission by Department of Homeland Security, FBI, and NCTC personnel and met with law enforcement representatives who provide the State and local perspective for the ITACG's work.

On January 26, 2007, the Chairman of the Committee on Homeland Security sent a letter to the Assistant Secretary for Intelligence and Analysis at the Department of Homeland Security requesting clarification about the Department's implementation of, and involvement with State, local, and tribal governments in the Interagency Threat Assessment and Coordination Group (ITACG) and other Federal information sharing initiatives.

On February 8, 2007, the Assistant Secretary for Intelligence and Analysis sent a letter responding to the Chairman's letter of January 26, 2007, including an attachment entitled, "ANNEX A: DHS Intelligence Engagement Strategy with State, Local, Tribal, and Private Sector Partners."

On May 9, 2007, the Chairman and Ranking Member of the Committee on Homeland Security, and the Chair and Ranking Member of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, sent a letter to the Attorney General of the United States, the Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, and the Deputy Secretary of Homeland Security requesting an update on the participation of State, local and tribal detailees in the Interagency Threat Assessment and Coordination Group (ITACG) at the National Counterterrorism Center (NCTC).

On June 1, 2007, the Deputy Executive Secretary of the Department of Homeland Security sent a letter to the Chairman of the Committee on Homeland Security responding to the May 9, 2007, letter from the Chairman and the Ranking Member of the Committee on Homeland Security and the Chair and Ranking Member of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment providing assurances that the Members' concerns about the progress of the Interagency Threat Assessment and Coordination Group (ITACG) would be taken seriously and advising that additional time was needed to provide a complete response.

On August 15, 2007, the Secretary of Homeland Security sent letters to the Chairman of the Committee on Homeland Security and the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment providing written responses to the Members' letter of May 9, 2007, regarding the



progress of the Interagency Threat Assessment and Coordination Group (ITACG).

On September 26, 2007, the Chairman and Ranking Member of the Committee and the Chair and Ranking Member of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter to the Secretary of Homeland Security expressing concern over Department of Homeland Security revisions to an interdepartmental Memorandum of Agreement pertaining to the establishment of the Interagency Threat Assessment and Coordination Group (ITACG) and requesting explanations for those revisions.

On November 7, 2007, the Secretary of Homeland Security sent a letter to the Chairman of the Committee responding to the September 26, 2007, letter of the Chairman and other Members regarding the Memorandum of Agreement pertaining to the establishment of the Interagency Threat Assessment and Coordination Group (ITACG), assuring the Chairman and other Members that the Memorandum of Agreement issue was a purely logistical one; expressing the Department's strong support for the ITACG; and outlining the Department of Homeland Security's efforts to stand up the ITACG.

On January 15, 2008, the Chairman of the Committee on Homeland Security and the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter to the Program Manager of the Information Sharing Environment requesting that he address a series of questions on the development of the Interagency Threat Assessment and Coordination Group (ITACG) as part of the first progress report on the ITACG required under Section 521 of the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53.

On February 5, 2008, the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, sent a letter to the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment responding to the May 9, 2007, letter requesting an update of on the progress of the Interagency Threat Assessment and Coordination Group (ITACG) at the National Counter Terrorism Center (NCTC).

On March 3, 2008, the Program Manager of the Information Sharing Environment sent a letter to the Chairman and Ranking Member of the Committee on Homeland Security enclosing the first progress report on the Interagency Threat Assessment and Coordination Group (ITACG) as required under Section 521 of the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53, addressing the questions raised in the January 15, 2008, letter from the Chairman of the Committee on Homeland Security and the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

On March 11, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a Member briefing on a progress report of the Interagency Threat Assessment and Coordination Group (ITACG) prepared by the Program Manager of the Information Sharing Environment (PM-ISE). The progress report was the first in a series of reports on the ITACG required

under the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53).

On March 13, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "Making Homeland Security Intelligence Work for State, Local, and Tribal Partners: An Interagency Threat Assessment Coordination Group (ITACG) Progress Report." The Subcommittee received testimony from Ambassador Thomas E. "Ted" McNamara, Program Manager, Information Sharing Environment (PM-ISE), Office of the Director of National Intelligence; Mr. Michael E. Leiter, Acting Director, National Counterterrorism Center (NCTC); Hon. Charles E. Allen, Under Secretary for Intelligence and Analysis, Department of Homeland Security; and Mr. Wayne Murphy, Assistant Director, Directorate of Intelligence, Federal Bureau of Investigation, Department of Justice.

On June 3, 2008, the Chairman and Ranking Member of the Committee and the Chair and Ranking Member of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter to the Attorney General, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation encouraging them to work together to ensure that Interagency Threat Assessment and Coordination Group (ITACG) detailees do not suffer career disadvantages with their home agencies once their ITACG service has concluded.

On June 20, 2008, the Chair and Ranking Member of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter to the Chief of the Washington, D.C., Metropolitan Police Department thanking her for allowing Detective Sergeant Guy L. Poirier to participate as an inaugural detailee to the Interagency Threat Assessment and Coordination Group (ITACG).

On June 20, 2008, the Chair and Ranking Member of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter to the Superintendent of the New Jersey State Police thanking him for allowing Detective I. David Ockovic to participate as an inaugural detailee to the Interagency Threat Assessment and Coordination Group (ITACG).

On June 20, 2008, the Chair and Ranking Member of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter to the Boston Police Commissioner and the Superintendent-in-Chief of the Boston Police Department thanking them for allowing Lieutenant Timothy Connolly to participate as an inaugural detailee to the Interagency Threat Assessment and Coordination Group (ITACG).

On June 20, 2008, the Chair and Ranking Member of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter to the Chief of the Phoenix Police Department thanking him for allowing Detective Brent Wise to participate as an inaugural detailee to the Interagency Threat Assessment and Coordination Group (ITACG).

On July 16, 2008, the Secretary of Homeland Security sent a letter to the Chairman and Ranking Member of the Committee on Homeland Security responding to their June 3, 2008, correspondence regarding potential career disadvantages to Interagency

Threat Assessment and Coordination Group (ITACG) detailees; promising to advocate for continued State, local, and tribal participation in the ITACG; and assuring the Members that the Department of Homeland Security was harmonizing its detailee benefit program with the Federal Bureau of Investigation (FBI).

On October 29, 2008, the Chairman of the Committee sent a letter to the Under Secretary for Intelligence and Analysis seeking clarification of the role of the Interagency Threat Assessment and Coordination Group (ITACG) Detailees in the production of intelligence products at the National Counterterrorism Center (NCTC); the impact the ITACG Detailees were having on the intelligence production process internally at the Department and the FBI; and their role in the development of Suspicious Activities Report (SAR) initiative.

On December 3, 2008, the Under Secretary for Intelligence and Analysis sent a letter responding to the October 29, 2008, letter of the Chairman of the Committee seeking clarification of the role of the Interagency Threat Assessment and Coordination Group (ITACG) detailees in the production of intelligence products at the National Counterterrorism Center (NCTC); the impact the ITACG Detailees were having on the intelligence production process internally at the Department of Homeland Security and the FBI; and their role in the development of Suspicious Activities Report (SAR) initiative.

#### STATE AND LOCAL FUSION CENTERS.

##### *Privacy and Civil Liberties Protections*

On March 14, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "The Department of Homeland Security State and Local Fusion Center Program: Advancing Information Sharing While Safeguarding Civil Liberties." The Subcommittee received testimony from Hon. Charles E. Allen, Assistant Secretary for Intelligence Analysis, Office of Intelligence and Analysis, Department of Homeland Security; Mr. Daniel W. Sutherland, Officer for Civil Rights and Civil Liberties, Department of Homeland Security; and Mr. Hugo Teufel, Privacy Officer, Department of Homeland Security.

The more than 40 State and local fusion centers that existed across the country at the time of the hearing were designed to help Federal, State, and local law enforcement and homeland security officials share accurate, actionable, and timely homeland security information under one roof by building the personal relationships, infrastructure, and best practices necessary to break down the stovepipes that have historically impeded such sharing. At the hearing, the Members explored two concepts then being considered for inclusion in the Intelligence and Information Sharing title of the Fiscal Year 2008 Department of Homeland Security Authorization legislation: 1) authorizing additional funding to ensure that the Office of Intelligence and Analysis attained its fusion center deployment goals for the State and Local Fusion Center Program, which was designed to place Department intelligence and operational professionals in State and local fusion centers in Fiscal

Year 2008; and 2) a requirement for States and localities to participate in a Department-sponsored privacy and civil liberties education program prior to receiving grant funding for fusion centers.

The Committee introduced H.R. 1684, the Department of Homeland Security Act for Fiscal Year 2008, which included language that authorized the additional funding and privacy protections that were discussed during the hearing. Additionally, provisions affecting fusion centers were included in the Implementing Recommendations of the 9/11 Commission Act of 2007, (P.L. 110-53), that promoted the Department's fusion center outreach efforts as a central mission of the Department's Office of Intelligence and Analysis.

See the discussion of H.R. 1684 and H.R. 1 listed above.

#### *Fusion Center Strategy*

On September 26, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a Member briefing to receive an update on fusion centers.

On September 27, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled, "The Way Forward With Fusion Centers: Challenges and Strategies for Change." The Subcommittee received testimony from Ms. Eileen Larence, Director, Homeland Security and Justice, Government Accountability Office; Mr. Todd Masse, Specialist, Domestic Intelligence and Counterterrorism, Congressional Research Service; Mr. John Rollins, Specialist, Terrorism, International Crime, Intelligence, and Homeland Security, Congressional Research Service; Mr. Jack Tomarchio, Principal Deputy Assistant Secretary, Office of Intelligence and Analysis, Department of Homeland Security; Mr. Michael Mines, Deputy Assistant Director, Directorate of Intelligence, Federal Bureau of Investigation, Department of Justice; and Mr. Norman Beasley, Coordinator for Counter Terrorism, Maricopa County Sheriff's Office.

The purpose of this hearing was to review the findings of two separate reports on fusion centers by the Congressional Research Service and the Government Accountability Office and specifically to chart a strategy to ensure that the centers add value to the Nation's homeland security efforts while preserving and protecting privacy and civil liberties as part of that process. The hearing attempted to discern how the \$380 million already invested by the Federal government in fusion centers had been used and how it was being applied to implement a common fusion center strategy.

#### FUSION CENTER CORRESPONDENCE

On April 11, 2008, the Chairman and Ranking Member of the Committee on Homeland Security and the Chairman and Ranking Member of the Senate Committee on Homeland Security and Governmental Affairs wrote a letter to the Secretary of Homeland Security expressing strong concern with provisions in the Fiscal Year 2008 Homeland Security Grant Program Guidance and the Urban Area Security Initiative Guidance regarding allowable funding for contractors and intelligence analysts at State and local fusion centers and other locations.

On May 12, 2008, the Under Secretary for Intelligence and Analysis sent a letter to the Chairman of the Committee describing the success of the Department's open source training program at State and local fusion centers and inviting staff to observe the next round of training.

On May 13, 2008, the Executive Secretary of the Department of Homeland Security sent a letter to the Chairman of the Committee on Homeland Security acknowledging the April 11, 2008, letter regarding Members' strong concern about Fiscal Year 2008 Homeland Security Grant Program Guidance and the Urban Area Security Initiative Guidance pertaining to allowable funding for contractors and intelligence analysts at State and local fusion centers and other locations. The Executive Secretary assured the Chairman that careful consideration was being given to the letter and that additional time was needed to provide a complete response.

On June 16, 2008, the Secretary of Homeland Security sent a letter to the Chairman and Ranking Member of the Committee on Homeland Security responding to their April 11, 2008, letter regarding Members' strong concern with provisions in the Fiscal Year 2008 Homeland Security Grant Program Guidance and the Urban Area Security Initiative Guidance pertaining to allowable funding for contractors and intelligence analysts at State and local fusion centers and other locations. The Secretary included an explanation of why the Department of Homeland Security had imposed funding caps and time limitations on this permitted use.

#### HOMELAND SECURITY INFORMATION NETWORK

On May 8, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a Member briefing on the Homeland Security Information Network (HSIN). A representative from the Government Accountability Office provided Members with an update on HSIN and its relationship to other information sharing systems.

On May 10, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "Fixing the Homeland Security Information Network: Finding the Way Forward For Better Information Sharing." The Subcommittee received testimony from Mr. Donald F. Kennedy, Executive Director, NESPIN/RISS; Mr. Wayne Parent, Deputy Director, Office of Operations Coordination, Department of Homeland Security; Mr. David Powner, Director, Information Technology Management Issues, Government Accountability Office; Captain William Harris, Delaware State Police; First Sergeant Lee Miller, Virginia State Police; Mr. Barry S. Lindquist, Inspector, Office of Statewide Intelligence, Florida Department of Law Enforcement; and Captain Brian Tomblin, Military Liaison, Office of Homeland Security, Tennessee Army National Guard.

This hearing coincided with the public release of a report by the Government Accountability Office regarding HSIN's continuing problems, the Department's then three year-old system for sharing sensitive but unclassified (SBU) information with State and local law enforcement, emergency responders, and others. The Government Accountability Office concluded that the Department had

failed to coordinate with other preexisting State and local information sharing systems before investing tens of millions of dollars in the HSIN. As a result, it found that effective information sharing might not be occurring, and that a significant amount of duplication with other information sharing systems — like the Regional Information Sharing Systems (RISS) Program — seemed likely.

An April 17, 2007, internal Department Memorandum from the Director of the Department's Operations Directorate to the Under Secretary of Management acknowledged that the HSIN had "grown without sufficient planning and program management." The Department's own Office of Inspector General had issued a report in June 2006 that found that the rushed deployment of the HSIN resulted in a system that did not support information sharing effectively, did not fully meet user needs, and therefore was not relied upon by State and local law enforcement agencies.

Members used the hearing to ask the witnesses how the HSIN duplicated RISSNET and other systems; how well the difficulties identified by the Inspector General in 2006 were being addressed and by whom; how the apparent duplication that was occurring with the HSIN complicated information sharing efforts at the State and local levels; and how things could be made better. The Department witness responsible for the management of the HSIN pledged to provide a roadmap going forward to ensure that the HSIN complemented and otherwise worked with RISSNET and other information sharing systems in use by State, local, and tribal law enforcement.

On January 17, 2008, the Chairman and Ranking Member of the Committee on Homeland Security, and the Chair and Ranking Member of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter to the Acting Deputy Secretary of the Department of Homeland Security regarding the apparent replacement of the Homeland Security Information Network (HSIN) with a new network; expressing concern over the Department of Homeland Security's failure to brief the Committee on this development; and requesting written answers to questions.

On February 19, 2008, the Secretary of Homeland Security sent a letter to the Chairman of the Committee on Homeland Security responding to the Chairman's January 17, 2008, letter regarding the replacement of the Homeland Security Information Network (HSIN) with Homeland Security Information Network Next Generation (HSIN Next Gen), describing the replacement as an "upgrade" that did not involve a major departure from the HSIN, and providing written responses.

On April 4, 2008, the Chairman and Ranking Member of the Committee on Homeland Security sent a letter to the Secretary of Homeland Security asking that the Department cooperate with the Government Accountability Office (GAO) and its effort to obtain all documents necessary as part of its review of the Homeland Security Information Network Next Generation (HSIN Next Gen).

On April 21, 2008, the Secretary of Homeland Security sent a letter to the Chairman of the Committee on Homeland Security responding to the Chairman's April 4, 2008, letter regarding GAO's access to documents regarding Homeland Security Information Network Next Generation (HSIN Next Gen) stating that, in re-

sponse to that letter, unredacted versions of all relevant documents had been provided to GAO.

On July 23, 2008, the Chairman of the Committee and the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter to the Secretary of Homeland Security expressing concern over GAO findings that the Department of Homeland Security had failed to define end user requirements for the HSIN Next Gen; requesting a 60-day moratorium on HSIN Next Gen's development until the requirements had been developed; and further requesting written answers to questions.

On September 23, 2008, the Chairman of the Committee on Homeland Security sent a letter to the Director of the Office of Operations Coordination at the Department of Homeland Security asking him to provide a copy of recommendations from the Homeland Security Information Network Advisory Council (HSINAC) regarding the Homeland Security Information Network Next Generation (HSIN Next Gen).

On October 9, 2008, the Chairman of the Committee on Homeland Security sent a letter to the Director of the Office of Operations Coordination at the Department of Homeland Security renewing request for a copy of recommendations from the Homeland Security Information Network Advisory Council (HSINAC) regarding the Homeland Security Information Network Next Generation (HSIN Next Gen) following the of public release of Government Accountability Office (GAO) report on HSIN Next Gen.

On November 12, 2008, the Chairman of the Committee on Homeland Security sent a letter to the Director of the Office of Operations Coordination at the Department of Homeland Security requesting answers to his and the Chairman of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment's July 23, 2008, letter regarding corrective steps for the Homeland Security Information Network Next Generation (HSIN Next Gen) and raising new questions about HSIN Next Gen in reaction to the Department's rebuttal to the recommendations of the Homeland Security Information Network Advisory Council (HSINAC).

On November 25, 2008, the Director of the Office of Operations Coordination at the Department of Homeland Security sent a letter to the Chairman of the Committee on Homeland Security responding to the Chairman's letter of November 12, 2008, regarding overdue answers to Member questions about HSIN Next Gen and providing answers to the Chairman's most recent questions about the Department's rebuttal to the recommendations of the Homeland Security Information Network Advisory Council (HSINAC).

Committee staff held several briefings to assess the HSIN's progress and to hold the Department to its commitment. Those briefings addressed the Department's planned replacement of the HSIN with the HSIN Next Gen and a July 2008 Government Accountability Office assessment of the Department's failure to identify operational end user requirements for the HSIN Next Gen.

## STATE, LOCAL, AND PRIVATE SECTOR PARTNERSHIPS

*Information Sharing*

On May 25, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a field hearing in Bellevue, Washington, entitled "Building a Partnership Strategy: Improving Information Sharing with State & Local Law Enforcement and the Private Sector." The Subcommittee received testimony from Major General Timothy J. Lowenberg, Washington Military Department, State of Washington; Chief R. Gil Kerlikowske, Seattle Police Department, Seattle, Washington; Mr. John McKay, Former U.S. Attorney; Chief John R. Batiste, Washington State Patrol; Mr. Richard E. Hovel, Aviation Security Advisor, The Boeing Company; Mr. Matt Morrison, Executive Director, Pacific Northwest Economic Region; Mr. Steve L. Stein, Senior Program Manager, Pacific Northwest National Laboratory; and Mr. Richard H. Stevenson, President and Chief Operating Officer, Clise Properties, Inc.

This hearing focused on efforts to improve information sharing between the Federal government and state and local first local law enforcement - the Nation's "first preventers." The hearing also considered the witnesses' intelligence-led policing efforts and Chairman Thompson's September 2006 Law Enforcement Assistance and Partnership (LEAP) Strategy was discussed. Intelligence-led policing refers to the "the collection and analysis of information to produce an intelligence end product designed to inform police decision making at both the tactical and strategic levels."

Members asked the first panel witnesses about improvements that could be made to enhance information sharing. Members also inquired whether a national center dedicated to intelligence-led policing would be useful to their organizations. In addition, Members asked the panel if they received accurate, actionable, and timely intelligence products from their Federal partners, like the Department and the FBI.

Members asked the second panel of witnesses about the information sharing efforts underway in the Seattle area between local law enforcement and the private sector. Additionally, Members inquired about the Federal support they are receiving, particularly from the Department and the FBI, with respect to the protection of critical infrastructure and the exchange of relevant information or intelligence.

As a result of this hearing, provisions were included in the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53, to address State and local information sharing concerns.

On September 24, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled, "A Report Card on Homeland Security Information Sharing." The Subcommittee received testimony from Sheriff Leroy D. Baca, Los Angeles County Sheriff's Department; Russell Porter, Director, Iowa Intelligence Fusion Center and Intelligence Bureau; John McKay, Professor from Practice, Seattle University School of Law; Charles Allen, Under Secretary for Intelligence and Analysis; and Michael E. Leiter, Director, National Counterterrorism Center.



The hearing provided Members with an opportunity to assess the progress of homeland security information sharing between the Department and its State, local, and tribal partners. The first panel, consisting of representatives from State, local, and tribal law enforcement, offered their views on what was working well, what areas needed improvement, and how the next Administration should prioritize its efforts going forward. The testimony from the first panel informed Member questions for the second panel consisting of the Department's Under Secretary for Intelligence and Analysis and the Director of the National Counterterrorism Center (NCTC).

Questions for the second panel focused on fusion center policy, fusion center and other homeland-related funding, domestic terrorism, obstacles to migrating local law enforcement information in a coherent form to Federal agencies, and Federal Intelligence Community leadership and responsibility for information sharing. In addition to providing answers to those questions, second panel witnesses described their views and efforts in the area of fusion center funding, over-classification, the ITACG, and privacy and civil liberties.

#### *National Special Security Events and Mass Gatherings*

On August 10, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a field hearing in Aurora, Colorado, entitled "Information Sharing and National Special Security Events: Preparing for the 2008 Presidential Conventions." The Subcommittee received testimony from Mr. Tim Koerner, Assistant Director, U.S. Secret Service; Mr. Michael H. Battista, Deputy Chief, Denver Police Department; Mr. Justin DeMello, Director, Denver Office of Emergency Management; Major James M. Wolfenbarger, Director, Colorado Office of Preparedness, Security and Fire Safety; Mr. Daniel J. Oates, Chief of Police, Aurora Police Department; and Lloyd Burton, Ph.D., Graduate School of Public Affairs, University of Colorado at Denver.

The purpose of this hearing was to explore how the United States Secret Service (USSS) partners with State, local, and tribal law enforcement and other stakeholders when it comes to information sharing during National Special Security Events (NSSEs). The hearing used as its backdrop the Democratic National Convention in Denver, Colorado, and the Republican National Convention in St. Paul, Minnesota, slated for August and September 2008, respectively. The USSS is the lead Federal agency for coordinating the development and implementation of security plans for NSSEs like the National conventions.

In the spring of 2007, the Secretary of Homeland Security designated both conventions as NSSEs. The ongoing preparations for both conventions therefore presented the Subcommittee with a unique opportunity to explore the effectiveness of Federal, State, and local information sharing — specifically, how information sharing mechanisms, partnerships, and procedures develop and operate before an event that might be targeted by terrorists takes place.

The witnesses testified about how the USSS was building on its traditional relationships with State and local law enforcement and other emergency response providers and what past lessons would

be applied to maximize effective information sharing during the political conventions. The witnesses also provided Members with an assessment of how effectively they were partnering at the outset of their political convention preparations, what challenges lay ahead, and how they planned to overcome them. Finally, the witness testimony provided Members with a set of information sharing best practices that they could use as a benchmark during other information sharing hearings.

As a result of the hearing, Members requested that full time representatives from the Department's Office of Intelligence and Analysis be stationed in the Colorado Information Analysis Center (CIAC) and the Minnesota Joint Analysis Center (MNJAC) in advance of the political conventions. Representatives were subsequently stationed in both fusion centers during the Spring and early Summer 2008, respectively.

#### *Mass Gatherings Report*

In May 2008, the Chairman of the Committee released a Majority Staff report entitled "Public Health, Safety, and Security for Mass Gatherings." Ensuring the public health, safety, and security at mass gatherings can be especially challenging. The report examined a number of different events and venues, including those that are the site of National Special Security Events (NSSEs), and those that host large-scale events that do not receive such a rating - non-National Special Security Events (non-NSSEs). The report concluded that personnel supporting non-NSSEs needed assistance in three particular areas: countering biological threats, collaborative planning, and partnering across sectors. The report generated more than 30 recommendations, including that the Federal government must support the efforts of State and local fusion centers and other entities to build nontraditional partnerships with stakeholders in order to improve information sharing and preparedness efforts, to preserve privacy and civil liberties, and to protect the American people.

#### PRIVATE SECTOR INFORMATION SHARING

On July 26, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "Private Sector Information Sharing: What Is It, Who Does It, and What's Working at DHS?" The Subcommittee received testimony from Mr. James M. Chaparro, Deputy Assistant Secretary, Office of Intelligence & Analysis, Department of Homeland Security; Ms. Melissa Smislova, Director, Homeland Infrastructure Threat & Risk Analysis Center, Department of Homeland Security; Mr. R. James Caverly, Director, Infrastructure Partnerships Division, Infrastructure Protection and Preparedness Directorate, Department of Homeland Security; Mr. Lester J. Johnson, Manager of Investigations and Crisis Management, SCANA Corporation; Mr. John M. Meenan, Executive Vice President and COO, Air Transport Association of America; and Mr. Richard E. Hovel, Senior Aviation and Homeland Security Advisor, The Boeing Company.

This hearing was the first Subcommittee hearing that looked exclusively at the information sharing challenges of the private sec-

tor. With regard to private sector information sharing, private sector leaders, who own and operate 85 percent of the Nation's critical infrastructure, had been very clear: they wanted to know not only about threats but also how they should prepare for and hopefully prevent attacks against personnel, facilities, supply chains, and business operations. At the time of hearing, witnesses reported that the Department was not providing them useful information that would allow them to appropriately respond to threats. Members were advised during the hearing that businesses wanted to be part of the process to ensure that their voice is heard throughout the creation and implementation of whatever private sector information sharing process the Department develops. Businesses also wanted to see a plan. In the view of the witnesses, what continued to hinder the Department's private sector information sharing efforts was the lack of a consistent, working strategy.

#### STATE AND LOCAL PERSPECTIVES ON THE DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE MISSION

On April 24, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "Moving Beyond the First Five Years: Evolving the Office of Intelligence and Analysis to Better Serve State, Local, and Tribal Needs." The Subcommittee received testimony from Mr. Matthew Bettenhausen, Executive Director, California Office of Homeland Security, State of California; Ms. Juliette Kayyem, Under Secretary for Homeland Security, Executive Office of Public Safety and Security, Commonwealth of Massachusetts; and Mr. Frank J. Cilluffo, Director and Associate Vice President, Homeland Security Policy Institute, The George Washington University.

The purpose of the hearing was to examine the future role of the Department's Office of Intelligence and Analysis in supporting both the Department's overall mission in protecting the Nation against terrorist attacks and, more specifically, in partnering with State, local, and tribal leaders on the front lines of America's homeland security efforts. The witnesses testified from the State and local perspective about what was working at the Department, where challenges remained, and what the focus of the Office of Intelligence and Analysis should be going forward into the next Administration. They described their views of what an ideal "Department of Homeland Security" should do and what intelligence and information sharing role it should play in relation to their non-Federal partners.

#### RESILIENCE: DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE

On May 15, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "The Resilient Homeland: How DHS Intelligence Should Empower America to Prepare for, Prevent, and Withstand Terrorist Attacks." The Subcommittee received testimony from Dr. Stephen E. Flynn, Ph.D., Jeane J. Kirkpatrick Senior Fellow for National Security Studies, Council on Foreign Relations; Mr. Amos N. Guiora, Pro-

fessor of Law, University of Utah; and Mr. R.P. Eddy, Ergo Advisors.

The purpose of the hearing was to examine how the Department's Office of Intelligence and Analysis could assist the cause of resilience by developing intelligence products that help State, local, tribal, and private sector entities - and the public - understand the nature of the terrorist threat to the homeland and which threats are most likely to manifest themselves domestically. The witnesses testified that such products would help these stakeholders allocate resources based on risk and make other choices more wisely, thereby enabling the Nation to quickly recover from an attack.

#### FUTURE OF AL QAEDA

On July 30, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "Reassessing the Threat: the Future of Al Qaeda and Its Implications for Homeland Security." The Subcommittee received testimony from Mr. Peter Bergén, Senior Fellow, New America Foundation; and Mr. Lawrence Wright, Fellow, NYU Center on Law and Security.

The purpose of this hearing was to examine how Al Qaeda is evolving and how recent reports of a schism and a growing rejection of violence by former terrorists might impact homeland security. The witnesses testified about what these developments meant for the Department's "risk-based" approach to homeland security - one that informs appropriate decisions about how to prevent and prepare for attacks. They also testified about how to counter terrorism over the long term.

#### FY 2008 AND FY 2009 OFFICE OF INTELLIGENCE AND ANALYSIS BUDGET REQUESTS

On February 7, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a classified Member briefing to receive an update on the Department of Homeland Security's Intelligence Budget request. Representatives from the Department of Homeland Security's Office of Intelligence and Analysis were present.

On February 14, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "The President's Proposed FY2008 Budget for the Department of Homeland Security: The Office of Intelligence and Analysis." The Subcommittee received testimony from Hon. Charles E. Allen, Assistant Secretary for Intelligence and Analysis, Department of Homeland Security.

The purpose of the hearing was to assess whether the President's FY08 budget request for the Department's Office of Intelligence and Analysis was sufficient to meet the programmatic goals outlined by the Department's Assistant Secretary for Intelligence and Analysis during Fall 2006. The hearing took place during the first budget cycle in which the Assistant Secretary had had an opportunity to participate since his August 2005 appointment.

The Assistant Secretary identified several priorities within the President's FY2008 Budget request including: the integration of the intelligence units of the Department's component agencies (Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), Transportation Security Administration (TSA), etc.) in order to drive a unified intelligence mission that would improve information sharing; an integrated information management system; the deployment of up to 35 additional officers to State and local fusion centers by the end of FY08; improving the Department's border security intelligence capabilities, including the Campaign for Border Security; and the development within the Intelligence Community of a "Homeland WMD Intelligence Strategy" that would outline the unique aspects of the WMD threat and would identify what I&A must do to meet this challenge.

On February 14, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a classified Member briefing to receive an update on the Department of Homeland Security's FY 2009 Intelligence Budget request. Representatives from the Department of Homeland Security's Office of Intelligence and Analysis were present.

On February 14, 2008, immediately following the classified Member briefing, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "Homeland Security Intelligence at a Crossroads: The Office of Intelligence and Analysis' Vision for 2008." The Subcommittee received testimony from Hon. Charles E. Allen, now Under Secretary for Intelligence and Analysis, Department of Homeland Security. The purpose of the hearing was to ask the Under Secretary how the Administration's FY 2009 combined account budget request supported the Office of Intelligence and Analysis' longstanding goals of integrating the Department's component intelligence units to promote a common intelligence mission and implementing 1) its campaign for border security to prevent terrorists from infiltrating the country; 2) its developing homeland WMD Intelligence Strategy; and 3) an integrated information management system to coordinate the Department's overall intelligence effort. Members also asked the Under Secretary about how the FY 2009 budget request would support his deployment of representatives to State and local fusion centers on the aggressive timetable described to the Committee during the February 14, 2007, budget hearing.

Members also asked the Under Secretary about how the Administration's FY 2009 budget request would support the numerous initiatives required of the Office of Intelligence and Analysis under the "Implementing Recommendations of the 9/11 Commission Act of 2007", P.L. 110-53, including: fully developing and managing the Interagency Threat Assessment and Coordination Group (ITACG) at the National Counterterrorism Center (NCTC); providing training to promote information sharing internally at the Department and with its State, local and tribal partners; providing privacy and civil liberties training to all Office of Intelligence and Analysis staff, representatives at State and local fusion centers, and State and local fusion center personnel participating in the Department's State, Local, and Regional Fusion Center Initiative; developing and managing the Homeland Security Information Sharing Fellows

Program on the scale envisioned by Congress; and establishing a Rural Policing Institute. At the time of the hearing, it did not appear that any additional funds were requested for these mandates.

On April 18, 2008, the Assistant Secretary of Homeland Security sent a letter to the Chairman of the Committee on Homeland Security and a letter to the Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment enclosing a Concept of Operations and a Privacy Impact Assessment of the Department of Homeland Security Information Sharing Fellows Program as required under the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53.

#### TERROR PLOT — UNITED KINGDOM

On February 7, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a Classified Member briefing to receive information on the recent terror plot in the United Kingdom. Representatives from the Department's Office of Intelligence and Analysis were present.

#### STATE, LOCAL, AND REGIONAL INFORMATION SHARING

On March 1, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a Member briefing on State, local, and regional information sharing. The Subcommittee received the briefing from representatives from the Federal Bureau of Investigation's Los Angeles Field Office on the Joint Regional Intelligence Center (JRIC) in Los Angeles as well as the Federal Government's information sharing efforts with key international partners.

#### NATIONAL COUNTERTERRORISM CENTER AND MARYLAND COORDINATION AND ANALYSIS CENTER

On March 12, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted a Member site visit to the National Counterterrorism Center (NCTC), located at LX1 in Northern Virginia; and the Maryland Coordination and Analysis Center (MCAC) located in Woodlawn, Maryland. Members of the Subcommittee received a briefing reviewing the NCTC's mission of fusing the intelligence available to the Intelligence Community to create homeland security-relevant products and how that intelligence is shared with State, local, and tribal entities.

After a tour and meetings with intelligence analysts at the NCTC, Members traveled to Woodlawn, Maryland, for an overview brief and tour of the Maryland Coordination and Analysis Center (MCAC), the State of Maryland's fusion center, where they received a briefing about how the Department of Homeland Security, the FBI, and State, local, and tribal entities co-located at the MCAC share homeland security information on a day-to-day basis.

#### WASHINGTON JOINT ANALYTICAL CENTER

On May 25, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted a Site Visit of

the Washington Joint Analytical Center (WAJAC) — the Washington State fusion center, in Bellevue, Washington.

#### TERRORIST SCREENING CENTER

On Tuesday, June 5, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted a Member site visit to the Terrorist Screening Center (TSC) located in Virginia. Members toured the TSC facility and met with the then new TSC Director.

#### RADIOLOGICAL THREATS

On July 25, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment and the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a joint Classified Member briefing on securing radioactive materials to prevent a terrorist attack using radiological dispersion devices. Representatives from the Department of Homeland Security and Sandia National Laboratory provided Members with an update.

On September 24, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment and the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology of the Committee on Homeland Security held a joint site visit to New York City. The Subcommittees were led by the New York City Police Department (NYPD) and attended briefings on the radiological threat and for tours of facilities that maintain stocks of radiological materials.

#### NATIONAL POLITICAL CONVENTION SECURITY

On August 10, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted a site visit to the Colorado Information Analysis Center (CIAC) located in Centennial, Colorado. The Subcommittee examined the security implications of the Democratic National Convention.

On April 21, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted a site visit to Minneapolis/St. Paul, Minnesota. The Subcommittee toured the Minnesota Joint Analysis Center (MNJAC) and met with Corporate Security at the Mall of America to discuss information sharing and critical infrastructure issues. The Subcommittee also visited the Xcel Energy Center, the site of the Republican National Convention for a briefing with the United States Secret Service.

#### NCTC BRIEFING

On October 11, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a classified Member-only briefing on homeland security threats. Members were briefed by representatives from the National Counterterrorism Center (NCTC).

## PRESIDENTIAL DEBATE SECURITY

On March 5, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a Member briefing on security preparations for the 2008 Presidential debates. The Subcommittee was briefed by the Executive Director of the Commission on Presidential Debates and representatives from the United States Secret Service.

## NATIONAL COUNTERTERRORISM CENTER WORK ON RADICALIZATION

On April 16, 2008, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a Classified Member briefing on the National Counterterrorism Center's work on radicalization and current threats.

## NATIONAL SECURITY LETTERS

On March 28, 2007, the Chairman of the Committee on Homeland Security sent a letter to the Secretary of Homeland Security regarding the use of National Security Letters by the Department of Homeland Security in the wake of public disclosures about the Federal Bureau of Investigation's use of such letters.

On May 8, 2007, the Secretary of Homeland Security sent a letter to the Chairman of the Committee on Homeland Security in response to the Chairman's March 28, 2007, letter regarding National Security Letters, advising that that the Department of Homeland Security had not issued any such letters although it had the legal authority to do so and that the Federal Bureau of Investigation's experience with such letters would serve as useful guidance for the Department going forward.

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 SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND  
 TERRORISM RISK ASSESSMENT HEARINGS HELD

*"The President's Proposed FY2008 Budget for the Department of Homeland Security: The Office of Intelligence and Analysis."* February 14, 2007. (Serial No. 110-7)

*"The Department of Homeland Security State and Local Fusion Center Program: Advancing Information Sharing While Safeguarding Civil Liberties."* March 14, 2007. (Serial No. 110-15)

*"Over-Classification and Pseudo-Classification: The Impact on Information Sharing."* March 22, 2007. (Serial No. 110-20)

Field hearing held in Torrance, California *"Radicalization, Information Sharing and Community Outreach: Protecting the Homeland from Homegrown Terror."* April 5, 2007. (Serial No. 110-22)

*"The Over-Classification and Pseudo-Classification of Government Information: The Response of the Program Manager of the Information Sharing Environment."* April 26, 2007. (Serial No. 110-20)

*"Fixing the Homeland Security Information Network: Finding the Way Forward For Better Information Sharing."* May 10, 2007. (Serial No. 110-34)



- Field hearing held in Bellevue, Washington “*Building a Partnership Strategy: Improving Information Sharing with State & Local Law Enforcement and the Private Sector.*” May 25, 2007. (Serial No. 110-42)
- “*Assessing and Addressing the Threat: Defining the Role of a National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism.*” June 14, 2007. (Serial No. 110-48)
- “*Over-Classification and Pseudo-Classification: Making DHS the Gold Standard for Designating Classified and Sensitive Homeland Security Information.*” June 28, 2007. (Serial No. 110-20)
- “*Private Sector Information Sharing: What Is It, Who Does It, and What’s Working at DHS?*” July 16, 2007. (Serial No. 110-62)
- Field hearing in Aurora, Colorado “*Information Sharing and National Special Security Events: Preparing for the 2008 Presidential Conventions.*” August 10, 2007. (Serial No. 110-66)
- “*The Way Forward with Fusion Centers: Challenges and Strategies for Change.*” September 27, 2007. (Serial No. 110-73)
- “*Using the Web as a Weapon: the Internet as a Tool for Violent Radicalization and Homegrown Terrorism.*” November 6, 2007. (Serial No. 110-83)
- “*Homeland Security Intelligence at a Crossroads: the Office of Intelligence and Analysis’ Vision for 2008.*” February 26, 2008. (Serial No. 110-96)
- “*Making Homeland Security Intelligence Work for State, Local, and Tribal Partners: An Interagency Threat Assessment Coordination Group (ITACG) Progress Report.*” March 13, 2008. (Serial No. 110-101)
- “*Moving Beyond the First Five Years: Evolving the Office of Intelligence and Analysis to Better Serve State, Local, and Tribal Needs.*” April 24, 2008. (Serial No. 110-108)
- “*The Resilient Homeland: How DHS Intelligence Should Empower America to Prepare for, Prevent, and Withstand Terrorist Attacks.*” May 15, 2008. (Serial No. 110-115)
- H.R. 6193, the “*Improving Public Access to Documents Act of 2008.*” June 11, 2008. (Serial No. 110-121)
- “*Reassessing the Threat: the Future of Al Qaeda and Its Implications for Homeland Security.*” July 30, 2008. (Serial No. 110-132)
- “*A Report Card on Homeland Security Information Sharing.*” September 24, 2008. (Serial No. 110-141)

## SUBCOMMITTEE ON TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION

SHEILA JACKSON-LEE, Texas, *Chairwoman*

EDWARD J. MARKEY, Massachusetts  
PETER A. DEFAZIO, Oregon  
ELEANOR HOLMES NORTON, District  
of Columbia  
YVETTE D. CLARKE, New York  
ED PERLMUTTER, Colorado  
BENNIE G. THOMPSON, Mississippi  
(*Ex Officio*)

DANIEL E. LUNGREN, California  
GINNY BROWN-WAITE, Florida  
MARSHA BLACKBURN, Tennessee  
GUS M. BILIRAKIS, Florida  
PETER T. KING, New York  
(*Ex Officio*)

The Subcommittee on Transportation Security and Infrastructure Protection held 20 days of hearings, receiving testimony from 91 witnesses, and considered 7 measures.

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### LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

#### RAIL AND PUBLIC TRANSPORTATION SECURITY ACT

H.R. 1401 (S. 184)

To improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes.

#### *Legislative History*

On January 4, 2007, Mr. Inouye and 13 original co-sponsors introduced S.184, the Senate companion measure to H.R. 1401, which was read twice and referred to the Senate Committee on Commerce, Science, and Transportation.

The Senate Committee on Commerce, Science, and Transportation considered S.184 on February 13, 2008, and ordered the measure to be reported to the Senate with an amendment in the nature of a substitute favorably.

A motion to proceed to the consideration of S. 184 was made in the Senate on February 17, 2007, a cloture motion on the motion to proceed to the measure was presented in the Senate on that same date. The motion to proceed to the consideration of S. 184 was withdrawn in Senate on February 27, 2007, and the cloture motion was subsequently withdrawn.

The Senate Committee on Commerce, Science, and Transportation reported S.184 to the Senate on March 1, 2007, as S. Rpt. 110-29.

On March 1, 2007, the Subcommittee on Transportation Security and Infrastructure Protection considered a Subcommittee Print,

which was forwarded to the Full Committee for consideration, amended, by voice vote.

On March 6, 2007, the Committee on Homeland Security held a hearing on a Committee Print entitled "Rail and Public Transportation Security Act of 2007." The Committee received testimony from Hon. Edmund S. "Kip" Hawley, Administrator, Transportation Security Agency, Department of Homeland Security; Mr. Terry Rosapep, Deputy Associate Administrator, Program Management, Department of Transportation; Mr. Richard Fairfax, Director of Enforcement Programs, Occupational Safety and Health Administration, Department of Labor; Mr. Richard Falkenrath, Deputy Commissioner for Counterterrorism, New York City Police Department, City of New York; Mr. William Millar, President, American Public Transportation Association; Mr. Ed Hamberger, President and CEO, Association of American Railroads; Mr. Ed Rodzwick, President, Teamsters Rail Conference; Mr. Fred Weiderhold, Inspector General, National Railroad Passenger Corporation (Amtrak); and Mr. David Shuman, Private Citizen.

H.R. 1401 was introduced by Mr. Thompson of Mississippi, Mr. King of New York, Ms. Jackson-Lee of Texas, Mr. Daniel E. Lungren of California, and sixteen original co-sponsors on March 8, 2007. The measure was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure.

The Full Committee considered H.R. 1401 and ordered the measure reported to the House, amended, by voice vote on March 13, 2007.

The Chairman of the Committee on Science and Technology sent a letter to the Chairman of the Committee on Homeland Security on March 20, 2007, indicating jurisdictional interests in H.R. 1401. The letter further indicated that in order to expedite consideration on the House Floor, the Committee on Science would not seek a sequential referral of the measure, but would request the appointment of Conferees should a House-Senate Conference be called. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Science and Technology acknowledging the jurisdictional interests of the Committee on Science and Technology and agreeing to the request for Conferees should a House-Senate Conference be called.

The Committee on Homeland Security reported H.R. 1401 to the House on March 22, 2007, as H. Rpt. 110-65, Pt. I. The Committee on Transportation and Infrastructure was subsequently discharged from further consideration of H.R. 1401.

The Chairman of the Committee on Oversight and Government Reform sent a letter to the Chairman of the Committee on Homeland Security on March 26, 2007, indicating jurisdiction interests in section 112. The letter further agreed to waive consideration of the measure, and reserved a right to seek Conferees should a House-Senate Conference be called. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Oversight and Government Reform acknowledging the jurisdictional interests of the Committee on Oversight and Government Reform and agreeing to support the request for Conferees should a House-Senate Conference be called.

The Committee on Rules met on March 26, 2007, and granted a Rule providing for the consideration of H.R. 1401. The House considered and agreed to the Rule on March 27, 2007, by a record vote of 223 yeas and 199 nays. The House proceeded to the consideration of H.R. 1401 and passed the measure by a record vote of 299 yeas and 124 nays, with 1 voting "present", after agreeing to a motion to recommit with instructions by Mr. King of New York which was agreed to by a record vote of 304 yeas and 121 nays.

H.R. 1401 was received in the Senate on March 28, 2007, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

Provisions of H.R. 1401 were included in P.L. 110-53, see action on H.R. 1 (P.L. 110-53) under Full Committee.

#### PILOT PROGRAM SCREENING ACCESS TO SECURE AREAS OF AIRPORTS

##### H.R. 1413

To direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to address vulnerabilities in aviation security by carrying out a pilot program to screen individuals with unrestricted access to secure and sterile areas of airports, and for other purposes.

##### *Legislative History*

H.R. 1413 was introduced by Mrs. Lowey, Mr. Thompson of Mississippi, Ms. Ginny Brown-Waite of Florida, Ms. Jackson-Lee of Texas, and Mr. Markey on March 8, 2007. The measure was referred solely to the Committee on Homeland Security. Within the Committee, H.R. 1413 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

The Subcommittee on Transportation Security and Infrastructure Protection considered H.R. 1413 on April 24, 2007, and ordered the measure favorably forwarded to the Full Committee for consideration, amended, by unanimous consent.

The Full Committee considered H.R. 1413 on August 1, 2007, and ordered the measure favorably reported to the House, amended, by voice vote. The Committee reported H.R. 1413 to the House on December 11, 2007, as H. Rpt. 110-482.

On December 11, 2007, the House agreed to suspend the rules and pass H.R. 1413, amended, by voice vote. The House also agreed to amend the title of the measure.

H.R. 1413 was received in the Senate on December 12, 2007, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

#### FAIR, ACCURATE, SECURE AND TIMELY REDRESS ACT OF 2007

##### H.R. 4179 (S. 3392)

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

*Legislative History*

H.R. 4179 was introduced in the House on November 14, 2007, by Ms. Clarke, Mr. Thompson of Mississippi, and nine original co-sponsors and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 4179 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

The Subcommittee on Transportation Security and Infrastructure Protection considered H.R. 4179 on May 1, 2008, and adopted the measure, amended.

The Chairman discharged the Subcommittee on Transportation Security and Infrastructure Protection from further consideration of H.R. 4179.

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

The Committee reported H.R. 4179 to the House on June 5, 2008, as H.Rpt. 110-686.

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

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

On July 31, 2008, Ms. Klobuchar and four original co-sponsors introduced S. 3392, the Senate companion measure to H.R. 4179, in the Senate, which was read twice and referred to the Senate Committee on Commerce, Science, and Transportation.

## NATIONAL BOMBING PREVENTION ACT OF 2007

## H.R. 4749 (S. 2292)

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

*Legislative History*

S. 2292, the Senate companion measure to H.R. 4749, was introduced in the Senate on November 1, 2007, by Ms. Collins and Mr. Lieberman. S. 2292 was referred to the Senate Committee on Homeland Security and Governmental Affairs.

H.R. 4749 was introduced in the House on December 17, 2007, by Mr. King of New York and Mr. Thompson of Mississippi. H.R. 4749 was referred solely to the Committee on Homeland Security. Within the Committee, H.R. 4749 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

The Subcommittee on Transportation Security and Infrastructure Protection met on May 1, 2008, and adopted the measure, without amendment, by voice vote.

The Chairman discharged the Subcommittee on Transportation Security and Infrastructure Protection from further consideration of H.R. 4749 on May 20, 2008.

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

The Committee reported H.R. 4749 to the House on June 5, 2008, as H.Rpt. 110-689.

The House considered H.R. 4749 under Suspension of the Rules on June 18, 2008, and passed the measure by voice vote.

H.R. 4749 was received in the Senate on June 19, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

On September 23, 2008, the Senate Committee on Homeland Security and Governmental Affairs considered S. 2292 and reported the measure to the Senate, as amended. Report filed in the Senate as S. Rpt. 110-481.

#### CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2008

#### H.R. 5577

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

#### *Legislative History*

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

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

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

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

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

Pursuant to the unanimous consent agreement by the Committee on Homeland Security of March 6, 2008, the Committee on Homeland Security reported H.R. 5577 to the House on March 14, 2008, as H. Rpt. 110-550, Pt. 1.

The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on March 14, 2008, for a period ending not later than April 11, 2008. On April 11, 2008, the referral to the Committee on Energy and Commerce was extended for a period ending May 30, 2008. On May 30, 2008, the referral to the Committee on Energy and Commerce was extended for a period ending July 11, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on July 11, 2008, for a period ending not later than September 12, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on September 12, 2008, for a period ending not later than September 26, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on September 26, 2008, for a period ending not later than October 2, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on October 2, 2008, for a period ending not later than October 3, 2008. The referral of H.R. 5577 to the Committee on Energy and Commerce was extended on October 3, 2008, for a period ending not later than January 3, 2009.

#### CATCHING OPERATIONAL VULNERABILITIES BY ENSURING RANDOM TESTING ACT OF 2008

##### H.R. 5909

To amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes.

##### *Legislative History*

H.R. 5909 was introduced in the House on April 24, 2008, by Mrs. Lowey. The measure was referred solely to the Committee on Homeland Security. Within the Committee, H.R. 5909 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

The Subcommittee on Transportation Security and Infrastructure Protection met on May 1, 2008, and adopted the measure, amended, by voice vote.

The Chairman discharged the Subcommittee on Transportation Security and Infrastructure Protection from further consideration of H.R. 5909.

The Committee on Homeland Security considered H.R. 5909 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, amended, by unanimous consent.

The Committee reported H.R. 5909 to the House on June 5, 2008, as H.Rpt. 110-687.

The House considered H.R. 5909 under Suspension of the Rules on June 18, 2008, and passed the measure by voice vote.

H.R. 5909 was received in the Senate on June 19, 2008, and referred to the Senate Committee on Commerce, Science, and Transportation.

SENSE OF THE HOUSE OF REPRESENTATIVES SECURING RAIL AND  
MASS TRANSIT LINES

H.RES. 1150

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

*Legislative History*

H. Res. 1150 was introduced in the House on April 25, 2008, by Ms. Jackson-Lee of Texas and Mr. Thompson of Mississippi. The measure was referred solely to the Committee on Homeland Security. Within the Committee, H. Res. 1150 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

The Subcommittee on Transportation Security and Infrastructure Protection met on May 1, 2008, and adopted the measure, without amendment, by voice vote.

The Chairman discharged the Subcommittee on Transportation Security and Infrastructure Protection from further consideration of H. Res. 1150 on May 20, 2008.

The Committee on Homeland Security considered H. Res. 1150 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, amended, by voice vote.

The Committee on Homeland Security reported H. Res. 1150 to the House on June 17, 2008, as H.Rpt. 110-716.

The House considered H. Res. 1150 under Suspension of the Rules on June 18, 2008, and adopted the resolution by voice vote.



## OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

On January 30, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a Member meeting to discuss the 110th Congress agenda and solicit ideas from Subcommittee Members.

## ADMINISTRATION AND PERSONNEL

On February 16, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "Impact of Background and Security Clearances on the Transportation Workforce." The Subcommittee received testimony from Mr. Ed Hamberger, President and CEO, Association of American Railroads; Mr. Larry Willis, General Counsel, Transportation Trades Department, AFL-CIO; Mr. Santos M. Marinez, Trustee, Teamsters Local 705; and Hon. Robert D. Jamison, Deputy Administrator, Transportation Security Administration.

On May 11, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a Member briefing on the recent theft of data from the Transportation Security Administration. Representatives from the Transportation Security Administration were present to update Members on the status of the investigation of the theft of an external hard drive containing the personal and financial information of 100,000 current and former employees.

On April 15, 2008, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "Moving Beyond the First Five Years: How the Transportation Security Administration Will Continue to Enhance Security for All Modes of Transportation." The Subcommittee received testimony from Hon. Edmund S. "Kip" Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; Mr. Cathleen Berrick, Director, Homeland Security and Justice, Government Accountability Office; Mr. Clark Kent Ervin, Director, Homeland Security Initiative, Aspen Institute; Mr. C. Stewart Verdery, Jr., Partner, Monument Policy Group, LLC.

## AVIATION SECURITY

On April 19, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "Airport Security: The Necessary Improvements to Secure America's Airports." The Subcommittee received testimony from Hon. Edmund S. "Kip" Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; Ms. Lauren Stover, Assistant Aviation Director for Security and Communications, Miami-Dade Aviation Department; Mr. Greg Principato, President, Airports Council International — North America; and Mr. William E. Holden, Senior Vice President of Operations, Covenant Homeland Security Solutions.

On July 31, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "Managing Risk and Increasing Efficiency: An Examination of the Implementation of the Registered Traveler Program." The Subcommittee re-

ceived testimony from Hon. Edmund S. “Kip” Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; Mr. Tom Conaway, Managing Partner, Homeland Security, Unisys Corporation; Mr. Steven Brill, Chairman and Chief Executive Officer, CLEAR Verified Identity Pass, Inc.; and Mr. Bill Connors, Executive Director and COO, National Business Travel Association.

On October 16, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “Aviation Security: Are We Truly Protected?” The Subcommittee received testimony from Ms. Cathleen A. Berrick, Director, Homeland Security and Justice Issues, Government Accountability Office; Hon. Edmund S. “Kip” Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; and Mr. Franklin Hatfield, Director, System Operations Security Office, Federal Aviation Administration.

On November 1, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “Aviation Security Part II: A Frontline Perspective on the Need for Enhanced Human Resources and Equipment.” The Subcommittee received testimony from Mr. John Gage, National President, American Federation of Government Employees, AFL-CIO; Ms. Patricia A. Friend, International President, Association of Flight Attendants-CWA, AFL-CIO; and Mr. Robert Hesselbein, Chairman, National Security Committee, Air Line Pilots Association, International.

On April 2, 2008, the Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Transportation Security and Infrastructure Protection held a joint classified Member briefing on the current operations of the Federal Air Marshal Service.

On April 3, 2008, the Subcommittee on Transportation Security and Infrastructure Protection held a Member-only briefing on the Registered Traveler program. The Secretary of Homeland Security discussed the photo integration in Registered Traveler identification Cards; the use of secondary identification with certain Registered Traveler systems; the status of overall Registered Traveler technology; and Registered Traveler checkpoints.

On July 15, 2008, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “The Next Step in Aviation Security - Cargo Security: Is DHS Implementing the Requirements of the 9/11 Law Effectively?” The Subcommittee received testimony from Mr. John P. Sammon, Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration, Department of Homeland Security; Mr. James Tuttle, Director, Explosives Division, Directorate for Science & Technology, Department of Homeland Security; Ms. Cathleen Berrick, Director, Homeland Security and Justice Issues, Government Accountability Office; Captain Paul Onorato, President, Coalition of Airline Pilots Associations; Mr. Brandon Fried, Executive Director, Airforwarders Association; Mr. John M. Meenan, Executive Vice President & Chief Operating Officer, Air Transport Association; and Ms. Cindy Allen, Chairman, Task Force

on Security, National Customs Brokers and Forwarders Association of America.

On September 9, 2008, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "Ensuring America's Security: Cleaning Up the Nation's Watchlists." The Subcommittee received testimony from Hon. Edmund S. "Kip" Hawley, Assistant Secretary, Transportation Security Administration; Mr. Richard S. Kopel, Principal Deputy Director, Terrorist Screening Center; Ms. Cathleen Berrick, Director, Homeland Security and Justice Issues, Government Accountability Office; Ms. Denise Robinson, Private Citizen; Ms. Lillie Coney, Associate Director, Electronic Privacy Information Center; and Mr. John M. Meenan, Executive Vice President & Chief Operating Officer, Air Transport Association.

#### INFRASTRUCTURE PROTECTION

On March 23, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "Foreign Ownership: Discussion of Challenges Posed by Foreign Ownership to Using Critical Infrastructure." The Subcommittee received testimony from Hon. Stewart A. Baker, Assistant Secretary for Policy, Department of Homeland Security; Hon. Robert Stephan, Assistant Secretary, Infrastructure Protection, Department of Homeland Security; Hon. Gregory Garcia, Assistant Secretary, Cybersecurity and Communications, Department of Homeland Security; and Ms. Ann Calvaresi Barr, Director of Acquisition and Sourcing Management, Government Accountability Office.

On May 16, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing on "The Impact of Foreign Ownership and Foreign Investment on the Security of Our Nation's Critical Infrastructure." The Subcommittee received testimony from Mr. Richard T. Garcia, Global Security Advisor, Corporate Affairs Security, Shell International; Mr. Michael Pfister, Senior Vice President and Chief Information Officer, Halliburton; and Mr. David Marchick, Partner, Covington and Burling, LLP.

On July 24, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "Chemical Security-A Rising Concern for America: Examination of the Department's Chemical Security Regulations and its Effect on the Public and Private Sector." The Subcommittee received testimony from Hon. Robert Stephan, Assistant Secretary, Infrastructure Protection, Department of Homeland Security; Mr. Philip J. Crowley, Senior Fellow and Director of Homeland Security, Center for American Progress; Mr. Timothy J. Scott, Chief Security Officer and Global Director, Emergency Services and Security, The Dow Chemical Company; Mr. John Alexander, Health and Safety Specialist, Health, Safety and Environment Department, United Steelworkers; and Dr. Ara Tahmassian, Associate Vice President, Research Compliance, Boston University.

On October 31, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology and the Subcommittee on Transportation Security and Infrastructure Protection held a joint hearing entitled "Enhancing and Implementing the Cyberse-

curity Elements of the Sector Specific Plans.” The Subcommittees received testimony from Hon. Gregory Garcia, Assistant Secretary, Cybersecurity and Communications, Department of Homeland Security; Mr. David Powner, Director, Information Technology Management Issues, Government Accountability Office; Mr. J. Michael Hickey, Chairman, Telecommunications Sector Coordinating Council, Vice President, Government Affairs-National Security Policy, Verizon; Mr. George Hender, Banking/Financial Sector Coordinating Council, Management Vice Chairman, Options Clearing Corporation; Dr. Michael O’Hanlon, Senior Fellow, Brookings Institution; Mr. Larry Clinton, President and CEO, Internet Security Alliance; Ms. Sally Katzen, Visiting Professor of Law, George Mason University School of Law; and Dr. Lawrence A. Gordon, Ernst & Young Alumni Professor, Managerial Accounting and Information Assurance, Robert H. Smith School of Business, University of Maryland.

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

On January 23, 2008, the Subcommittee on Transportation Security and Infrastructure Protection considered a Committee Print entitled “To amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes.” The Subcommittee ordered the measure to be forwarded to the Full Committee for consideration, amended, by unanimous consent. See further action on H.R. 5577 listed above.

On March 12, 2008, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “Partnerships in Securing Critical Infrastructure.” The Subcommittee received testimony from Mr. Doug Arnot, Senior Vice President, Games Operations, Chicago 2016; and Mr. Jeff Slotnick, President, Setracon Inc.

On May 14, 2008, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “Partnering with the Private Sector to Secure Critical Infrastructure: Has the Department of Homeland Security Abandoned the Resilience-Based Approach?” The Subcommittee received testimony from Hon. Robert Stephan, Assistant Secretary, Infrastructure Protection, Department of Homeland Security; Mr. Jonah J. Czerwinski, Senior Fellow, Homeland Security, IBM Global Leadership Initiative; Mr. Shawn Johnson, Vice Chairman, Financial Services, Sector Co-

ordinating Council, Mr. William Raisch, Director, International Center for Enterprise Preparedness, New York University; and Kevin Stephens, MD, Director, Health Department, City of New Orleans.

On June 25, 2008, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “The Good-year Explosion: Ensuring Our Nation is Secure by Developing a Risk Management Framework for Homeland Security.” The Subcommittee received testimony from Hon. Robert D. Jamison, Under Secretary, National Protection & Programs Directorate, Department of Homeland Security; Mr. Norman J. Rabkin, Managing Director, Homeland Security and Justice, Government Accountability Office; Mr. John P. Paczkowski, Director, Emergency Management and Security, Port Authority of New York and New Jersey; Mr. Raymond McInnis, Private Citizen, Widower of Victim of Good-year Explosion; James Jay Carafano, Ph.D., The Heritage Foundation; and Mr. John S. Morawetz, Director, Health and Safety, International Chemical Workers Union Council/UFCW.

#### SURFACE TRANSPORTATION SECURITY

On February 6, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “Update on Federal Rail and Public Transportation Security Efforts.” The Subcommittee received testimony from Hon. Edmund S. “Kip” Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; Mr. Terry Rosapep, Deputy Associate Administrator, Program Management, Federal Transit Administration, Department of Transportation; Mr. Michael Haley, Deputy Chief Counsel, Federal Railroad Administration, Department of Transportation; and Ms. Cathleen A. Berrick, Director, Homeland Security and Justice Issues, Government Accountability Office.

On February 13, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “Rail and Mass Transit Security: Industry and Labor Perspectives.” The Subcommittee received testimony from Mr. Fred Weiderhold, Inspector General, Amtrak; Ms. Nancy Wilson, Vice President for Security, Association of American Railroads; Mr. Lewis G. Schiliro, Director of Interagency Preparedness, Metropolitan Transportation Authority, State of New York; Mr. Gary Maslanka, International Vice President, Director of Railroad Division, Transport Workers Union; and Mr. John Murphy, Director, Teamster Rail Conference, International Brotherhood of Teamsters.

On June 19, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “Keeping the Border Secure: Examining Potential Threats Posed by Cross Border Trucking.” The Subcommittee received testimony from Mr. Bill Arrington, General Manager, Highway and Motor Carrier Division, Transportation Security Administration, Department of Homeland Security; Mr. Greg Olsavsky, Director, Cargo Control, Customs and Border Protection, Department of Homeland Security; Hon. Raul G. Salinas, Mayor, Laredo, Texas; Mr. Gregg M. Ward, Vice President, Detroit-Windsor Truck Ferry; and Mr. Stephen Russell, Chairman

and CEO, Celadon Group, Inc., testifying on behalf of the American Trucking Association.

On April 25, 2008, the Subcommittee on Transportation Security and Infrastructure Protection held a field hearing in Brooklyn, New York, entitled “Protecting the Mass Transit Critical Infrastructure in New York City and in the Nation.” The Subcommittee received testimony from Commissioner Raymond W. Kelly, New York Police Department; Hon. Michael Balboni, Deputy Secretary for Public Safety, State of New York; Mr. Thomas C. Lambert, Sr. Vice President & Chief of Police, Metropolitan Transit Authority of Harris County, Texas; and Mr. James C. Little, International President, Transportation Workers Union.

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SUBCOMMITTEE ON TRANSPORTATION SECURITY AND  
INFRASTRUCTURE PROTECTION HEARINGS HELD

- “Update on Federal Rail and Public Transportation Security Efforts.”* February 6, 2007. (Serial No. 110-1)
- “Rail and Mass Transit Security: Industry and Labor Perspectives.”* February 13, 2007. (Serial No. 110-5)
- “Impact of Background and Security Clearances on the Transportation Workforce.”* February 16, 2007. (Serial No. 110-9)
- “Foreign Ownership: Discussion of Challenges Posed by Foreign Ownership to Using Critical Infrastructure.”* March 23, 2007. (Serial No. 110-21)
- “Airport Security: The Necessary Improvements to Secure America’s Airports”* April 19, 2007. (Serial No. 110-25)
- “The Impact of Foreign Ownership and Foreign Investment on the Security of Our Nation’s Critical Infrastructure.”* May 16, 2007. (Serial No. 110-36)
- “Keeping the Border Secure: Examining Potential Threats Posed by Cross Border Trucking.”* June 19, 2007. (Serial No. 110-50)
- “Chemical Security-A Rising Concern for America: Examination of the Department’s Chemical Security Regulations and its Effect on the Public and Private Sector.”* July 24, 2007. (Serial No. 110-60)
- “Managing Risk and Increasing Efficiency: An Examination of the Implementation of the Registered Traveler Program.”* July 31, 2007. (Serial No. 110-64)
- “Aviation Security: Are We Truly Protected?”* October 16, 2007. (Serial No. 110-77)
- Joint hearing with the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology *“Enhancing and Implementing the Cybersecurity Elements of the Sector Specific Plans.”* October 31, 2007. (Serial No. 110-82)
- “Aviation Security Part II: A Frontline Perspective on the Need for Enhanced Human Resources and Equipment.”* November 1, 2007. (Serial No. 110-77)
- H.R. \_\_, the *“Chemical Facility Anti-Terrorism Act of 2008.”* December 12, 2007. (Serial No. 110-89)
- “Partnerships in Securing Critical Infrastructure.”* March 12, 2008. (Serial No. 110-100)

- “Moving Beyond the First Five Years: How the Transportation Security Administration will Continue to Enhance Security for All Modes of Transportation.”* April 15, 2008. (Serial No. 110-105)
- “Protecting the Mass Transit Critical Infrastructure in New York City and in the Nation.”* April 25, 2008. (Serial No. 110-109)
- “Partnering with the Private Sector to Secure Critical Infrastructure: Has the Department of Homeland Security Abandoned the Resilience-Based Approach?”* May 14, 2008. (Serial No. 110-114)
- “The Goodyear Explosion: Ensuring Our Nation is Secure by Developing a Risk Management Framework for Homeland Security.”* June 25, 2008 (Serial No. 110-123)
- “The Next Step in Aviation Security-Cargo Security: Is DHS Implementing the Requirements of the 9/11 Law Effectively?”* July 15, 2008 (Serial No. 110-126)
- “Ensuring America’s Security: Cleaning Up the Nation’s Watchlists.”* September 9, 2008. (Serial No. 110-135)

## SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND SCIENCE AND TECHNOLOGY

JAMES R. LANGEVIN, Rhode Island, *Chairman*

ZOE LOFGREN, California  
DONNA M. CHRISTENSEN, Virgin  
Islands  
BOB ETHERIDGE, North Carolina  
AL GREEN, Texas  
BILL PASCRELL, JR, New Jersey  
BENNIE G. THOMPSON, Mississippi  
(*Ex Officio*)

MICHAEL T. MCCAUL, Texas  
DANIEL E. LUNGREN, California  
GINNY BROWN-WAITE, Florida  
PAUL C. BROUN, Georgia  
PETER T. KING, New York  
(*Ex Officio*)

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held 21 days of hearings, received testimony from 95 witnesses, and considered 3 measures.

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### LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

#### CYBERSECURITY EDUCATION ENHANCEMENT ACT OF 2007

##### H.R. 263

To authorize the Secretary of Homeland Security to establish a program to award grants to institutions of higher education for the establishment or expansion of cybersecurity professional development programs, and for other purposes.

#### *Legislative History*

H.R. 263 was introduced in the House by Ms. Jackson-Lee of Texas on January 5, 2007, and referred to the Committee on Science and Technology, and in addition to the Committee on Education and Labor and the Committee on Homeland Security. Within the Committee on Homeland Security, H.R. 263 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

On June 26, 2008, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology was discharged from consideration of H.R. 263.

The Full Committee considered H.R. 263 on June 26, 2008, and ordered the measure reported to the House, amended, with a favorable recommendation by voice vote.

The Committee reported H.R. 263 to the House on September 8, 2008, as H. Rpt. 110-829, Pt. 1.

On September 12, 2008, the Chairman of the Committee on Science and Technology sent a letter to the Chairman of the Committee on Homeland Security indicating a jurisdictional interest in



H.R. 263 as reported by the Committee on Homeland Security. In order to expedite consideration, the Chair agreed to not seek a sequential referral on H.R. 263 and requested support for the appointment of Conferees should a House-Senate Conference be called.

On September 18, 2008, the Chairman of the Committee on Education and Labor sent a letter to the Chairman of the Committee on Homeland Security indicating a jurisdictional interest in H.R. 263, but agreeing to waive consideration in order to expedite consideration on the House Floor. The letter further requested an appointment of conferees should a House-Senate Conference be called. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Education and Labor acknowledging the jurisdictional interests of the Committee on Education and Labor, and agreeing to support the appointment of Conferees should a House-Senate Conference be called.

PROMOTING ANTITERRORISM COOPERATION THROUGH TECHNOLOGY  
AND SCIENCE ACT

H.R. 884

To provide for the establishment of the Science and Technology Homeland Security International Cooperative Programs Office, and for other purposes.

*Legislative History*

H.R. 884 was introduced in the House by Mr. King of New York, Mr. Thompson of Mississippi, and 12 original co-sponsors on February 7, 2007. H.R. 884 was referred solely to the Committee on Homeland Security. Within the Committee, H.R. 884 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

The Chairman of the Committee on Science and Technology sent a letter to the Chairman of the Committee on Homeland Security on February 26, 2007, indicating jurisdictional interests within H.R. 884 and agreeing not seek a sequential referral of the legislation in order to expedite consideration on the House Floor. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Science and Technology acknowledging the jurisdictional interests of the Committee on Science and Technology and their agreement not request a sequential referral of the measure. The letter further agreed to support a request for appointment of Conferees should a House-Senate Conference be called.

The Chairman of the Committee on Foreign Affairs sent a letter to the Chairman of the Committee on Homeland Security on February 27, 2007, indicating jurisdictional interests within H.R. 884 and agreeing not to seek a sequential referral of the legislation in order to expedite consideration on the House Floor. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Foreign Affairs acknowledging the jurisdictional interests of the Committee on For-

eign Affairs and their agreement not request a sequential referral of the measure. The letter further agreed to support a request for appointment of Conferees should a House-Senate Conference be called.

On February 27, 2007, the House agreed to Suspend the Rules and pass H.R. 884 by a  $\frac{2}{3}$  recorded vote of 396 yeas and 16 nays.

H.R. 884 was received in the Senate, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs on February 28, 2007.

Provisions of H.R. 884 were included in Title XIX of P.L. 110-53. See discussion of H.R. 1 listed above.

#### SECURE HANDLING OF AMMONIUM NITRATE

##### H.R. 1680

To authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes.

##### *Legislative History*

H.R. 1680 was introduced in the House by Mr. Thompson of Mississippi, Mr. King of New York, and 6 original co-sponsors on March 26, 2007. The measure was referred solely to the Committee on Homeland Security. Within the Committee, H.R. 1680 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology considered H.R. 1680 on March 29, 2007, and ordered the measure to be forwarded to the Full Committee with a favorable recommendation, without amendment, by voice vote.

The Full Committee considered H.R. 1680 on April 26, 2007, and ordered the measure favorably reported to the House, amended, by voice vote. The Committee reported H.R. 1680 to the House on October 2, 2007, as H. Rpt. 110-357.

On October 23, 2007, the House agreed to Suspend the Rules and pass H.R. 1680 as amended, by voice vote.

H.R. 1680 was received in the Senate on October 24, 2007, read twice and referred to the Senate Committee on Homeland Security and Governmental Affairs

H.R. 1680 was included in Section 550 of H.R. 2638, the "Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009"; P.L. 110-329. See action taken on H.R. 2638 listed above.

#### NATIONAL BIO- AND AGRO-DEFENSE FACILITY

##### H.R. 1717

To amend the Homeland Security Act of 2002 to establish a National Bio- and Agro-defense Facility, and for other purposes.

*Legislative History*

H.R. 1717 was introduced in the House by Mr. McCaul and 5 original co-sponsors on March 27, 2007. The measure was referred to the Committee on Homeland Security, and in addition to the Committee on Agriculture, and the Committee on Energy and Commerce. Within the Committee on Homeland Security, H.R. 1717 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology considered H.R. 1717 on June 6, 2007, and ordered the measure forwarded to the Full Committee, amended, by voice vote.

The Full Committee considered H.R. 1717 on August 1, 2007, and ordered the measure favorably reported to the House, amended, by voice vote.

On August 1, 2008, the Committee on Homeland Security reported H.R. 1717 to the House as H. Rpt. 110-819, Part I. Subsequently, the Committee on Agriculture was discharged, and the Committee on Energy and Commerce was granted an extension for further consideration ending not later than September 12, 2008. The referral of H.R. 1717 to the Committee on Energy and Commerce was extended on September 12, 2008, for a period ending not later than September 26, 2008. The referral of H.R. 1717 to the Committee on Energy and Commerce was extended on September 26, 2008, for a period ending not later than October 2, 2008. The referral of H.R. 1717 to the Committee on Energy and Commerce was extended on October 2, 2008, for a period ending not later than October 3, 2008. The referral of H.R. 1717 to the Committee on Energy and Commerce was extended on October 3, 2008, for a period ending not later than January 3, 2009.

#### NUCLEAR FORENSICS AND ATTRIBUTION ACT

#### H.R. 2631

To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material.

*Legislative History*

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

On October 10, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing on H.R. 2631, the Nuclear Forensics and Attribution Act. The Subcommittee received testimony from Hon. Adam B. Schiff, the Representative in Congress from the Twenty-Ninth District in the State of California; Mr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security; Dr. Steven Aoki, Deputy Under Secretary for Counterterrorism, National Nu-

clear Security Administration, Department of Energy; Mr. Mike Evenson, Associate Director for Operations, Defense Threat Reduction Agency, Department of Defense; Dr. Vahid Majidi, Assistant Director, Weapons of Mass Destruction Directorate, Federal Bureau of Investigation, Department of Justice; Mr. Andrew Grant, Acting Director for WMD Terrorism, Bureau of International Security and Nonproliferation, Department of State; and Dr. Carol Burns, Group Leader, Nuclear and Radiochemistry, Chemistry Division, Los Alamos National Laboratory.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology considered H.R. 2631 on October 31, 2007, and forwarded the measure to the Full Committee with a favorable recommendation, amended.

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

The Chairman of the Committee on Science and Technology sent a letter to the Chairman of the Committee on Homeland Security on May 28, 2008, agreeing to not seek a sequential referral of H.R. 2631. On May 28, 2008, The Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Science and Technology acknowledging the jurisdictional interests of the Committee on Science and Technology and agreed to support the appointment of Conferees should a House-Senate Conference be requested.

The Chairman of the Committee on Foreign Affairs sent a letter to the Chairman of the Committee on Homeland Security on June 11, 2008, agreeing to waive further consideration of H.R. 2631 in order to expedite consideration on the House Floor. The letter further requested support for the appointment of Conferees should a House-Senate Conference be requested. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Foreign Affairs agreeing to the jurisdictional interests of the Committee on Foreign Affairs, and the request to expedite consideration of the measure. The letter further agreed to support the request for Conferees should a House-Senate Conference be called.

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

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

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

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

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

## NEXT GENERATION RADIATION SCREENING ACT OF 2008

## H.R. 5531

To amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors, and for other purposes.

*Legislative History*

H.R. 5531 was introduced in the House by Mr. King of New York and Mr. McCaul of Texas on March 5, 2008, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 5170 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

On June 26, 2008, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology was discharged from consideration of H.R. 5531.

On June 26, 2008, the Committee on Homeland Security considered H.R. 5531 and ordered the measure reported to the House, amended, by voice vote. The Committee on Homeland Security reported H.R. 5531 to the House on July 22, 2008, as H. Rpt. 110-764.

The House considered H.R. 5531 under Suspension of the Rules on July 28, 2008, and on July 30, 2008, passed the measure by voice vote.

H.R. 5531 was received in the Senate on July 31, 2008, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

On September 9, 2008, the Committee was referred Executive Communication 8178, a letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the measure H.R. 5531.

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OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

## SCIENCE AND TECHNOLOGY BUDGET

The purpose of the hearing is to provide Members an opportunity to discuss the budget and strategic agenda of the Science and Technology (S&T) Directorate at the Department of Homeland Security. Understand the overall management and agenda of the S&T Directorate and the FY 2008 President's budget request.

On February 14, 2007, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "Understanding the Budget and Strategic Agenda of the Science and Technology Directorate." The Subcommittee received testimony from Admiral Jay Cohen, Under Secretary for Science and Technology, Department of Homeland Security; and Mr. Richard "Dick" Williams, Chief Financial Officer for Science and Technology, Department of Homeland Security.

As a result of this hearing, the Committee introduced and considered the Department of Homeland Security Authorization for FY 2007, (H.R. 1684).

## RADIATION DETECTION TECHNOLOGIES

On March 14, 2007, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "Countering the Nuclear Threat to the Homeland: Evaluating the Procurement of Radiation Detection Technologies." The Subcommittee received testimony from Dr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security, and Mr. Gene Aloise, Director, Natural Resources and Environment, U.S. Government Accountability Office.

This hearing was the first in a series of hearings the Committee held on the Domestic Nuclear Detection Office (DNDO), specifically with regard to the procurement of Advanced Spectroscopic Portal (ASP) monitors.

On March 21, 2007, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "Countering the Nuclear Threat to the Homeland: Evaluating the Deployment of Radiation Detection Technologies." The Subcommittee received testimony from Mr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security, and Mr. Jayson Ahern, Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security. This hearing expands upon the previous hearing on DNDO's procurement of Advanced Spectroscopic Portal (ASP) monitors held March 14, 2007.

This hearing was designed to update members on the deployment and use of Radiation Portal Monitors (RPM) and other equipment used for the detection of nuclear and radiological materials at our Nation's ports of entry (POE).

## BIOSHIELD

This hearing was part of the Committee's oversight over Project BioShield (P.L. 108-276), a program designed to facilitate accelerated procurement of medical countermeasures such as drugs, vaccines, and medical devices for addition to the Strategic National Stockpile (SNS). To date, Project BioShield has awarded contracts for immunizing against or treating anthrax, smallpox, botulinum toxin, and radiological sicknesses. The Department of Homeland Security's Material Threat Determinations lists a total of 13 agents of concern.

On April 18, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled "Can BioShield Effectively Procure Medical Countermeasures that Safeguard the Nation?" The Subcommittee received testimony from Mr. Jim Panek, President and Chief Executive Officer, VaxGen Inc.; Mr. Richard Hollis, Chief Executive Officer, Hollis-Eden Pharmaceuticals, Inc.; James H. Davis, Ph.D., J.D., Senior Vice President and General Counsel, Human Genome Sciences; Jeffrey Runge, M.D., Assistant Secretary for Health Affairs (Acting) and Chief Medical Officer, Office of Health Affairs, Department of Homeland Security; Gerry Parker, Ph.D., DVM, Principal Deputy Assistant Secretary, Office of the Assistant Secretary for Preparedness and Response, Department of Health and Human Services; Anthony Fauci, M.D., Director, National Institutes of Allergy and

Infectious Diseases, National Institutes of Health, Department of Health and Human Services; and Jesse Goodman, MD., MPH., Director, Center for Biologics Evaluation and Research, Food and Drug Administration, Department of Health and Human Services.

#### CYBERSECURITY: HACKERS

The infiltration by foreign nationals of Federal Government networks is one of the most critical issues confronting our Nation. Federal networks have been under attack for years; these attacks have resulted in the loss of massive amounts of critical information. The purpose of this hearing is to afford Members the opportunity to understand how deeply our systems have been penetrated. Experts believe that the remediation efforts that are currently underway are not able to completely clear out hackers from government networks.

On April 19, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled "Cyber Insecurity: Hackers are Penetrating Federal Systems and Critical Infrastructure." The Subcommittee received testimony from Mr. Greg Wilshusen, Director, Information Security Issues, Government Accountability Office; Mr. Donald Reid, Senior Coordinator for Security Infrastructure, Bureau of Diplomatic Security, Department of State; Mr. Dave Jarrell, Manager, Critical Infrastructure Protection Program, Department of Commerce; Mr. Jerry Dixon, Director, National Cyber Security Division, Department of Homeland Security; Mr. Aaron Turner, Cybersecurity Strategist, National & Homeland Security, Idaho National Laboratory; and Mr. Ken Silva, Chief Security Officer, VeriSign.

Shortly after this hearing, the Committee began an investigation into the cybersecurity posture of the Department of Homeland Security, sending several letters to the Department's Chief Information Officer.

#### CYBERSECURITY: VULNERABILITIES

In a previous hearing, Members heard testimony about the vulnerabilities within Federal infrastructure that are exploited by sophisticated cyber attackers. That hearing was designed to provide Members with the background and understanding that cyber attack and loss of sensitive information from our Federal information systems is a widespread, serious problem. During the April 25 hearing, Members heard from witnesses who described a compelling and urgent need to dramatically reduce the vulnerability of the National information infrastructure to attack. These witnesses urged major, strategic investments that could significantly reduce vulnerability over a five to ten year period.

On April 25, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled "Addressing the Nation's Cybersecurity Challenges: Reducing Vulnerabilities Requires Strategic Investment and Immediate Action." The Subcommittee received testimony from Dr. Daniel E. Geer, Jr., Principal, Geer Risk Services, LLC; Dr. James Andrew Lewis, Director and Senior Fellow, Technology and Public Policy

Program, Center for Strategic and International Studies; Dr. Douglas Maughan, Program Manager, Cyber Security R&D, science and Technology Directorate, Department of Homeland Security; and Mr. O. Sami Saydjari, President, Professionals for Cyber Defense Chief Executive Officer, Cyber Defense Agency, LLC.

The Committee began conducting a review of the Department's information system security in April 2007. On April 30, the Committee sent Chief Information Officer Scott Charbo a letter requesting responses to 13 questions; on May 31, the Committee sent a 12 question follow-up. The Committee discovered that the Department of Homeland Security has experienced a number of cybersecurity incidents on its systems. In a response to an investigation, the Department of Homeland Security reported that 844 "cybersecurity incidents" took place on its networks during FY 2005 and FY 2006. This hearing offered a chance to publicly discuss these issues.

On June 20, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled "Hacking the Homeland: Investigating Cybersecurity Vulnerabilities at the Department of Homeland Security." The Subcommittee received testimony from Mr. Scott Charbo, Chief Information Officer, Department of Homeland Security; Mr. Greg Wilshusen, Director, Information Security Issues, Government Accountability Office; and Mr. Keith A. Rhodes, Chief Technologist, Director, Center for Technology and Engineering, Government Accountability Office.

#### NATIONAL BIO- AND AGRO-DEFENSE FACILITIES

On May 23, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled "Reducing Threats to our Nation's Agriculture: Authorizing a National Bio and Agro-Defense Facility." The Subcommittee received testimony from Dr. John Vitko, Head, Chemical and Biological Division, Science and Technology Directorate, Department of Homeland Security; Dr. Edward Knipping, Administrator, Agricultural Research Service, Department of Agriculture; and Mr. Kevin Shea, Assistant Administrator, Animal and Plant Health Inspection Service, Department of Agriculture.

#### SCIENCE AND TECHNOLOGY: STRATEGIC PLAN

The Homeland Security Act of 2002 charges the Under Secretary of S&T with developing a "national policy and strategic plan" for civilian homeland security R&D across the Federal Government. In June 2007, the Under Secretary of Science and Technology submitted a strategic plan and five year research and development plan to the Congress. However, this strategic plan was not submitted pursuant to the Homeland Security Act requirements in Section 302; it was submitted pursuant to Conference report language in the Homeland Security Appropriations Act of 2007. The Under Secretary acknowledged that the statutorily required plan still had not been submitted.

On June 27, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled "A



Roadmap for Security? Examining the Science and Technology Directorate's Strategic Plan." The Subcommittee received testimony from Hon. Jay Cohen, Under Secretary, Science and Technology, Department of Homeland Security.

#### AGRICULTURE SECURITY

This hearing will discuss the Federal efforts to mitigate vulnerabilities in the food supply chain. Imports of contaminated food from China – pet food laced with the chemical melamine, toothpaste with the poisonous compound diethyl glycol and seafood with carcinogenic antimicrobials – shows how vulnerable the food supply is to intentional acts of terrorism. This hearing will discuss the Federal implementation of HSPD-9 and its requirements of a coordinated food and agriculture protection program. Additionally, we will examine the Federal coordination with State and local officials in its fulfillment of HSPD-9.

On July 24, 2007, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "Federal Efforts to Mitigate Vulnerabilities in the Food Supply Chain." The Subcommittee received testimony from Dr. David Acheson, Assistant Commissioner, Food Protection, U. S. Food and Drug Administration; Dr. Carol Maczka, Assistant Administrator, Office of Food Defense and Emergency Response, Food Safety Inspection Service; Dr. Tom McGinn, Chief Veterinarian and Director, Food and Agriculture Security, Office of Health Affairs, Department of Homeland Security; Mr. Dan Baldwin, Assistant Commissioner, Office of International Trade, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Shaun Kennedy, Deputy Director, National Center for Food Protection and Defense, University of Minnesota-Twin Cities Campus; Dr. Craig Henry, Senior Vice President, Chief Operating Officer, Scientific and Regulatory Affairs, Grocery Manufacturers Association and Food Products Association; and Dr. Lee M. Myers, State Veterinarian, Assistant Commissioner of Animal Industry, Georgia Department of Agriculture.

#### SECURING RADIOLOGICAL MATERIALS

On July 25, 2007, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a joint Classified Member briefing on securing radioactive materials to prevent a terrorist attack using a radiological dispersion devices. Representatives from the Department of Homeland Security and Sandia National Laboratory provided Members with an update.

#### SITE VISIT TO NEW YORK ON RADIOLOGICAL THREATS

On September 24, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment and the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology of the Committee on Homeland Security held a joint site visit to New York City. The Subcommittees were led by the

New York City Police Department (NYPD) and attended briefings on the radiological threat and for tours of facilities that maintain stocks of radiological materials.

#### PANDEMIC INFLUENZA

The purpose of this hearing was to provide Members with the opportunity to 1) explore insufficiencies in the National Strategy for Pandemic Influenza and its Implementation Plan, 2) examine the interactions between the Department of Homeland Security and the Department of Health and Human Services as they co-lead activities to manage an influenza pandemic when it does strike the Nation, 3) identify State and local challenges in obtaining the resources and guidance necessary to prepare for and respond to pandemic influenza, and 4) identify areas for immediate action to improve the National Strategy and its execution throughout the governmental and nongovernmental sectors.

On September 26, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Beyond the Checklist: Addressing Shortfalls in National Pandemic Influenza Preparedness.” The Subcommittee received testimony from Ms. Bernice Steinhardt, Director, Strategic Issues, Government Accountability Office; B. Tilman Jolly, MD, Associate Chief Medical Officer for Medical Readiness, Office of Health Affairs, Department of Homeland Security; RADM W. Craig Vanderwagen, MD, Assistant Secretary for Preparedness and Response, Department of Health and Human Services; L. Anthony Cirillo, MD, Chief, Center for Emergency Preparedness and Response, Rhode Island Department of Health; Peter A. Shult, PhD, Director, Communicable Diseases Division, Wisconsin State Laboratory of Hygiene; Michael C. Caldwell, MD, MPH, Commissioner, Dutchess County Health Department, Poughkeepsie, New York; and David L. Lakey, MD, Commissioner, Texas Department of State Health Services, Center for Consumer and External Affairs.

#### CYBERSECURITY: ELECTRIC GRID

The effective functioning of our critical infrastructure — from dams, to water systems, to factories, to the electric grid — is highly dependent on control systems, computer-based systems that are used to monitor and control sensitive processes and physical functions. Once largely proprietary, closed-systems, control systems are becoming increasingly connected to open networks, such as corporate intranets and the Internet. The use of control systems, including Supervisory Control and Data Acquisition (SCADA) systems, enables operators to monitor and control processes and even facilities from a centralized location or even automate processes that do not need constant human supervision. The purpose of this hearing is to afford Members the opportunity to understand how critical it is to properly secure these control systems upon which our society is so dependent.

On October 17, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “The Cyber Threat to Control Systems: Stronger Regulations are

Necessary to Secure the Electric Grid.” The Subcommittee received testimony from Mr. Greg Wilshusen, Director, Information Security Issues, Government Accountability Office; Mr. Greg Garcia, Assistant Secretary, Office of Cyber Security and Telecommunication, Department of Homeland Security; Mr. Tim Roxey, Technical Assistant to the President CGG/Securit , Deputy to the Chair, NSCC & PCIS, Constellation Generation Group; Mr. Joe Weiss, Managing Director, Applied Control Solutions; Mr. Joseph McClelland, Director, Office of Electric Reliability, Federal Energy Regulatory Commission; Mr. David Whiteley, Executive Vice President, North American Electric Reliability Corporation.

The purpose of this hearing is to afford Members the opportunity to understand the framework used by the Department of Homeland Security (DHS) in CIP; the efforts conducted by the Office of Cybersecurity and Communications (CS&C) to ensure that cybersecurity is being considered in CIP; and the progress of several sectors in securing their infrastructure from a cybersecurity perspective.

On October 31, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology and the Subcommittee on Transportation Security and Infrastructure Protection held a joint hearing entitled “Enhancing and Implementing the Cybersecurity Elements of the Sector Specific Plans.” The Subcommittees received testimony from Mr. Greg Garcia, Assistant Secretary, Office of Cyber Security and Telecommunication, Department of Homeland Security; Mr. David Powner, Director, Information Technology Management Issues, Government Accountability Office; Mr. J. Michael Hickey, Chairman, Telecommunications Sector Coordinating Council, Vice President, Government Affairs-National Security Policy, Verizon; Mr. George Hender, Banking/Financial Sector Coordinating Council, Management Vice Chairman, Options Clearing Corporation; Dr. Michael O’Hanlon, Senior Fellow, Brookings Institution; Mr. Larry Clinton, President and CEO, Internet Security Alliance; Ms. Sally Katzen, Visiting Professor of Law, George Mason University School of Law; and Dr. Lawrence A. Gordon, Ernst & Young Alumni Professor, Managerial Accounting and Information Assurance, Robert H. Smith School of Business, University of Maryland.

#### OTHER TRANSACTION AUTHORITY

On February 7, 2008, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Other Transaction Authority: Flexibility at the Expense of Accountability?” The Subcommittee received testimony from Mr. Thomas Essig, Chief Procurement Officer, Department of Homeland Security; Dr. Keith B. Ward, Chief Research and Development Branch, Chemical and Biological Division, Science and Technology, Department of Homeland Security; Dr. Elaine Halchin, Analyst, American National Government, Congressional Research Service; and Mr. John Needham, Acting Director, Acquisition and Sourcing Management Government Accountability Office.

## NUCLEAR SMUGGLING DETECTION

On March 5, 2008, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Nuclear Smuggling Detection: Recent Tests of Advanced Spectroscopic Portal Monitors.” The Subcommittee received testimony from Mr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security; Ms. Elaine C. Duke, Deputy Under Secretary for Management, Department of Homeland Security; and Mr. George E. Thompson, Deputy Director, Programs, Homeland Security Institute.

## DHS SCIENCE AND TECHNOLOGY

On April 1, 2008, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled “The Future of Science and Technology at the Department of Homeland Security.” The Subcommittee received testimony from Hon. Jay Cohen, Under Secretary, Science and Technology, Department of Homeland Security.

## DHS SCIENCE AND TECHNOLOGY

On May 21, 2008, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Implications of Cyber Vulnerabilities on the Resiliency and Security of the Electric Grid.” The Subcommittee received testimony from Hon. Joseph T. Kelliher, Chairman, Federal Energy Regulatory Commission; Mr. Richard Sergel, President and Chief Executive Officer, North American Electric Reliability Corporation; Mr. Greg Wilshusen, Director, Information Security Issues, Government Accountability Office; and Mr. William R. McCollum, Jr., Chief Operating Officer, Tennessee Valley Authority.

## BIOSURVEILLANCE

On July 16, 2008, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “One Year Later — Implementing the Biosurveillance Requirements of the ‘9/11 Act.’” The Subcommittee received testimony from Mr. Robert Hooks, Deputy Assistant Secretary for WMD and Bio-Defense, Office of Health Affairs, Department of Homeland Security; Mr. Eric Myers, Director, National Biosurveillance Integration Center, Office of Health Affairs, Department of Homeland Security; Mr. William Jenkins, Jr., Director, Homeland Security and Justice Issues, Government Accountability Office; Dr. James Wilson, V, Chief Technical Officer and Chief Scientist, Veratect Corporation; Dr. Jeffrey Stieffel, Director, BioWatch, Office of Health Affairs, Department of Homeland Security; and Dr. Frances Downes, State Public Health Laboratory Director, Michigan Department of Community Health.

## PUBLIC HEALTH PREPAREDNESS

On July 22, 2008, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a field hearing in Providence, Rhode Island entitled “Emerging Biological Threats and Public Health Preparedness: Getting Beyond Getting Ready.” The Subcommittee received testimony from Dr. Jeffrey W. Runge, Assistant Secretary for Health Affairs and Chief Medical Officer, Department of Homeland Security; RADM W. Craig Vanderwagen, MD, Assistant Secretary for Preparedness and Response, Department of Health and Human Services; Captain Peter Boynton, Deputy Regional PFO for Pandemic Influenza and Federal Security Director Bradley International Airport (Connecticut), Transportation Security Administration, Department of Homeland Security; Dr. Michael G. Kurilla, Director, Office of Biodefense Research Affairs and Associate Director for Biodefense Product Development, National Institute of Allergy and Infectious Diseases, National Institutes of Health; Dr. Daniel M. Sosin, Director, Biosurveillance Coordination Unit, and Associate Director for Science, Coordinating Office for Terrorism Preparedness and Emergency Response, Centers for Disease Control and Prevention; Dr. David Gifford, Director of Health, Rhode Island Department of Health; MG Robert T. Bray, Adjutant General, Rhode Island, Commanding General, Rhode Island National Guard, Director, Rhode Island Emergency Management Agency; and Homeland Security Advisor, State of Rhode Island; Mr. Thomas J. Kilday, Jr., Homeland Security Program Manager, Rhode Island Emergency Management Agency; and Hon. Peter T. Ginaitt, Director, Emergency Preparedness, Lifespan Hospital Network.

## HSPD-19

On July 23, 2008, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a classified Member briefing on Homeland Security Presidential Directive-19 (HSPD-19) “Combating Terrorist Use of Explosives in the United States.”

## CYBERSECURITY IN THE NEXT ADMINISTRATION

On September 16, 2008, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Cybersecurity Recommendations for the Next Administration.” The Subcommittee received testimony from Mr. David Powner, Director, Information Management Issues, Government Accountability Office; Dr. James A. Lewis, Project Director, Commission on Cybersecurity for the 44th Presidency, Center for Strategic and International Studies; Lt. General Harry D. Raduege, Jr., Co-Chairman, Commission on Cybersecurity for the 44th Presidency, Center for Strategic and International Studies; Mr. Paul Kurtz, Member, Commission on Cybersecurity for the 44th Presidency, Center for Strategic and International Studies.

## PANDEMIC INFLUENZA

On September 23, 2008, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a Member briefing on pandemic influenza. Representatives from the Office of Health Affairs (DHS), the National Exercise Program (DHS), the Operations Directorate (DHS), and the Office of the Assistant Secretary for Preparedness and Response (HHS) provided the briefing.

## ADVANCED SPECTROSCOPIC PORTAL MONITORS

On September 24, 2008, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a Classified Member briefing on radiation detection and the Advanced Spectroscopic Portal monitors. Representatives from the Department of Homeland Security's Domestic Nuclear Detection Office (DNDO) and Customs and Border Protection (CBP), and the Government Accountability Office (GAO), and provided the briefing. The Congressional Research Service attended the briefing.

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 SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND  
SCIENCE AND TECHNOLOGY HEARINGS HELD

- “Understanding the Budget and Strategic Agenda of the Science and Technology Directorate.”* February 14, 2007. (Serial No. 110-6)
- “Countering the Nuclear Threat to the Homeland: Evaluating the Procurement of Radiation Detection Technologies.”* March 14, 2007. (Serial No. 110-14)
- “Countering the Nuclear Threat to the Homeland: Evaluating the Deployment of Radiation Detection Technologies.”* March 21, 2007. (Serial No. 110-14)
- “Can BioShield Effectively Procure Medical Countermeasures that Safeguard the Nation?”* April 18, 2007. (Serial No. 110-23)
- “Cyber Insecurity: Hackers are Penetrating Federal Systems and Critical Infrastructure.”* April 19, 2007. (Serial No. 110-26)
- “Addressing the Nation’s Cybersecurity Challenges: Reducing Vulnerabilities Requires Strategic Investment and Immediate Action.”* April 25, 2007. (Serial No. 110-30)
- “Reducing Threats to Our Nation’s Agriculture: Authorizing a National Bio and Agro-Defense Facility.”* May 23, 2007. (Serial No. 110-40)
- “Hacking the Homeland: Investigating Cybersecurity Vulnerabilities at the Department of Homeland Security.”* June 20, 2007. (Serial No. 110-52)
- “A Roadmap for Security? Examining the Science and Technology Directorate’s Strategic Plan.”* June 27, 2007. (Serial No. 110-53)
- “Federal Efforts to Mitigate Vulnerabilities in the Food Supply Chain.”* July 24, 2007. (Serial No. 110-59)
- “Beyond the Checklist: Addressing Shortfalls in National Pandemic Influenza Preparedness.”* September 26, 2007. (Serial No. 110-72)
- “Practicing Like We Play: Examining Homeland Security Exercises.”* October 3, 2007. (Serial No. 110-74)

- Hearing on H.R. 2631, the "*Nuclear Forensics and Attribution Act.*" October 10, 2007. (Serial No. 110-76)
- "*The Cyber Threat to Control Systems: Stronger Regulations are Necessary to Secure Electric Grid.*" October 17, 2007. (Serial No. 110-78)
- Joint hearing with the Subcommittee on Transportation Security and Infrastructure Protection "*Enhancing and Implementing the Cybersecurity Elements of the Sector Specific Plans.*" October 31, 2007. (Serial No. 110-82)
- "*Other Transaction Authority: Flexibility at the Expense of Accountability?*" February 7, 2008. (Serial No. 110-92)
- "*Nuclear Smuggling Detection: Recent Tests of Advanced Spectroscopic Portal Monitors.*" March 5, 2008. (Serial No. 110-99)
- "*The Future of Science and Technology at the Department of Homeland Security.*" April 1, 2008. (Serial No. 110-102)
- "*Implications of Cyber Vulnerabilities on the Resiliency and Security of the Electric Grid.*" May 21, 2008. (Serial No. 110-117)
- "*One Year Later-Implementing the Biosurveillance Requirements of the '9/11 Act'*" July 16, 2008 (Serial No. 110-128)
- Field hearing in Providence, RI, "*Emerging Biological Threats and Public Health Preparedness: Getting Beyond Getting Ready.*" July 22, 2008. (Serial No. 110-131)
- "*Cybersecurity Recommendations for the Next Administration.*" September 16, 2008. (Serial No. 110-138)

## SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

HENRY CUELLAR, Texas, *Chairman*

LORETTA SANCHEZ, California	CHARLES W. DENT, Pennsylvania
NORMAN D. DICKS, Washington	MARK E. SOUDER, Indiana
NITA M. LOWEY, New York	MIKE ROGERS, Alabama
ELEANOR HOLMES NORTON, District of Columbia	DAVID DAVIS, Tennessee
DONNA M. CHRISTENSEN, Virgin Islands	CANDICE S. MILLER, Michigan
BOB ETHERIDGE, North Carolina	PETER T. KING, New York ( <i>Ex Officio</i> )
BENNIE G. THOMPSON, Mississippi ( <i>Ex Officio</i> )	

The Subcommittee on Emergency Communications, Preparedness, and Response held 18 days of hearings, receiving testimony from 87 witnesses, and considered 3 measures.

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### LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

#### CIVIL AIR PATROL

##### H.R. 1333

To amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions.

#### *Legislative History*

H.R. 1333 was introduced in the House on March 6, 2007, by Mr. Dent and 32 original co-sponsors. H.R. 1333 was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure. Within the Committee on Homeland Security, the measure was referred to the Subcommittee on Emergency Communications, Preparedness and Response.

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

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



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

The Committee reported H.R. 1333 to the House as H.Rpt. 110-691, Pt. 1. Referral of the measure to the Committee on Transportation and Infrastructure extended for a period ending not later than June 13, 2008.

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

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

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

#### NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM ACT OF 2007

##### H.R. 4183

To amend the Homeland Security Act of 2002 to establish the National Urban Search and Rescue Response System.

##### *Legislative History*

H.R. 4183 was introduced in the House on November 14, 2007, by Ms. Loretta Sanchez of California, Mr. Dent, Mr. Cuellar, Mr. McCaul of Texas, and Ms. Clarke. H.R. 4183 was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security. Within the Committee on Homeland Security, the measure was referred to the Subcommittee on Emergency Communications, Preparedness, and Response.

The Subcommittee on Emergency Communications, Preparedness and Response considered H.R. 4183 on April 30, 2007, and forwarded the measure to the Full Committee for consideration, amended, by voice vote.

#### CITIZEN AND COMMUNITY PREPAREDNESS ACT OF 2008

##### H.R. 5890

To amend the Homeland Security Act of 2002 to establish the Community Preparedness Division of the Department of Homeland Security and the Citizen Corps Program, and for other purposes.

##### *Legislative History*

H.R. 5890 was introduced in the House on April 24, 2008, by Mr. Cuellar, Mr. Dent and six original co-sponsors. H.R. 5890 was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security. Within the Committee on Homeland Security, the measure was referred to the Subcommittee on Emergency Communications, Preparedness and Response.

The Subcommittee on Emergency Communications, Preparedness, and Response considered H.R. 5890 on April 30, 2007, and

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

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## OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

### FEMA REFORM

On February 28, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled “Reforming FEMA: Are We Making Progress?” The Subcommittees received testimony from Hon. R. David Paulison, Under Secretary for Federal Emergency Management, Federal Emergency Management Agency, Hon. George Foresman, Under Secretary for Preparedness, Department of Homeland Security, and Mr. Matt Jadacki, Deputy Inspector General, Department of Homeland Security.

### HOMELAND SECURITY AND INFRASTRUCTURE PROTECTION GRANTS

On March 8, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response hosted a Classified Member briefing for the Members of the Committee on Homeland Security. Representatives from the Department of Homeland Security were present to brief Members on their process for analyzing risk, threat and consequences as they pertain to Homeland Security and Infrastructure Protection Grants.

### PUBLIC SAFETY INTEROPERABILITY GRANTS

On March 14, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled “Public Safety Interoperable Communications Grants: Are the Departments of Homeland Security and Commerce Effectively Coordinating to Meet our Nation’s Emergency Communications Needs?” The Subcommittee received testimony from Mr. Corey Gruber, Acting Assistant Secretary for Grants and Training, Office of Grants and Training, Department of Homeland Security, Hon. John M. R. Kneuer, Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, and Deputy Chief Charles Dowd, Commanding Officer, NYPD Communications Division.

### MILITARY SUPPORT DURING DISASTERS

On April 25, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled “Examining the Military’s Support of Civil Authorities During Disasters.” The Subcommittee received testimony from Major General Terry L. Scherling, Director of the Joint Staff, National Guard Bureau; Major General Timothy J. Lowenberg, Adjutant General, State of Washington; Major General Tony Pineda, National Commander, Civil Air Patrol; Mr. Glenn Cannon, Assistant Administrator for Disaster Operations, Federal Emergency Management Agency, De-

partment of Homeland Security; and Mr. Mike Womack, Director, Mississippi Emergency Management Agency, State of Mississippi.

#### FEDERAL EMERGENCY RESPONSE TEAMS

On May 9, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Assessing the Capabilities and Coordination of Federal Emergency Response Teams." The Subcommittee received testimony from Mr. Bob Powers, Acting Deputy Assistant Administrator, Disaster Operations Directorate, Federal Emergency Management Agency, Department of Homeland Security; Mr. Bill Devir, DMAT Commander, Ohio-5; Mr. Charles Prather, Chief, Orange County Fire Authority; Orange County California; Mr. Fred Endrikat, Special Operations Chief, Philadelphia Fire Department, Commonwealth of Pennsylvania.

#### FEMA REGIONAL OFFICES

On June 4, 2007, the Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Emergency Communications, Preparedness, and Response held a field hearing in Bay St. Louis, Mississippi entitled "Empowering State and Local Officials Through Enhanced FEMA Regional Offices." The Subcommittee received testimony from Maj. Phil May, Regional Administrator, FEMA Region IV, Department of Homeland Security; Mr. Bruce Baughman, Director, Alabama Emergency Management Agency, State of Alabama; Mr. Steve Delahousey, Vice President, Emergency Preparedness, American Medical Response; and Mr. Brien C. Ruiz, President, St. Bernard Parish Fire Fighters Association (IAFF Local 1468).

#### SITE VISIT OF MISSISSIPPI AND LOUISIANA COASTS

On June 4 through 5, 2007, the Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Emergency Communications, Preparedness, and Response conducted a site visit of Mississippi and Louisiana Gulf Coast damage from Hurricane Katrina.

#### CITIZEN PREPAREDNESS

On June 13, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Citizen Preparedness: Helping Our Communities Help Themselves." The Subcommittee received testimony from Mr. Corey Gruber, Acting Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security; Mr. Graham Hill, Member, National Council on Disability; Ms. Regina Chapline, Texas Citizen Corps Manager, Texas Association of Regional Councils; Mr. Phil Stittleburg, Chairman, National Volunteer Fire Council; and Ms. Johanna Schneider, Executive Director, Partnership for Disaster Response.

## FIRST RESPONDERS ALONG THE BORDER

On July 12, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Challenges Facing First Responders in Border Communities." The Subcommittee received information from Ms. Leesa Morrison, Director, Arizona Department of Homeland Security; Chief Luis F. Sosa, Jr, Fire Chief, Laredo, Texas; Mr. Bill Elfo, Sheriff, Whatcom County Sheriff's Office, Washington State; Mr. Mike Kessler, Homeland Security Coordinator, The Confederated Tribes of the Colville Reservation; and Mr. Chris Lombard, Communications/Special Operations, Seattle Fire Department.

## PRIVATE SECTOR TO STRENGTHEN EMERGENCY RESPONSE

On July 19, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Leveraging the Private Sector to Strengthen Emergency Preparedness and Response." The Subcommittee received testimony from Mr. Alfonso Martinez-Fonts, Assistant Secretary for the Private Sector Office, Department of Homeland Security; Mr. Marko Bourne, Director of Policy and Program Analysis, Federal Emergency Management Agency, Department of Homeland Security; Mr. J. Michael Hickey, Vice President, Government Affairs, Verizon and Member, Homeland Security Task Force, U.S. Chamber of Commerce; Mr. John Howard, Senior Vice President and General Counsel, W.W. Grainger, Inc, and Chair, Coordinating Committee, Partnership for Disaster Response, Business Roundtable; and Mr. Barry Dinvaut, CEO, Dinvaut's Trucking Service Inc., and Member, National Black Chamber of Commerce.

## STATE PREPAREDNESS

On September 10, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response held a field hearing in Bethlehem, Pennsylvania entitled "Federal, State, and Local Coordination: How Prepared is Pennsylvania to Respond to a Terrorist Attack or Natural Disaster?" The Subcommittee received testimony from Mr. Jonathan Sarubbi, Regional Administrator, FEMA Region III, Federal Emergency Management Agency, Department of Homeland Security; General Robert French, Director, Pennsylvania Emergency Management Agency; Mr. Robert G. Werts, Program Manager, Northeast Pennsylvania Regional Counter Terrorism Task Force; Ms. MaryAnn Marrocolo, Deputy Managing Director, Managing Director's Office, Philadelphia Office of Emergency Management; Mr. R. Chadwick Paul, Jr., Chief Executive Officer, Ben Franklin Technology Partners of Northeast Pennsylvania, on behalf of Wall Street West.

## HOMELAND SECURITY EXERCISES

On October 3, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Practicing Like We Play: Examining Homeland Security Exercises." The Subcommittee received testimony from Mr. Dennis R.

Schrader, Deputy Administrator, National Preparedness, Federal Emergency Management Agency, Department of Homeland Security; Major General Steven Saunders, Director, Joint Doctrine Training and Force Development, National Guard Bureau; and Mr. James Langenbach, Program Manager, Operations Branch, Division of Health Infrastructure Preparedness and Emergency Response, New Jersey Department of Health and Senior Services.

On October 10, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response held a Member briefing on homeland security exercises. The briefing was held with representatives from the Department of Homeland Security.

#### MUTUAL AID FOR EMERGENCY RESPONSE

On November 15, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Leveraging Mutual Aid for Effective Emergency Response." The Subcommittee received testimony from Mr. Marko Bourne, Director of Policy and Program Analysis, Federal Emergency Management Agency, Department of Homeland Security; Mr. Kenneth Murphy, President, National Emergency Management Association, Director of the Oregon Office of Emergency Management; Chief Steven P. Westermann, President, International Association of Fire Chiefs; Major Michael Ronczkowski, Homeland Security Bureau, Miami-Dade Police Department; and Mr. Jim McPartlon, President, American Ambulance Association.

#### INTEROPERABLE COMMUNICATIONS ALONG THE BORDER

On February 19, 2008, the Subcommittee on Emergency Communications, Preparedness, and Response held a field hearing in Laredo, Texas, entitled "The State of Interoperable Emergency Communications Along the Texas Border." The Subcommittee received testimony from Mr. Chris Essid, Director, Office of Emergency Communications, Office of Cybersecurity and Communications, Department of Homeland Security; Mr. Steve E. Landin, Deputy Chief, Emergency Management Coordinator, Laredo, Texas; Mr. Alfonso Olvera Ledezma, Director of City Security, Nuevo Laredo, Tamaulipas, México; Mr. Joe M. Peters, Director, Technology Assistance Division, Sheriffs' Association of Texas; Mr. Mike Simpson, Statewide Communications Interoperability Plan Coordinator, Texas Radio Coalition.

#### FEMA RESPONSE AND RECOVERY

On April 9, 2008, the Subcommittee on Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled "Moving Beyond the First Five Years: Ensuring FEMA's Ability to Respond and Recover in the Wake of a National Catastrophe." The Subcommittee received testimony from Mr. Harvey E. Johnson, Jr., Acting Deputy Administrator and Chief Operating Officer, Federal Emergency Management Agency, Department of Homeland Security.

## RESILIENCY: PUBLIC ALERT AND WARNING SYSTEMS

On May 14, 2008, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled “Advancing Public Alert and Warning Systems to Build a More Resilient Nation.” The Subcommittee received testimony from Major General Martha T. Rainville, USAF (Ret.), Assistant Administrator, National Continuity Programs, Federal Emergency Management Agency, Department of Homeland Security; Ms. Lisa Fowlkes, Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission; Mr. John R. Gibb, Director, New York State Emergency Management Office, State of New York; and Mr. Randall C. Duncan MPA, CEM, Vice Chair, Government Affairs Committee, International Association of Emergency Managers.

## AFFORDABLE HOUSING NEEDS AFTER EMERGENCIES AND NATURAL DISASTERS

On June 4, 2008, the Subcommittee on Emergency Communications, Preparedness, and Response of the Committee on Homeland Security and the Subcommittee on Housing and Community Opportunity of Committee on Financial Services held a joint hearing entitled “Examining the Roles and Responsibilities of HUD and FEMA in Responding to the Affordable Housing Needs of Gulf Coast States following Emergencies and Natural Disasters.” The Subcommittees received testimony from Mr. Carlos J. Castillo, Assistant Administrator, Disaster Assistance Directorate, Federal Emergency Management Agency, Department of Homeland Security; Mr. Jeffrey H. Riddel, Director, Office of Capital Improvements, Department of Housing and Urban Development; Mr. Saul Ramirez, Executive Director, National Association of Housing and Redevelopment Officials; Mr. Reilly Morse, Senior Staff Attorney, Mississippi Center for Justice; Dr. Edward Blakely, Recovery Chief, City of New Orleans, Office of Recovery and Development Administration; and Ms. Laura Tuggle, Staff Attorney, New Orleans Legal Assistance Corporation, Southeast Louisiana Legal Services.

## NATIONAL EMERGENCY COMMUNICATIONS PLAN

On July 15, 2008, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled “Assessing the Framework and Coordination of the National Emergency Communications Plan.” The Subcommittee received testimony from Mr. Robert D. Jamison, Under Secretary, National Protection & Programs Directorate, Department of Homeland Security; Mr. Chris Essid, Director, Office of Emergency Communications, Department of Homeland Security; Mr. Richard Mirgon, Director of Technology Services, Douglas County Communications; Mr. Charles L. Werner, EFO/CFO, Fire Chief, Charlottesville, Virginia Fire Department; Mr. Michael Alagna, Director, Homeland Security, Strategic Initiatives & Policy, Motorola, Inc.

## ENSURING DELIVERY OF DONATED GOODS

On July 31, 2008, the House Committee on Homeland Security Subcommittee on Emergency Communications, Preparedness, and Response and the Senate Committee on Homeland Security and Governmental Affairs ad hoc Subcommittee on Disaster Recovery held a joint hearing entitled “Lessons Learned: Ensuring the Delivery of Donated Goods to Survivors of Catastrophes.” The Subcommittees received testimony from Mr. Eric Smith, Assistant Administrator for Logistics Management, Federal Emergency Management Agency, Department of Homeland Security; Mr. Carlos Castillo, Assistant Administrator for Disaster Assistance, Federal Emergency Management Agency, Department of Homeland Security; Mr. Barney Brasseur, Deputy Commissioner, Federal Acquisition Service, General Services Administration; Mr. Paul Rainwater, Executive Director, Louisiana Recovery Authority; Mr. Ollie Davidson, Member, Donations Management Committee, National Voluntary Organizations Active in Disaster; Mr. Bill Stallworth, Executive Director, East Biloxi Coordination and Relief Center; and Ms. Valerie Keller, Chief Executive Officer, Acadiana Outreach Center.

## PUBLIC SAFETY SPECTRUM AUCTION

On September 16, 2008, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled “Interoperability in the Next Administration: Assessing the Derailed 700 MHz D Block Public Safety Spectrum Auction.” The Subcommittee received testimony from Chief Derek Poarch, Public Safety Homeland Security Bureau, Federal Communications Commission; Mr. Chris Essid, Director, Office of Emergency Communications, Department of Homeland Security; Dr. David Boyd, Director, Command, Control, and Interoperability Division, Science and Technology Directorate, Department of Homeland Security; Mr. Richard Mirgon, First Vice President, Association of Public-Safety Communications Organization (APCO) International; Mr. John Contestabile, Board Member, Public Safety Spectrum Trust; Mr. LeRoy T. Carlson, Chairman of the Board, US Cellular; Mr. Robert LeGrande, Former Chief Technology Officer, District of Columbia; Deputy Chief Charles Dowd, City of New York, Police Department.

## NATIONAL SPECIAL SECURITY EVENT — INAUGURATION

On December 9, 2008, the Subcommittee hosted a Classified Member briefing for the Members of the Committee on Homeland Security on the planning and coordination for the Inauguration, designated as a National Special Security Event (NSSE).

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SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,  
AND RESPONSE HEARINGS HELD

- Joint hearing with the Subcommittee on Management, Investigations, and Oversight “*Reforming FEMA: Are We Making Progress?*” February 28, 2007. (Serial No. 110-10)
- “*Public Safety Interoperable Communications Grants: Are the Departments of Homeland Security and Commerce Effectively Coordinating to Meet our Nation’s Emergency Communications Needs?*” March 14, 2007. (Serial No. 110-13)
- “*Examining the Military’s Support of Civil Authorities During Disasters.*” April 25, 2007. (Serial No. 110-28)
- “*Assessing the Capabilities and Coordination of Federal Emergency Response Teams.*” May 9, 2007. (Serial No. 110-32)
- Joint field hearing with the Subcommittee on Management, Investigations, and Oversight in Bay St. Louis, Mississippi “*Empowering State and Local Officials Through Enhanced FEMA Regional Offices.*” June 4, 2007. (Serial No. 110-43)
- “*Citizen Preparedness: Helping Our Communities Help Themselves.*” June 13, 2007. (Serial No. 110-47)
- “*Challenges Facing First Responders in Border Communities.*” July 12, 2007. (Serial No. 110-56)
- “*Leveraging the Private Sector to Strengthen Emergency Preparedness and Response.*” July 19, 2007. (Serial No. 110-57)
- Field hearing in Bethlehem, Pennsylvania “*Federal, State, and Local Coordination: How Prepared is Pennsylvania to Respond to a Terrorist Attack or Natural Disaster?*” September 10, 2007. (Serial No. 110-69)
- “*Leveraging Mutual Aid for Effective Emergency Response.*” November 15, 2007. (Serial No. 110-87)
- Field hearing in Laredo, Texas “*The State of Interoperable Emergency Communications Along the Texas Border.*” February 19, 2008. (Serial No. 110-94)
- “*Moving Beyond the First Five Years: Ensuring FEMA’s Ability to Respond and Recover in the Wake of a National Catastrophe.*” April 9, 2008. (Serial No. 110-103)
- “*Advancing Public Alert and Warning Systems to Build a More Resilient Nation.*” May 14, 2008. (Serial No. 110-113)
- Joint hearing with the Committee on Financial Services’ Subcommittee on Housing and Community Opportunity entitled “*Examining the Roles and Responsibilities of HUD and FEMA in Responding to the Affordable Housing Needs of Gulf Coast States following Emergencies and Natural Disasters.*” June 4, 2008. (Serial No. 110-119)
- “*Assessing the Framework and Coordination of the National Emergency Communications Plan.*” July 15, 2008 (Serial No. 110-125)
- Joint hearing with the Senate Committee on Homeland Security and Governmental Affairs ad hoc Subcommittee on Disaster Response “*Lessons Learned: Ensuring the Delivery of Donated Goods to Survivors of Catastrophes.*” July 31, 2008 (Serial No. 110-134)



*“Interoperability in the Next Administration: Assessing the Derailed  
700 MHz D-block Public Safety Spectrum Auction.”* September  
16, 2008 (Serial No. 110-137)

## SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

CHRISTOPHER P. CARNEY, Pennsylvania, *Chairman*

PETER A. DEFAZIO, Oregon  
YVETTE D. CLARKE, New York  
ED PERLMUTTER, Colorado  
BILL PASCRELL, JR, New Jersey  
BENNIE G. THOMPSON, Mississippi  
(*Ex Officio*)

MIKE ROGERS, Alabama  
TOM DAVIS, Virginia  
MICHAEL T. MCCAUL, Texas  
PETER T. KING, New York  
(*Ex Officio*)

The Subcommittee on Management, Investigations, and Oversight held 19 days of hearings and received testimony from 82 witnesses.

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### LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE

DEPARTMENT OF HOMELAND SECURITY COMPONENT PRIVACY  
OFFICER ACT OF 2008

H.R. 5170

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

#### *Legislative History*

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

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

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

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

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

SCIENTIFIC TRANSFORMATIONS THROUGH ADVANCING RESEARCH  
(STAR) ACT

H.R. 5743

To provide the Secretary of Homeland Security with the authority to procure real property and accept in-kind donations.

*Legislative History*

H.R. 5743 was introduced in the House by Mr. Broun of Georgia on April 9, 2008, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 5743 was referred to the Subcommittee on Management, Investigations, and Oversight.

On June 26, 2008, the Subcommittee on Management, Investigations, and Oversight was discharged from consideration of H.R. 5743.

On June 26, 2008, the Committee on Homeland Security considered H.R. 5743 and ordered the measure favorably reported to the House, amended, by voice vote.

The Committee reported H.R. 5743 to the House on September 8, 2008, as H. Rpt. 110-828.

AMERICAN STEEL FIRST ACT OF 2008

H.R. 5935

To require certain Federal agencies to use iron and steel produced in the United States in carrying out projects for the construction, alteration, or repair of a public building or public work, and for other purposes.

*Legislative History*

H.R. 5935 was introduced in the House by Mr. Visclosky and 10 original co-sponsors on April 30, 2008, and referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security and Armed Services. Within the Committee on Homeland Security H.R. 5935 was referred to the Subcommittee on Management, Investigations, and Oversight.

On June 26, 2008, the Subcommittee on Management, Investigations, and Oversight was discharged from consideration of H.R. 5935.

On June 26, 2008, the Committee on Homeland Security considered H.R. 5935 and ordered the measure favorably reported to the House, amended, by voice vote.

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OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE

FEMA REFORM AND POST KATRINA OVERSIGHT

On February 28, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled "Reforming FEMA: Are We Making Progress." The Subcommittees received testimony from Hon. R. David Paulison, Under Secretary for Federal Emergency Management Agency, Department

of Homeland Security; Hon. George Foresman, Under Secretary for Preparedness, Department of Homeland Security; and Mr. Matt Jadacki, Deputy Inspector General, Department of Homeland Security.

The Subcommittees received testimony from key Department of Homeland Security officials on the status of the implementation of FEMA reforms. Specifically, it examined the steps that the Department had taken to implement the provisions of the Post-Katrina Emergency Management Reform Act of 2006, which were included in the FY 2007, Homeland Security Appropriations Bill (P.L. 109-295). The legislation, which incorporated lessons learned from Hurricane Katrina and was intended to strengthen FEMA substantially, became effective a month after the hearing, on March 31, 2007.

On June 4, 2007, the Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Emergency Communications, Preparedness, and Response held a field hearing in Bay St. Louis, Mississippi entitled “Empowering State and Local Officials Through Enhanced FEMA Regional Offices.” The Subcommittee received testimony from Maj. Phil May, Regional Administrator, FEMA Region IV, Department of Homeland Security; Mr. Bruce Baughman, Director, Alabama Emergency Management Agency, State of Alabama; Mr. Steve Delahousey, Vice President, Emergency Preparedness, American Medical Response; and Mr. Brien C. Ruiz, President, St. Bernard Parish Fire Fighters Association (IAFF Local 1468). The Subcommittees received testimony from State, local, and Federal officials on the status of the implementation of FEMA reforms. Specifically, the hearing examined the implementation of provisions of the Post-Katrina Emergency Management Reform Act of 2006 — in particular FEMA’s enhanced regional structure — which were included in the FY 2007, Homeland Security Appropriations Act (P.L. 109-295). The legislation, which incorporated lessons learned from Hurricane Katrina and was intended to strengthen FEMA substantially, became effective on March 31, 2007.

On June 4 through 5, 2007, the Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Emergency Communications, Preparedness, and Response conducted a site visit of the Mississippi and Louisiana Gulf Coast. The Subcommittees examined damage from Hurricane Katrina, observed rebuilding efforts, and met with local officials to discuss their concerns over the recovery process.

On June 12, 2007, the Subcommittee on Management, Investigations, and Oversight and the Committee on Financial Services Subcommittee on Oversight and Investigations held a joint hearing entitled “National Flood Insurance Program: Issues Exposed by the 2005 Hurricanes.” The Subcommittees received testimony from Mr. Matt Jadacki, Deputy Inspector General, Disaster Assistance Oversight, Office of the Inspector General, Department of Homeland Security; and Ms. Orice M. Williams, Director, Financial Markets and Community Investment, Government Accountability Office. This hearing focused on two pending government reports examining the insurance claims process in the aftermath of Hurricane Katrina, particularly the interaction between the National

Flood Insurance Program (NFIP) and Write-Your-Own (WYO) companies as well as private insurers who covered wind damage to homes and structures. The hearing also explored allegations that the WYO companies were improperly paying claims out of policies underwritten by the NFIP rather than from wind coverage policies that they themselves underwrote.

On June 20, 2007, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled “You Don’t Know What You Don’t Know: Has the Department of Homeland Security Improved its Ability to Maintain Situational Awareness Since Hurricane Katrina?” The Subcommittee received testimony from Mr. Frank DiFalco, Director, National Operations Center, Office of Operations Coordination, Department of Homeland Security; Ms. Eileen Larence, Director Homeland Security and Justice Issues, Government Accountability Office; Mr. Darrell Darnell, Director, District of Columbia, Homeland Security and Emergency Management Agency; Col Terry J. Ebbert, USMC (ret), Director, Office of Homeland Security & Public Safety, City of New Orleans; and Mr. James M. Walker, Jr., Director for Homeland Security, Alabama Department of Homeland Security. The hearing examined the Department of Homeland Security’s ability to maintain situational awareness during Hurricane Katrina, what changes the Department implemented since Hurricane Katrina, and how these changes impacted the Department’s ability to maintain situational awareness during future incidents.

On June 11, 2008, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled “Ready to Lead? DHS and the Next Major Catastrophe.” The Subcommittee received testimony from Mr. Wayne Parent, Deputy Director, Office of Operations Coordination, Department of Homeland Security; Mr. William O. Jenkins, Jr., Director, Homeland Security and Justice Issues, Government Accountability Office; Ms. Christine E. Wormuth, Senior Fellow, International Security Program, Center for Strategic & International Studies; and Mr. James M. Walker, Jr., Director, Alabama Department of Homeland Security. This examined whether the Department is prepared to lead the Federal response to a future major catastrophe. Rather than focus on FEMA’s readiness, it assessed whether the Department understands its role under the National Response Framework and whether it is prepared to rally and coordinate all agencies involved in a Federal response effort. The hearing highlighted areas where other Federal agencies have coordinated well with the Department, as well as areas where the Department’s efforts have been impacted by other agencies’ unwillingness to recognize the Department’s lead role.

On June 22, 2007, the Chairmen and Ranking Members of the Subcommittee on Management, Investigations, and Oversight, and the Subcommittee on Oversight and Investigations of the Committee on Financial Services sent a letter to the Under Secretary of Management, and the Administrator the Federal Emergency Management Agency requesting a response regarding the issues raised by the Government Accountability Office with respect to the hearing on June 12, 2007. The hearing raised concerns as to the

obstacles encountered by GAO into insurance claims after the Hurricanes of Katrina and Rita.

#### DHS MANAGEMENT CHALLENGES

On March 1, 2007, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled “The Department of Homeland Security’s Management Directorate: Goals and Objectives of the New Under Secretary.” The Subcommittee received testimony from Hon. Paul A. Schneider, Under Secretary for Management, Department of Homeland Security.

On April 9, 2008, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled “Moving Beyond the First Five Years: Solving the Department of Homeland Security’s Management Challenges.” The Subcommittee received testimony from Ms. Elaine Duke, Deputy Under Secretary for Management, Department of Homeland Security; Mr. Norman J. Rabkin, Managing Director, GAO’s Homeland Security and Justice Team, Government Accountability Office; Mr. Clark Kent Ervin, Director, Homeland Security Program, The Aspen Institute; and James Jay Carafano, Ph.D., Senior Research Fellow in Defense and Homeland Security, The Heritage Foundation. The hearing assessed what progress the Department has made in addressing the management problems it has faced, and to chart a course for solving them over the next five years. Because a key element to resolving the Department’s management issues is a smooth transition to the next Presidential administration, the hearing also focused on transition issues.

#### DHS PERSONNEL ISSUES

On April 19, 2007, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled “Addressing the Department of Homeland Security’s Morale Crisis.” The Subcommittee received testimony from Hon. Marta Brito Pérez, Chief Human Capital Officer, Department of Homeland Security; Ms. Colleen M. Kelley, National President, National Treasury Employees Union; Mr. J. David Cox, National Secretary — Treasurer, American Federation of Government Employees; and Mr. Max Stier, President and CEO, Partnership for Public Service. The hearing explored what the Department of Homeland Security was doing to address its poor morale, and to try to identify both the sources of and possible solutions to this crisis. The hearing also gave Members an opportunity to find out the status of the defunct “MaxHR” personnel system and to evaluate the Department’s new “Human Capital Operations Plan.”

On November 13, 2007, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled “Examining the Department of Homeland Security’s Efforts to Recruit, Hire, and Promote Veterans.” The Subcommittee received testimony from Ms. Marta Brito Perez, Chief Human Capital Officer, Department of Homeland Security; Ms. Leslye A. Arsht, Deputy Under Secretary of Defense for Military Community & Family Policy, Department of Defense; and Mr. Eric A. Hilleman, Deputy Director, Legislative Affairs, Veterans of Foreign Wars of the United States. The

hearing examined the efforts that the Department of Homeland Security (the Department) has made to recruit, hire, and promote veterans. The witnesses testified on the progress that the Department made in its attempt to integrate veterans into the workforce, how the Department's efforts compare to those of the Federal Government as a whole, and what more can be done to expand and strengthen these efforts.

#### DHS OVERSIGHT

On April 25, 2007, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled "Strong Oversight at the Department of Homeland Security: A Predicate to Good Government." The Subcommittee received testimony from Mr. Norman J. Rabkin, Managing Director, Homeland Security and Justice Team, Government Accountability Office; and Hon. Paul A. Schneider, Under Secretary for Management, Department of Homeland Security. The hearing afforded the new Under Secretary for Management an opportunity to lay out his vision for the Directorates, and for the Members to question him on the future of the Department. The hearing examined issues related to the oversight and auditing of the Department of Homeland Security (Department) generally, with a specific focus on concerns raised by the Government Accountability Office (GAO), the Department's Office of Inspector General (OIG), and Members of Congress in accessing and obtaining information.

On April 30, 2007, the Chairmen and Ranking Members of the Full Committee and the Subcommittees on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Management, Investigations, and Oversight sent a letter to the Chief Information Officer of the Department of Homeland Security requesting information relating to the network hacking which occurred in 2006 on the computers of the Departments of Commerce and State.

#### DEEPWATER

On May 10, 2007, the Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Border, Maritime, and Global Counterterrorism hosted a joint Member briefing for the Members of the Committee on problems associated with the U.S. Coast Guard's Integrated Deepwater System. The Integrated Deepwater system is an acquisition program to upgrade and replace an aging fleet of ships and aircraft.

On May 17, 2007, the Subcommittee on Border, Maritime and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled "Deepwater: Charting a Course for Safer Waters." The Subcommittees received testimony from Rear Admiral Gary T. Blore, Program Executive Officer, Integrated Deepwater System, United States Coast Guard, Department of Homeland Security; Mr. Richard L. Skinner, Inspector General, Department of Homeland Security; Captain Steven T. Baynes, Chief, Atlantic Area Response Enforcement Branch, United States Coast Guard, Department of Homeland Security; Mr. Fred Moosally, President, Lockheed Martin Maritime Systems

and Sensors; and Mr. James E. Anton, Sector Vice President and General Manager, U.S. Coast Guard Programs, Northrop Grumman. The hearing allowed Members to hear from the Coast Guard, the Department of Homeland Security's Inspector General, and the contractors who ran the program. It focused on the future of the program and whether the Coast Guard has the sufficient program management capacity to run the program effectively.

#### TERRORIST WATCHLIST

On May 22, 2007, the Subcommittee on Management, Investigations, and Oversight held a Member-only briefing for the Members of the Committee on Homeland Security on the Federal Government's management and use of the Terrorist Screening Database (TSDB). Representatives from the Government Accountability Office briefed Members on the TSDB, also known as the terrorist watchlist.

#### NATIONAL GUARD HOMELAND SECURITY MISSIONS

On May 24, 2007, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled "Examining the Impact of Equipment Shortages on the National Guard's Readiness for Homeland Security Missions." The Subcommittee received testimony from Lt. Gen. H. Steven Blum, Chief, National Guard Bureau; Maj. Gen. Roger P. Lempke, The Adjutant General of Nebraska and President, Adjutants General Association of the United States; Maj. Gen. C. Mark Bowen, The Adjutant General of Alabama; and Maj. Gen. Robert P. French, Deputy Adjutant General, Army, Joint Forces Headquarters, Pennsylvania National Guard. The hearing examined the Homeland Defense mission of the National Guard, the roles and responsibilities of State Guard units and the National Guard Bureau, the equipment required to perform the assigned mission, and the current equipping levels across the United States and its affect on mission performance.

#### FOOD SAFETY

On July 9, 2007, the Subcommittee on Management, Investigations, and Oversight held a field hearing in Tunkhannock, Pennsylvania entitled "Farm to Fork: Partnerships to Protect the Food You Eat." The Subcommittee received testimony from Dr. Thomas McGinn, Director, Veterinary and Agriculture Security, Office of Health Affairs, Department of Homeland Security; Mr. T. David Filson, Emergency Preparedness and Response Coordinator and Partnership, Expansion Leader Penn State Cooperative Extension; and Dr. Frederic J. Hoerr, Professor, College of Veterinary Medicine Auburn University. The hearing examined the Department of Homeland Security's efforts to secure the Nation's food supply from acts of agro-terrorism, as well as its ability to respond should an attack occur.

On July 27, 2007, Mr. Carney and Mr. Rogers sent a letter to Secretary Chertoff inquiring about the serious staffing shortages within the Office of Food, Agriculture, and Veterinary Defense. The Committee received a response from the Department on August 30, 2007.



## TSA CONTRACTING REFORM

On August 1, 2007, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled "Playing by Its Own Rules: TSA's Exemption from the Federal Acquisition Regulation, and How it Impacts Partnerships with the Private Sector." The Subcommittee received testimony from Ms. Elaine Duke, Chief Procurement Officer, Department of Homeland Security; Mr. Rick Gunderson, Assistant Administrator for Acquisition, Transportation Security Administration, Department of Homeland Security; Mr. David Bodenheimer, Esq., Partner, Crowell & Moring, LLP; Mr. Alan Chvotkin, Senior Vice President and Counsel, Professional Services Council. The hearing examined proposals to bring the Transportation Security Administration under the Federal Acquisition Regulation (FAR), the procurement rules followed by the rest of the Federal Government. Both the TSA and the Department were given the opportunity to explain why they believed the TSA's exemption from the FAR should be maintained. Representatives from the private sector discussed the difficulties that the exemption presented to both small and large companies, as well as the problems it causes within the Department and the Federal Government. Subsequent to the hearing, Mr. Carney introduced H.R. 3284, the TSA Acquisition Reform Act of 2007, which repealed TSA's FAR exemption. The provisions of this measure were incorporated into H.R. 2764, the Consolidated Appropriations Act of 2008, which was signed into law (P.L. 110-61) by the President on December 26, 2007.

## BORDER SECURITY AND ENFORCEMENT

On June 19, 2007, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled "Ensuring We Have Well Trained Boots on the Ground At the Border." The Subcommittee received testimony from Ms. Colleen M. Kelley, National President, The National Treasury Employees Union; Mr. T.J. Bonner, President, National Border Patrol Council, American Federation of Government Employees; Mr. Robert B. Rosenkranz, Senior Vice President, Government Services Division, DynCorp International; Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office; Mr. Art Morgan, Director, Field Operations Academy, Customs and Border Protection, Department of Homeland Security; Chief Charlie Whitmire, Director, Border Patrol Training Academy, Customs and Border Protection, Department of Homeland Security; and Ms. Cynthia Atwood, Assistant Director, Field Training Directorate, Federal Law Enforcement Training Center, Department of Homeland Security. The hearing provided Members with an update on Customs and Border Protection's (CBP) efforts to recruit, train and retain Border Patrol agents and Customs and Border Protection Officers (CBPOs) in response to personnel increases mandated by Congress and called for by the President. It also explored how CBP will ensure that the quality of its training does not decrease as it trains increasing number of personnel.

On September 25, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Manage-

ment, Investigations, and Oversight of the Committee on Homeland Security held a Member briefing to receive an update on the Department of Homeland Security's progress in implementing SBInet, and particularly, Project 28. Representatives from the Department of Homeland Security and the Government Accountability Office were present to provide Members with a status update of this program.

On October 24, 2007, the Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Border, Maritime, and Global Counterterrorism held a joint hearing entitled "The Future of Border Security: Can SBInet Succeed?" The Subcommittees received testimony from Mr. Gregory Giddens, Executive Director, Secure Border Initiative, Department of Homeland Security; Chief Robert W. Gilbert, Chief Patrol Agent, Tucson Sector, United States Border Patrol, Department of Homeland Security; Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office, Mr. Roger Krone, President, Network and Space Systems, The Boeing Company; and Mr. Jerry W. McElwee, Vice President, Advanced Systems, The Boeing Company. The hearing provide Members with an opportunity to hear from and ask questions of the Department, Boeing, and GAO regarding the SBInet program, with a particular focus on the Project 28 portion of SBInet, which was scheduled to have been completed on June 13. Members inquired about the background of Project 28, the current status of both Project 28 and SBInet, the operational issues and challenges involved, and how Project 28 could be utilized as the SBInet program moves forward.

On February 27, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled "Project 28: Lessons Learned and the Future of SBInet." The Subcommittee received testimony from Mr. Jayson P. Ahern, Deputy Commissioner, Customs and Border Protection, Department of Homeland Security; Chief David V. Aguilar, Border Patrol, Customs and Border Protection, Department of Homeland Security; Mr. Gregory Giddens, Executive Director, Secure Border Initiative, Customs and Border Protection, Department of Homeland Security; Mr. Richard Stana, Director, Homeland Security and Justice, Government Accountability Office; and Mr. Roger Krone, President, Network and Space Systems, Integrated Defense Systems, The Boeing Company. The hearing provided Members with an opportunity to hear from and ask questions of the Department, Boeing, and GAO regarding the SBInet program, with a particular focus on the Project 28 portion of SBInet, which received final acceptance earlier in February. Members inquired about the functionality of Project 28 and SBInet, the operational issues and challenges involved, and how lessons learned from the problems with Project 28 could be utilized as the SBInet program moves forward.

On May 9, 2008, the Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Border, Maritime, and Global Counterterrorism conducted a site visit to Tucson and Sasabe, Arizona. Members saw the Project 28 infrastructure, including towers, fencing, and other tactical infrastructure. The Border Patrol also provided a briefing on the status of Project 28 and

the follow-on task orders, gave a tour of the operations center, and demonstrated the “common operating picture.” Members also visited the permanent vehicle checkpoint on I-19 outside of Tucson, and conducted a night tour the Nogales station and the Nogales area of operations (AOR).

On May 14, 2007, the Chairman of the Committee on Homeland Security, the Chairman and Ranking Member of the Subcommittee on Management, Investigations, and Oversight, and the ranking Member of the Subcommittee on Border, Maritime, and Global Counterterrorism sent a letter to the Comptroller requesting a review of the Immigration and Customs Enforcement’s 287(g) program. On May 30, 2007, the Government Accountability Office sent a letter to the Chairman of the Committee on Homeland Security agreeing to study the request.

#### FEDERAL AIR MARSHAL SERVICE

On April 2, 2008, the Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Transportation Security and Infrastructure Protection held a joint classified Member briefing on the Federal Air Marshal Service. Representatives from the Federal Air Marshal Service briefed Members on the current operation of FAMS.

#### FIRST RESPONDERS IN RURAL COMMUNITIES

On July 22, 2008, the Subcommittee on Management, Investigations, and Oversight held a field hearing in McClellan, Alabama entitled “Examining the Training of First Responders in Rural Communities.” The Subcommittee received testimony from The Hon. Dennis Schrader, Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security; Mr. Jim Walker, Director, Alabama Department of Homeland Security; Dr. William Meehan, President, Jacksonville State University; Mr. John Pearce, Associate Director, Auburn University Canine Detection Training Center; and Mr. Matthew C. Knight, Vice President, Alabama Association of Rescue Squads.

#### QUADRENNIAL HOMELAND SECURITY REVIEW

On July 30, 2008, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled “The Quadrennial Homeland Security Review.” The Subcommittee received testimony from Hon. Alan Cohn, Deputy Assistant Secretary for Policy, Strategic Plans, Department of Homeland Security; Ms. Christine E. Wormuth, Senior Fellow, International Security Program, Center for Strategic & International Studies; and Major General Michael Sumrall, Assistant to the Chairman, Joint Chiefs of Staff for National Guard Matters.

#### PRESIDENTIAL TRANSITION

On September 16, 2008, the Subcommittee on Management, Investigations, and Oversight held a Member briefing on the Depart-

ment of Homeland Security's transition plans. The Members were briefed by representatives from the Department's Management Directorate and the Department's Presidential transition team.

#### DHS CONTRACTS

On September 17, 2008, the Subcommittee on Management, Investigations and Oversight held a hearing entitled "Waste, Abuse and Mismanagement: Calculating the Cost of DHS Failed Contracts." The Subcommittee received testimony from Mr. Richard K. Gunderson, Deputy Chief Procurement Officer, Department of Homeland Security; Mr. James L. Taylor, Deputy Inspector General, Department of Homeland Security; Mr. John P. Hutton, Director Acquisition and Sourcing Management, Government Accountability Office; Ms. Marcia D. Madsen, Chair, Acquisition Advisory Panel; Mr. Scott Amey, General Counsel, Project on Government Oversight; and Mr. Marc Pearl, President & CEO, Homeland Security & Defense Business Council.

#### EXECUTIVE BRANCH TRANSITION

On September 18, 2008, the Chairman of the Subcommittee on Management, Investigations, and Oversight sent a letter to the Secretary of Homeland Security requesting information on the Department's contact with the Presidential campaigns regarding transition between Administrations.

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#### SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT HEARINGS HELD

- Joint hearing with the Subcommittee on Emergency Communication, Preparedness, and Response "*Reforming FEMA: Are We Making Progress?*" February 28, 2007. (Serial No. 110-10)
- "*The Department of Homeland Security's Management Directorate: Goals and Objectives of the New Under Secretary.*" March 1, 2007. (Serial No. 110-11)
- "*Addressing the Department of Homeland Security's Morale Crisis.*" April 19, 2007. (Serial No. 110-24)
- "*Strong Oversight at the Department of Homeland Security: A Predicate to Good Government.*" April 25, 2007. (Serial No. 110-29)
- Joint hearing with the Subcommittee on Border, Maritime, and Global Counterterrorism "*Deepwater: Charting a Course for Safer Waters.*" May 17, 2007. (Serial No. 110-38)
- "*Examining the Impact of Equipment Shortages on the National Guard's Readiness for Homeland Security Missions.*" May 24, 2007. (Serial No. 110-41)
- Joint field hearing with the Subcommittee on Emergency Communications, Preparedness and Response in Bay St. Louis, Mississippi "*Empowering State and Local Officials Through Enhanced FEMA Regional Offices.*" June 4, 2007. (Serial No. 110-43)
- Joint hearing with the Committee on Financial Services Subcommittee on Oversight and Investigations "*National Flood In-*

- urance Program: Issues Exposed by the 2005 Hurricanes.*" June 12, 2007. (Serial No. 110-46)
- "*Ensuring We Have Well-Trained Boots on the Ground At the Border.*" June 19, 2007. (Serial No. 110-49)
- "*You Don't Know What You Don't Know: Has the Department of Homeland Security Improved Its Ability to Maintain Situational Awareness Since Hurricane Katrina?*" June 20, 2007. (Serial No. 110-51)
- Field hearing in Tunkhannock, Pennsylvania "Farm to Fork: Partnerships to Protect the Food You Eat." July 19, 2007. (Serial No. 110-55)
- "*Playing by Its Own Rules: TSA's Exemption from the Federal Acquisition Regulation, and How it Impacts Partnerships with the Private Sector.*" August 1, 2007. (Serial No. 110-65)
- Joint Hearing with the Subcommittee on Border, Maritime, and Global Counterterrorism "*The Future of Border Security: Can SBInet Succeed?*" October 24, 2007. (Serial No. 110-79)
- "*Examining the Department of Homeland Security's Efforts to Recruit, Hire, and Promote Veterans.*" November 13, 2007. (Serial No. 110-85)
- "*Project 28: Lessons Learned and the Future of SBInet.*" February 27, 2007. (Serial No. 110-97)
- "*Moving Beyond the First Five Years: Solving the Department of Homeland Security's Management Challenges.*" April 9, 2008. (Serial No. 110-104)
- "*Ready to Lead? DHS and the Next Major Catastrophe.*" June 11, 2008. (Serial No. 110-122)
- Field hearing in McClellan, AL, "*Examining the Training of First Responders in Rural Communities*" July 22, 2008 (McClellan, AL) (Serial No. 110-130)
- "*The Quadrennial Homeland Security Review.*" July 30, 2008. (Serial No. 110-133)
- "*Waste, Abuse & Mismanagement: Calculating the Cost of DHS Failed Contracts.*" September 17, 2008. (Serial No. 110-140)

## COMMITTEE ON HOMELAND SECURITY OVERSIGHT PLAN FOR THE 110TH CONGRESS

Rule X. Clause 2(d) of the Rules of the House of Representatives for the 110th Congress requires each standing Committee in the first session of a Congress to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committee on Government Reform and the Committee on House Administration.

Rule XI. Clause 1(2)(d)(1) requires each Committee to submit to the House of Representatives not later than January 2, of each odd-numbered year, a report on the activities of that committee under Rule X and Rule XI during the Congress ending on January 3 of such year. Clause 1(2)(d)(3) of Rule XI also requires that such report include a summary of the action taken and recommendations made with respect to each such plan; and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

Part A of this section contains the Committee on Homeland Security Oversight Plan for the 110th Congress which the Full Committee considered and adopted by a voice vote of January 23, 2007, 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 110th 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

#### MANAGEMENT, INVESTIGATIONS AND OVERSIGHT

During the 110th Congress, the Committee will assess the progress of the Department of Homeland Security in meeting its major management and integration challenges. The Homeland Security Act of 2002 transferred 22 separate agencies into the Department of Homeland Security (DHS). The Committee will conduct oversight of the effectiveness of DHS efforts to integrate and coordinate the management and administration of these numerous legacy entities, especially regarding the effectiveness of the Department's efforts to streamline activities relating to human capital recruitment and retention, asset investment, acquisitions, financial management and other departmental administrative functions essential to the short and long-term effectiveness of the Department in fulfilling its critical mission functions. As a component of this

oversight, the Committee will examine the effectiveness of this merger, particularly in light of the Secretary's findings following his Second Stage Review initiative. The Committee will review the Department's inventory of facilities, both within the United States and overseas, to help ensure their full utilization and consolidation. Additionally, the Committee will examine the Department's efforts to establish and locate a new headquarters within Washington, DC.

#### PROCUREMENT AND CONTRACTS MANAGEMENT

During the 110th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to improve the integration and coordination of the procurement functions of its major legacy components, and to ensure that effective management controls are put in place to prevent contract waste, fraud and abuse. The Committee will review the authorities and activities of the Chief Procurement Officer to ensure the effective management of this key function. The Committee also will review the Department's implementation of Section 831(a) of the Homeland Security Act of 2002, which grants the Secretary authority with respect to research and development projects to use more flexible contracting mechanisms in an effort to attract "nontraditional government contractors" for needed homeland security technologies, as well as the Secretary's use of "streamlined" acquisition authority in certain circumstances.

#### FINANCIAL MANAGEMENT

During the 110th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to address the financial management challenges of individual components, including the implementation of internal controls and the mitigation of organizational weaknesses which preclude the issuance of clean audit opinions. Additionally, the Committee will examine the Department's efforts to integrate the financial management systems of the component agencies into a unified system and the Department's compliance with the Department of Homeland Security Financial Accountability Act, P.L. 108-330.

#### HUMAN CAPITAL MANAGEMENT

In February 2004, the Department of Homeland Security proposed new regulations for human resource management, in accordance with Section 841 of the Homeland Security Act of 2002, to create a more flexible and competitive personnel system and assess the impact of limiting personnel management flexibilities on DHS' ability to prepare for and respond to a terrorist attack or natural disaster. Since the publication of these regulations, several court challenges have required modification of the Department's initial plans. During the 110th Congress, the Committee will monitor the Department's efforts to implement a new personnel system. Additionally, the Committee will examine the Department's use of contract employees to fulfill its staffing needs and assess under what circumstances such employees could be used to address vacancies and allow for more appropriate and effective utilization of the DHS' Federal workforce.

## INFORMATION TECHNOLOGY SYSTEMS MANAGEMENT

During the 110th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to address information technology (IT) challenges, including the management and integration of the Department's information technology systems. The Committee will review the authorities and activities of the Chief Information Officer (CIO) and the coordination of policy and acquisition within and among the Department's CIOs. The Committee also will monitor the Department's progress in IT architectural planning, investment management, policy development, operations, and related personnel management. Additionally, the Committee will monitor the Department's compliance with the Federal Information Security Management Act of 2002, 44 U.S.C. § 3541.

## EMERGENCY COMMUNICATIONS, PREPAREDNESS AND RESPONSE

## FEDERAL PREPAREDNESS AND RESPONSE EFFORTS

The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security to ensure effective coordination of the Department's efforts to prevent, prepare for, respond to, and recover from acts of terrorism and other major emergencies. Additionally, on October 4, 2006, President Bush signed into law P.L. 109-295, the Department of Homeland Security Appropriations Bill of 2007. Title VI of this law, cited as the Post Katrina Emergency Management Reform Act of 2006, made substantial changes to the Federal Emergency Management Agency (FEMA) that ultimately resulted in the integration of all preparedness and response activities in the Department. The Committee will examine the Department's implementation of the FEMA reform legislation and its efforts to resolve the multi-faceted command and control problems experienced by the Department in its response to Hurricane Katrina.

## NATIONAL PREPAREDNESS GOAL AND SYSTEM

Both the Post Katrina Emergency Management Reform Act of 2006 and Homeland Security Presidential Directive 8 (HSPD-8), direct the Department of Homeland Security to develop, and update as necessary a National Preparedness Goal that defines the target level of preparedness to ensure the Nation's ability to prevent, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters.

In the 110th Congress, the Committee will oversee the implementation of the Post Katrina Emergency Management Reform Act of 2006, which directs the President, acting through the FEMA Administrator, to develop a National Preparedness System to enable the Nation to meet the National Preparedness Goal. This system shall include target capabilities and preparedness priorities, equipment and training standards, training and exercises, a comprehensive assessment system, a remedial action management program and National planning scenarios.



Additionally, the Committee will oversee the implementation of the National Preparedness Goal and System to gauge improvements in the Nation's ability to prevent, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters.

#### NATIONAL RESPONSE PLAN/INCIDENT MANAGEMENT

The National Response Plan (NRP) provides the structure and mechanisms for the coordination of Federal emergency support to State, territorial, local, and tribal governments, and for implementing direct Federal authority. In the 110th Congress, the Committee will oversee the Department of Homeland Security's review and revision of the National Response Plan, including the Department's role in coordinating the response obligations of all applicable Federal departments and agencies and the coordination between the Department and State and local governments, first responders, and the private sector in implementing the NRP. As part of this oversight, the Committee may review current preparedness and response plans of Federal, State, and local officials.

In addition, the Committee will oversee the Department's implementation of the National Incident Management System (NIMS), including the efforts of the National Integration Center to provide strategic direction and coordination of NIMS at the Federal level. The Committee will review the Department's plans for providing guidance and training to assist Federal, State, and local governments in adopting NIMS, for utilizing NIMS to improve incident-related coordination of multiple agencies and jurisdictions, and for integrating NIMS with the National Response Plan.

#### INTEROPERABLE COMMUNICATIONS

The Committee will monitor the implementation of the 21st Century Emergency Communications Act, Subtitle D of the Post Katrina Emergency Management Reform Act of 2006, including the Department's coordination and planning, technical assistance, establishment of communications standards and development of best practices for interoperable communications systems for first responders.

Additionally, the Committee also oversees the Department's coordination with other Federal agencies to award grants for interoperable communications, and its efforts to address challenges regarding the operability of communications equipment and the provision of technical guidance to assist urban areas and States in rapidly establishing interoperable communications systems.

#### ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST RESPONDERS

In the 110th Congress, the Committee will examine the Department's allocation and administration of grants to State and local governments. In particular, the Committee will review the coordination of grant programs within the Department and across the Federal government; challenges in the funding pipeline; the distribution and spending of such grants at the State and local levels; and the level of coordination between regional partners to ensure

the most efficient use of terrorism preparedness resources. In addition, the Committee will examine the risk assessment and peer review processes used by the Department to ensure that it is using the most accurate data available to cost effectively award terrorism preparedness assistance.

#### FIRST RESPONDER TRAINING

During the 110th Congress, the Committee will review the efficacy of Federal terrorism preparedness training, incorporation of such training into first responder certification processes, and the level of coordination between Federal, State, and local training programs. The Committee intends to review the Department of Homeland Security's current training programs for first responders. The Committee will review the extent of State and local government utilization and awareness of these programs, the compatibility of the Department's programs with existing training requirements and certifications for first responders, and whether the Department is effectively utilizing existing training infrastructures at the State and local levels.

#### EXERCISES AND SIMULATIONS

The Department, through the Under Secretary for Preparedness, is responsible for coordination of all terrorism preparedness exercises at the Federal level. Additionally, the Department is responsible for conducting these exercises in collaboration with State and local governments, the private sector, and first responders. Furthermore, in the Homeland Security Presidential Directive 8, the President directed DHS to create a National program and multi-year planning system to conduct terrorism preparedness-related exercises. During the 110th Congress, the Committee will review DHS' National Exercise Program, and will evaluate the extent to which this program enhances our Nation's preparedness. The Committee will also review the execution of TOPOFF IV, a National terrorism exercise to be conducted in late 2007.

#### EMERGENCY WARNINGS

The Committee will examine the Federal government's efforts to provide prompt and useful alerts and warning information to those persons at risk; to ensure interoperability among different warning systems; to provide for security and uniform standards and protocols for the use of warning systems; and to develop meaningful metrics to assess the effectiveness of such systems.

#### CONTINUITY OF OPERATIONS

The Committee will review the status of Federal agencies' planning to ensure the continuity of operations and the continuity of government should a terrorist attack, natural disaster, or other catastrophic event, such as pandemic, occur. As part of its oversight of the coordination of Federal, State, and local preparedness efforts, the Committee will review the guidance provided by the Department to other government agencies and the implementation of such guidance.

## INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

### DHS' OFFICE OF INTELLIGENCE AND ANALYSIS

During the 110th Congress, the Committee will review the resources allocated to efforts aimed at building the intelligence, analytical, and assessment capabilities of the Department and ensuring its full participation in the Intelligence Community in furtherance of its homeland security mission. The Committee will examine whether the Department is receiving relevant intelligence and law enforcement information from other Federal agencies on a timely basis; whether the Secretary of Homeland Security is appropriately involved in the prioritization of the Federal government's intelligence collection requirements for homeland security purposes; and the Department's role in managing, distributing, and otherwise using terrorist threat information in furtherance of its homeland security mission.

In addition, the Committee will explore the Department's role in the activities of the National Counterterrorism Center (NCTC) and the dissemination of terrorist threat information among Federal, State and local governments and the private sector.

### DHS' INTELLIGENCE AND INFORMATION COLLECTION ACTIVITIES

The Committee will examine the Department's information collection efforts to ensure that they contribute materially to the Department's overall homeland security/counterterrorism mission. In particular, the Committee will oversee the efforts of the Department to coordinate and integrate the activities of its various intelligence and analytic units and offices and to ensure that National-level terrorist threat intelligence is being disseminated to the operational entities within the Department. As part of this oversight, the Committee will examine the effectiveness with which the Department's intelligence and threat assessments are utilized in carrying out Department-wide initiatives to understand and assess critical infrastructure vulnerabilities and to conduct National risk assessments. This oversight also will include a review of the Department's plans to use Open Source Information, as recommended in the 9/11 Commission Report and the Intelligence Reform and Terrorism Prevention Act of 2004.

### INFORMATION SHARING

The Homeland Security Act of 2002, and a subsequent Memorandum of Understanding on Information Sharing entered into by the Attorney General, Director of Central Intelligence, and Secretary of Homeland Security, mandated routine sharing of homeland security-related information between and among Federal, State, local and tribal officials, in order to assess the nature and scope of terrorist threats to the United States and to evaluate and act on that information in light of U.S. vulnerabilities. During the 110th Congress, the Committee will examine information sharing among Federal, State, local and tribal governments, law enforcement entities, first responders, and emergency management personnel. The Committee also will examine the development and im-

plementation of the information sharing environment mandated under the Intelligence Reform and Terrorism Prevention Act of 2004, and whether the Department is meeting the terrorism threat-related information requirements of State, local, tribal and private sector officials in a timely and responsive manner. The Committee will also examine the issues of overclassification by DHS and other Federal agencies, as well as the use of unclassified information designations such as “Sensitive Security Information,” and any impact such designations may have on the ability of the Department or other Federal agencies to share information among Federal, state, local, tribal, and private sector partners. In addition, the Committee will review DHS’ and other Federal agencies’ involvement with various intelligence fusion centers and will consider grant programs that might support law enforcement and counterterrorism efforts at those fusion centers and other appropriate facilities.

#### THREAT COMMUNICATIONS AND ADVISORIES

In the 110th Congress, the Committee intends to review the Department’s policies and procedures with respect to issuing threat and warning advisories, including the Homeland Security Advisory System, to ensure that they convey information in a timely and relevant manner to Federal, State, local and tribal government officials and other entities.

#### INTELLIGENCE-DRIVEN EFFORTS TO COUNTER TERRORISM-RELATED SMUGGLING

During the 110th Congress, the Committee will examine the operations and progress of the Terrorist Screening Center, the Human Smuggling and Trafficking Center, and other cooperative efforts to prevent and interdict terrorist travel, including the Department of Homeland Security’s interaction with and participation in such entities and efforts. In addition, the Committee will review the Department’s intelligence-driven efforts to prevent and interdict terrorist travel and the smuggling of illicit terrorism-related materials, including the expansion of its ability to analyze terrorist techniques, patterns, indicators, and trends, and to share such information in a timely manner to enable front-line Department personnel to identify, intercept, and disrupt terrorists attempting to travel into and within the United States.

#### THE NATIONAL OPERATIONS CENTER

The Department of Homeland Security’s National Operations Center (NOC) serves as the National nerve center for information sharing and domestic incident management, by increasing the vertical coordination between Federal, State, local and tribal government and private sector partners. In the 110th Congress, the Committee will oversee the Department’s efforts to collect and fuse information in the NOC in order to maintain domestic situational awareness, and to carry out its role as the primary National-level center during domestic incidents and special events.

## PRIVACY AND CIVIL LIBERTIES PROTECTION

Section 222 of the Homeland Security Act of 2002 (the Act) created a Privacy Officer for the Department of Homeland Security (DHS), in order to ensure that DHS' information gathering and analysis functions, across its many directorates and offices, adhere to established standards for protection of personal privacy. Section 705 of the Act also established an Officer for Civil Rights and Civil Liberties to review and assess information alleging abuses of civil rights or civil liberties by employees and officials of the Department, and the recently enacted Intelligence Reform and Prevention Act of 2004 required the Department's Inspector General to designate a senior staff member to handle similar issues and work with the Officer for Civil Rights and Civil Liberties on such matters. During the 110th Congress, the Committee will monitor the Department's efforts to ensure appropriate privacy and civil liberties protections.

## RADICALIZATION

Terrorists aren't merely seeking to come across our borders — they may already be here in the form of homegrown terror cells that draw their inspiration from a variety of sources, including right wing ideologies based on race hatred as well as extremist religious beliefs that may or may not have an al Qaeda nexus. The Committee will closely examine the forces of radicalization within U.S. society in order to understand the nature of this threat to the homeland.

## TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION

## NATIONAL STRATEGY FOR TRANSPORTATION SECURITY

During the 110th Congress, the Committee plans to examine the Department of Homeland Security's (DHS) progress in developing a risk-based National Strategy for Transportation Security, as required by section 4001 of the Intelligence Reform and Terrorism Prevention Act of 2004. The Committee will examine the Department's efforts to develop strategies for addressing terrorist threats in varied transportation environments and to secure the Nation's transportation system and its users. The Committee also will review the potential efficacy and cost of current and proposed practices to protect the mass transit industry's passengers and infrastructure from terrorist attack, including hardening of facilities, the use of biological, chemical and radiological sensors, passenger screening, and other methods to prevent or mitigate a terrorist attack. Oversight in this area will include examination of transportation security grants and the interaction of DHS with other agencies under agreements delineating responsibility for transportation security.

## CONSOLIDATION OF REDUNDANT BACKGROUND CHECKS

At present there are a number of potential background check and credentialing programs that an individual might have to undergo

in relation to transportation. All of these programs have similar, if not identical, credentialing requirements for submission of biographic information and background checks. However, most of these programs are not reciprocal and require duplicative fees of individuals. The Committee will review background check programs to ensure a more efficient system.

#### PASSENGER AND BAGGAGE SCREENING

During the 110th Congress, the Committee intends to review the Transportation Security Administration's (TSA) progress in developing and deploying passenger, baggage screening technologies, including the cost-effectiveness and accuracy of such technologies and possibilities for the acceleration of in-line EDS systems for our Nation's airports. The Committee also will review TSA's passenger search policies and practices and passenger pre-screening programs including the use of no-fly and selectee lists and related privacy protections and passenger redress processes, and coordination with U.S. Customs and Border Protection on the screening of international air travelers. As part of this oversight, the Committee plans to examine TSA's staffing needs, resources, and the ability of airports to "opt-out" from the use of Federal screeners. The Committee will also assess the need for personnel flexibilities for the TSA workforce to meet the Department's security mission.

#### AVIATION SECURITY

In the 110th Congress, the Committee will examine the risks and consequences of different types of terrorist attacks on or utilizing aircraft, and the development of security measures, including supply-chain security programs such as "Known Shipper" to reduce or mitigate such risks. As part of this oversight, the Committee expects to review efforts by the Transportation Security Administration (TSA) relating to air cargo security, including the three pilot programs intended to assess the viability of screening a higher percentage of air cargo on passenger aircraft, general aviation aircraft, and countering Man Portable Air Defense Systems (MANPADS). The Committee also will review airport perimeter and access control procedures, as well as related technology (including the Transportation Worker Identification Credential and the Secure Identification Display Area credential), to assess the effectiveness of TSA requirements for limiting access to the secure areas of commercial and general aviation airports. In addition, the Committee will conduct oversight relating to the protection of the aircraft from hostile takeover including the flight planning and training practices of the Federal Air Marshals Service, the Federal Flight Deck Officer Program, and other necessary personnel, the efficacy of voluntary aviation personnel training, and the procedures employed to protect the cockpit when the door is opened in-flight.

#### AIRSPACE SECURITY

The Committee will review efforts of the Department to carry out its responsibilities to interdict any airspace incursions into the restricted zone of the National Capital Region (NCR), as well as its responsibilities at the Air and Marine Operations Center (AMOC)

with respect to detecting air assets crossing U.S. borders. The Committee's oversight in this area also will include the roles and responsibilities of each of the Federal agencies involved (including Department of Defense assets such as the U.S. Northern Command, the North American Aerospace Defense Command, and the Air National Guard) in and responsible for interdiction, identification, and investigation of aircraft that violate airspace restrictions within the United States.

#### CRITICAL INFRASTRUCTURE PROTECTION

Under Homeland Security Presidential Directive 7 (HSPD-7), the Department is responsible for integrating sector-specific strategies into a National Strategy for Critical Infrastructure Protection, and for coordinating Federal efforts across all such infrastructure sectors. During the 110th Congress, Committee oversight will focus on the implementation of this 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 compile, maintain, and prioritize a National Asset Database, including the coordination of such efforts with State and local officials and the private sector. The Committee also will examine the coordination of efforts between the Department of Homeland Security, the Department of Defense, and States with respect to the deployment of National Guard units to assist with critical infrastructure protection activities.

In addition, the Committee will review the Department's progress in identifying, prioritizing, recommending, and implementing protective measures to reduce vulnerabilities for critical infrastructure and key resources, including its administration of programs to promote private sector sharing of critical infrastructure threat and vulnerability-related information, and its administration of systems and programs to provide timely warnings of potential risks to critical infrastructure.

The Committee will also conduct oversight of DHS implementation of regulations to secure chemical facilities

#### BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

##### IMPLEMENTATION OF TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC)

The Committee will monitor the phased implementation of the Transportation Worker Identification Credential (TWIC), including pilot programs to test TWIC card readers.

#### PORT AND MARITIME SECURITY

In the 110th Congress, the Committee will examine various aspects of port security, including the security of port facilities; the screening of vessels, passengers, cargo, and crew for potential terrorists or instrumentalities of terrorism; the development of international security standards for shipping and containers, and programs for scanning containers. The Committee plans to review the efficiency and effectiveness of the Department's supply chain secu-

rity programs and the implementation of the Maritime and Transportation Security Act of 2002 and the Security and Accountability for Every Port Act of 2006, and the relevant provisions of the Intelligence Reform and Terrorism Prevention Act of 2004.

#### COAST GUARD

In the 110th Congress, the Committee plans to monitor the Coast Guard's efforts to enhance maritime domain awareness through an examination of existing and alternative programs that contribute to this goal. As part of this effort, the Committee will review the progress and efficacy of the Coast Guard's Deepwater Program. Additionally, the Committee plans to monitor the Coast Guard's efforts to enhance maritime domain awareness. As part of this effort, the Committee will review the progress and efficacy of the Coast Guard's Deepwater Program. More specifically, the Committee will investigate the various difficulties the Coast Guard has encountered in procuring new assets to determine how that process can be made more efficient and effective. In conjunction with this desire to ensure effective and proper procurement, the Committee will closely examine the Coast Guard's budget to ensure that it has the appropriate tools to perform its important homeland security missions.

#### BORDER SCREENING

In the 110th Congress, the Committee intends to review efforts to ensure the deployment and implementation of technology and training to assist border and consular officials in identifying, intercepting, and disrupting terrorists, terrorist financing networks or others who would do us harm. As a part of this effort, the Committee will review the efforts of the Department to detect, detain, and remove aliens apprehended at or near U.S. borders and ports of entry who are subject to deportation, particularly those from countries of terrorist concern. The Committee will examine the integration, security, and reliability of criminal, immigration, and terrorist databases used to screen persons seeking to enter this country. The Committee will closely monitor the Department's progress in fully implementing the US-VISIT program and its supporting technologies and databases; the potential benefits and challenges of various biometric technologies; the impact of the program on cross-border travel at ports of entry; the ability of the Department to use overstay reports generated by the program for enforcement purposes; and the integration of the US-VISIT program with other screening programs. The Committee will examine the Visa Waiver Program, including expansion proposals and security enhancements. The Committee will also closely monitor implementation of the Western Hemisphere Travel Initiative in a manner to achieve both enhanced border security and to expedite legitimate and qualified travelers, and programs to establish other secure and reliable identification documents. Additionally, the Committee will oversee implementation of those sections of P.L.109-13 which involve measures affecting border enforcement methods used by the Department to ensure that undocumented persons or those persons involving a terrorist threat do not enter the United States.



The Committee also will assess DHS progress with respect to the integration and effectiveness of transportation and border security screening systems for passengers and cargo transported within the United States and across our borders. The Committee also will examine the existing state of infrastructure at our Nation's ports of entry and assess improvements that may be required to enhance implementation of border security programs. The Committee will review Department of Homeland Security interior enforcement activities, information sharing and coordination with local law enforcement, and coordination with government-wide counter-terrorism activities. The Committee will also examine the international activities of DHS, including information sharing and cooperation with foreign governments.

#### OPERATIONAL CONTROL OF THE BORDER

The Committee will examine DHS' capabilities, progress, and remaining vulnerabilities in its efforts to gain operational control over the land and maritime borders of the United States. The Committee also will assess the progress and deliverables of programs to harden U.S. land borders from illegal entry by terrorists and criminal organizations, and other unknown individuals or contraband, through the deployment of personnel, infrastructure, and technology.

#### EMERGING THREATS, CYBERSECURITY, SCIENCE AND TECHNOLOGY

##### BIODEFENSE

In the 110th Congress, the Committee will examine efforts of the Department to establish a biological terrorism threat assessment capability, and the relationship of such threat assessments to countermeasure research and development activities. The Committee will conduct comprehensive oversight of the Department's activities as outlined in Homeland Security Presidential Directive (HSPD) 10 ("Biodefense for the 21st Century"). As part of this comprehensive oversight strategy, the Committee will examine multiple layers of biodefense, including efforts of the Department to continue to improve and expand efforts to detect and provide early warning of biological attacks through the BioWatch program and the National Biosurveillance Integration System and efforts to provide greater deterrence for terrorists considering use of biological weapons through improved bioforensic capabilities. The Committee will examine the short and long-term effectiveness of these activities, as well as the Department's coordination of the Federal government's biodefense initiatives, including defenses against agro-terrorism and the safety of Nation's food supply as outlined in HSPD 9, ("Defense of United States Agriculture and Food").

Additionally, the Committee will conduct oversight of the Department's actions to provide for response capabilities to a biological event, including its responsibilities under Project BioShield in determining material threats to guide the Department of Health and Human Services in developing and procuring the necessary and appropriate medical countermeasures for the Strategic National

Stockpile and its responsibilities for end-to-end incident management planning for bioscenarios such as a pandemic flu outbreak. The Committee will examine the Department's increasing laboratory Biosafety level 3 and 4 (which allow for research on the most dangerous pathogens) capacity, such as the National Biological Countermeasure and Analysis Center, the National Bio- and Agro-defense Facility and the Plum Island Animal Disease Center, to ensure increased staffing levels and training needs are met at the new facilities as they become fully operational. Finally, the Committee will closely monitor the programs that will be carried out in the proposed facilities to ensure a seamless transition from where the work is currently being performed.

#### CBRNE TERRORISM AND NUCLEAR SMUGGLING

In the 110th Congress, the Committee will conduct oversight of the Department's programs focused on assessing threats related to chemical, biological, radiological, and nuclear and explosives terrorism, including the development of threat certification, characterization, detection, forensics and source attribution techniques. The Committee will review the integration of threat assessments with the development of detection capabilities and countermeasures. Additionally, the Committee will examine the efforts of the Department to establish and operate a nuclear and radiological detection and countermeasures test bed (CMTB) to protect our population and critical infrastructure.

Also, the Committee will examine the Department's progress in refining risk-based methods for identifying, screening, and scanning high-risk cargo entering the United States, and the development of non-intrusive inspection technologies and capabilities for detecting and interdicting commerce in and transit of nuclear, radiological, chemical, biological, and explosive weapons, components, and precursors. To that end, the Committee will also review the deployment and operation of radiation portal monitors and alternative approaches to tracking and monitoring cargo in transit. Finally, the Committee will examine the Department's efforts to develop and execute response and recovery efforts in the event of a CBRNE incident.

#### R&D INVESTMENT AND COORDINATION

The Committee will review the Department's efforts to strategically invest in basic research and development (R&D) designed to enhance the long-term prevention mission of the Department and its efforts to carry out statutory responsibilities for coordinating government-wide R&D in support of all homeland security missions.

#### COUNTER-PROLIFERATION ACTIVITIES

The Committee will review the efforts of the Department in counter-proliferation of nuclear and biological weapons, materials, and precursors and the detection and assessment of chemical and radiological threats, including the coordination of such activities within the Department and with related efforts of other Federal agencies.

## CYBERSECURITY

The Committee will examine the Department's efforts to implement the National Strategy to Secure Cyberspace. The Committee will focus on enhancing accountability and leadership to improve integration of the cybersecurity mission within the Department, and coordination of cybersecurity best practices, risk assessments and warnings across all levels of government and the private sector. The Committee also will review DHS' cyber-related remediation activities, including plans for recovery in the event of a coordinated terrorist attack, and the Department's efforts to coordinate with the private sector to develop mechanisms for information sharing on cybersecurity threats, vulnerabilities and solutions. The Committee will examine the Department's efforts to support research and development and educational activities to improve cybersecurity. The Committee will continue to monitor the Department's activities regarding SCADA and process control systems, that represent a nexus between the physical and the cyber worlds and create vulnerabilities that will require additional research and attention in order to mitigate. Finally, the Committee will review the Department's investment in research and development (R&D) designed to implement the National Strategy to Secure Cyberspace.

## SCIENCE AND TECHNOLOGY DIRECTORATE

The Directorate for Science and Technology (S&T Directorate) is the primary research and development arm of the Department. The S&T Directorate provides Federal, state and local officials with the technology and capabilities to protect the homeland. In the 110th Congress, the Committee will conduct oversight of the coordination of homeland security-related research, development, testing, and evaluation (RDT&E) within the Department and the adequacy of mission support provided by the Directorate to operational elements of the Department, state and local authorities, and the private sector. The Committee will examine the effectiveness of the recent reorganization within the Directorate. The Committee also will examine the Directorate's partnership with other Federal departments. In particular, the Committee will review the effectiveness of academic, National laboratory, and international RDT&E partnerships.

## TECHNOLOGY CLEARING HOUSE AND TECHNOLOGY TRANSFER

In the 110th Congress, the Committee will review the efforts of the Department to establish, as required by Section 313 of the Homeland Security Act of 2002, a centralized "clearing house" for information related to technologies that would further the mission of the Department and its end users. The Committee will review the Department activities relating to evaluation, testing, and certification of private sector homeland security technologies. The Committee also will evaluate the Department's role in facilitating the transfer and commercialization of existing technologies (including modification of military technologies) for use by Federal, state, and local governments and first responders to prevent, prepare for, or respond to terrorist attacks.

## S&amp;T FELLOWSHIP PROGRAM AND CENTERS FOR EXCELLENCE

During the 110th Congress, the Committee will review the Department's efforts to attract the Nation's most talented scientists and build partnerships with the academic community through its Homeland Security Centers of Excellence and its Scholars and Fellows program. The Committee will review the Centers' assignments and their role in fulfilling the Department's mission. The Committee also will examine the methodology and rationale underlying the allotment of Fellowship funds. Finally, given reorganization of the S&T Directorate, the Committee should ensure the Directorate clarifies how each Center is matrixed to the Directorate's Divisions and that there are clear lines of communication between the Centers and the respective Directorate Divisions.

## THE HOMELAND SECURITY INSTITUTE

The Homeland Security Institute (the Institute), created under the Homeland Security Act of 2002 and sponsored by the Department, is a Federally-funded research and development center (FFRDC) that produces strategic analysis for the science and technology (S&T) mission of DHS. In the 110th Congress, the Committee will examine the utilization and tasking of the Institute by the Department's S&T Directorate, and the Institute's efforts to provide strategic direction and build the scientific capabilities necessary to support the DHS S&T mission.

## SAFETY ACT IMPLEMENTATION

The Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act) was included as Subtitle G of the Homeland Security Act of 2002, and gave the Secretary of the Department of Homeland Security (DHS) the authority to designate and certify, upon application, certain anti-terrorism technologies as qualified to participate in a Federal liability protection program. In the 110th Congress, the Committee will review the Department's efforts to coordinate such designation or certification with its operational components and with other Federal, State, and local government agencies.

## HUMAN FACTORS

The Committee will oversee the Department's new Human Factor Division within the Directorate of Science and Technology, in recognition of the importance of the "human element" in formulating effective, layered counterterrorism strategies. In the past, the S&T Directorate has placed much more emphasis on technologies to detect "things" such as the threat agents or objects themselves, but the most effective prevention strategies must also identify the "people" intending to do harm. The Committee will examine the Department's efforts in studying the social and human behavioral aspects that lead to terrorism.



## PART B-IMPLEMENTATION OF THE COMMITTEE ON HOMELAND SECURITY OVERSIGHT PLAN FOR THE 110TH 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 110th Congress and the recommendations made with respect to this plan. Part B also contains a summary of the additional oversight activities undertaken by the Committee, and the recommendations made or actions taken thereon.

### MANAGEMENT, INVESTIGATIONS AND OVERSIGHT

#### DHS OVERSIGHT

On April 25, 2007, the Subcommittee on Management, Investigations, and Oversight held a hearing entitled “Strong Oversight at the Department of Homeland Security: A Predicate to Good Government.” The Subcommittee received testimony from Mr. Norman J. Rabkin, Managing Director, Homeland Security and Justice Team, Government Accountability Office; and Hon. Paul A. Schneider, Under Secretary for Management, Department of Homeland Security. The hearing afforded the new Under Secretary for Management an opportunity to lay out his vision for the Directorates, and for the Members to question him on the future of the Department. The hearing examined issues related to the oversight and auditing of the Department of Homeland Security (Department) generally, with a specific focus on concerns raised by the Government Accountability Office (GAO), the Department’s Office of Inspector General (OIG), and Members of Congress in accessing and obtaining information.

On April 30, 2007, the Chairmen and Ranking Members of the Full Committee and the Subcommittees on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Management, Investigations, and Oversight sent a letter to the Chief Information Officer of the Department of Homeland Security requesting information relating to the network hacking which occurred in 2006 on the computers of the Departments of Commerce and State.

#### PROCUREMENT AND CONTRACTS MANAGEMENT

As part of the Committee’s oversight of the Department’s contracting, procurement, and acquisition management, the Committee held briefings, hearings, and exchanged frequent correspondence regarding the Department’s contracting activities. The Committee’s oversight activities centered around several critical issues, including: sole-source contracts and non-competitive procurement, cost-benefit analyses of procurement activities, risk mitigation, fairness and equity in the DHS contracting process, the Department’s compliance with the Federal Acquisition Regulation

(FAR), and whether Department contracting contributed to waste, mismanagement, and/or abuse of scarce Federal homeland security funds. The Committee also closely monitored and conducted hearings regarding the Department's high risk contracts, such as SBInet, Deepwater, and Hurricane Katrina-related contracts.

The Committee also examined the Department's acquisition workforce and enlisted the assistance of the Government Accountability Office to identify and make recommendations regarding areas in need of improvement. Particular attention was given to the Office of the Chief Procurement Officer and whether its staffing levels were appropriate, given the office's mission and functions. The Committee also examined the Department's Contracting Officer Technical Representatives (COTRs), Program Managers, and Contracting Officers in an effort to ensure adequate staffing, training and management capabilities.

In addition to inquiring into Department headquarters activities, the Committee also paid close attention to Department component procurement activities, including conducting a hearing examining the Transportation Security Administration's (TSA) contracting policies, entitled: "Playing by its Own Rules: TSA's Exemption from the Federal Acquisition Regulation, and How it Impacts Partnerships with the Private Sector."

In performing its oversight functions, the Committee met with representatives from the Department of Homeland Security Office of the Chief Procurement Officer, Office of Small and Disadvantaged Business Utilization, Component Procurement Officers and the Under Secretary for Management.

#### HUMAN CAPITAL MANAGEMENT

As part of the Committee's oversight of the Department's efforts to implement a new personnel system, as well as the Department's efforts to recruit, hire and retain a dedicated DHS workforce, the Committee held several hearings, briefings, and meetings, to assess the Department of Homeland Security's implementation of its personnel system, as well as its efforts to meet hiring needs and its ability to attract, hire, promote, retain and support a DHS-wide workforce.

The Committee examined the following issues: the Department's ability to implement its personnel system; Department-wide workforce policies as well as the workforce protections afforded to some members of the workforce; the effectiveness of coordination among the Department's Office of the Chief Human Capital Officer and the components personnel offices; the Department's ability to meet recruiting and hiring goals through the use of strategic outreach programs; the training and development afforded to its employees; the Department's ability to retain its employees; and the DHS 2007, Employee Survey results.

Committee Members and Staff met with representatives of the Department, other Federal agencies including the Office of Personnel and Management, Department of Defense, the Government Accountability Office, State and local officials, civic organizations, and organized labor to discuss the personnel and workforce strategies and issues at the Department. Committee Staff attended regular Office of the Chief Human Capital Officer (OCHCO) periodic

updates on the workforce strategies, policies, and positions, as well as those with the component agencies. In addition, Committee Members and Staff visited local airports and ports of entry with local officials and several community organizers to understand the morale and health of the workforce and the effect of DHS policies on the field.

The Committee's oversight in this area resulted in the enactment of H.R. 1, the "Implementing Recommendations of the 9/11 Commission Act of 2007." In addition, the Committee reported and the House passed, the "Department of Homeland Security Authorization Act for Fiscal Year 2008."

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Provided by Tamla:

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#### INFORMATION TECHNOLOGY SYSTEMS MANAGEMENT

##### TERRORIST WATCHLIST

On May 22, 2007, the Subcommittee on Management, Investigations, and Oversight held a Member only briefing for the Members of the Committee on Homeland Security on the Federal Government's management and use of the Terrorist Screening Database (TSDB). Representatives from the Government Accountability Office briefed Members on the TSDB, also known as the terrorist watchlist. The Department of Homeland Security's Inspector General, and the contractors who ran the program. It focused on the future of the program and whether the Coast Guard has the sufficient program management capacity to run the program effectively.

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#### EMERGENCY COMMUNICATIONS, PREPAREDNESS AND RESPONSE

##### FEDERAL PREPAREDNESS AND RESPONSE EFFORTS

As part of the Subcommittee on Emergency Communications, Preparedness, and Response's oversight of Federal preparedness and response efforts during the 110th Congress, the Subcommittee held several hearings, briefings, meetings, and conducted site visits to assess the Department of Homeland Security's compliance with the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) and the Post-Katrina Emergency Management Reform Act of 2006 (P.L. 109-295), (PKEMRA). The Subcommittee examined: the Department's ability to leverage private sector resources during emergency response; the effectiveness of Federal, State, and local coordination prior to and during catastrophic events; the Federal Emergency Management Agency's (FEMA) ability to respond to large scale catastrophic events; FEMA's ability to rapidly deploy support to State-led disaster response efforts; and FEMA's coordination with State and local governments to ensure that recovery efforts include a focus on mitigating damage from future catastrophes.

Subcommittee Members and Staff met with representatives of the Department, other Federal agencies including the Department

of Defense, State and local officials, first responders, and civic organizations to discuss the implementation of the Post-Katrina Emergency Management Reform Act of 2006. Subcommittee Staff visited FEMA's National Response Coordination Center and the American Red Cross Operations Center the day of Hurricane Gustav's landfall to assess FEMA's implementation of PKEMRA. Moreover, Subcommittee staff attended regular FEMA briefings every 90 days to receive periodic updates on FEMA's implementation of the PKEMRA. In addition, Committee Members and Staff visited the Gulf Coast to meet with local officials including six mayors and several community organizers to discuss recovery efforts from Hurricane Katrina and the impact of FEMA's new regional office structure on local leaders.

The Subcommittee's oversight in this area resulted in the enactment of H.R. 1, the "Implementing Recommendations of the 9/11 Commission Act of 2007." In addition, the Committee reported and the House passed, the "Department of Homeland Security Authorization Act for Fiscal Year 2008."

#### NATIONAL PREPAREDNESS GOAL AND SYSTEM

As part of the Subcommittee on Emergency Communications, Preparedness, and Response's oversight of the National Preparedness Goal and the National Preparedness System during the 110th Congress, the Committee held hearings, meetings, and exchanged correspondence to assess the Department of Homeland Security's efforts to ensure the Nation's ability to prevent, respond to, recover from, and mitigate catastrophic incidents. The Subcommittee examined: preparations for the 2007 and 2008 hurricane seasons; the effectiveness of FEMA's regional office structure; the ability of citizens to prepare themselves for future catastrophes; challenges facing first responders; the ability of the Department to leverage private sector resources for preparedness and response; the effectiveness of homeland security exercises; and the ability of States to leverage mutual aid during response efforts.

The Subcommittee exchanged correspondence and held meetings with the Department to assess the implementation of Homeland Security Presidential Directive-8, specifically focusing on the Department's progress implementing eight key National Planning Scenarios. Subcommittee Staff also examined and analyzed Homeland Security Presidential Directive-5, particularly as it relates to the National Incident Management Systems (NIMS), the National Response Framework which supersedes the National Response Plan, and the credentialing of first responders to a catastrophic incident. As part the analysis of the Homeland Security Presidential Directives, the Subcommittee also met with State, local, and Tribal government representatives to understand their assessment of grant guidelines and resources allocated by the Department of Homeland Security.

The Subcommittee's oversight in this area resulted in the enactment of H.R. 1, the "Implementing Recommendations of the 9/11 Commission Act of 2007," the passage of the "Department of Homeland Security Authorization Act for Fiscal Year 2008," and the Subcommittee's adoption of the "Citizen and Community Preparedness Act of 2008," (H.R. 5890)

## NATIONAL RESPONSE PLAN/INCIDENT MANAGEMENT

As part of the Subcommittee on Emergency Communications, Preparedness, and Response's oversight of the National Response Plan, now known as the National Response Framework (NRF), and the National Incident Management System during the 110th Congress, the Subcommittee held several hearings, briefings, meetings, and exchanged correspondence to oversee the Department's review and revision of the NRF. The Committee examined: the Department's progress on updating the NRF, the Department's rewrite of the NRF, the effectiveness of mutual aid agreements in assisting in response efforts, and the ability of the Department and FEMA to properly credential those responding to a catastrophe.

Subcommittee staff met with and exchanged correspondence with Department and FEMA officials to provide substantive and technical comments on the draft NRF. In addition, the Subcommittee held a hearing on the Department's efforts to lead the Federal response during catastrophes on April 9, 2008 entitled, "Moving Beyond the First Five Years: Ensuring FEMA's Ability to Respond to and Recover in the Wake of a National Catastrophe."

The Subcommittee's also provided comments on the draft NRF, which resulted in many improvements in the final plan, including a clarification of the roles and responsibilities of the Principal Federal Official and the Federal Coordinating Officer.

## INTEROPERABLE COMMUNICATIONS

As part of the Subcommittee on Emergency Communications, Preparedness, and Response's oversight of Federal interoperable emergency communications efforts during the 110th Congress, the Subcommittee held several hearings, briefings, meetings, and site visits to assess the Department of Homeland Security's compliance with the Intelligence Reform and Terrorism Prevention Act of 2004 and the Post-Katrina Emergency Management Reform Act of 2006. The Subcommittee examined the Department's ability to ensure the capabilities of the Nation's first responders to effectively communicate across jurisdictions and disciplines in the event of a catastrophic incident.

Subcommittee Members and staff met with representatives from the Department, other Federal agencies including the Departments of State, Defense, Justice, Health and Human Services, Commerce, the Federal Communications Commission, private sector entities, as well as officials from State, local, and tribal governments to discuss coordinated efforts to strengthen operable and interoperable emergency communications nationwide. In particular, the Subcommittee examined the Department's ability to support public safety interoperable communications through grant programs, cross-border interoperable emergency communications capabilities, public alert and warning systems, public safety spectrum allocation, and a national framework to coordinate efforts by the Nation's public safety, public health, and emergency management community at the Federal, State, tribal, Territorial, regional and local levels.

## ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST RESPONDERS

As part of the Committee's oversight of first responder issues during the 110th Congress, the Subcommittee on Emergency Communications, Preparedness, and Response held numerous hearings, briefings, and meetings with Federal, State, local, and tribal officials and all of the first responder disciplines to evaluate the effectiveness of the Department of Homeland Security's programs that provide funding to State and local governments and first responders. These hearings and briefings addressed numerous areas of concern including: the need to ensure that Public Safety Interoperable Communications Grants are effectively used to update equipment used by states to ensure proper coordination with the local governments; the need to increase citizen involvement in community preparedness efforts by increasing funding for the Citizen Corps Program and ensuring that the Citizen Corps Program provides outreach and support to disadvantaged communities; and ensuring that mutual aid agreements are properly implemented and ready for activation when States experience a disaster.

To examine concerns regarding the lack of grassroots community preparedness efforts, the Subcommittee held a hearing on June 13, 2007 about the Department of Homeland Security's community preparedness programs, which led to the introduction of H.R. 5890, the "Citizen and Community Preparedness Act of 2008." While drafting H.R. 5890, Subcommittee staff met with several grassroots organizations to ensure that all key stakeholders provided input. The Subcommittee considered the bill on April 30, 2007, and forwarded it on to the Full Committee.

## FIRST RESPONDER TRAINING

As part of the Committee's oversight of national preparedness and response activities during the 110th congress, the Subcommittee on Emergency Communications, Preparedness, and Response held hearings, briefings, and meetings to evaluate the efficacy and efficiency of the Department of Homeland Security's programs that provide training, technical assistance, and other resources to the Nation's first responders. These activities focused on a number of issues critical to first responders including: ensuring that Federal emergency response teams and military support provided to local officials during a disaster are properly coordinated and equipped, that first responders receive the equipment necessary to be effective along the Nation's borders, and that first responders test the limits of their training through the use of exercises.

The Subcommittee's work in this area resulted in the introduction of H.R. 1333, "The Civil Air Patrol Homeland Security Report Act of 2007." This legislation would amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions. The bill was considered in the Subcommittee on April 30, 2007, and forwarded to the Full Committee for consideration. The Full Committee considered the bill on May 20, 2008, and ordered

the legislation reported to the House as amended. In addition, the Subcommittee's work also resulted in the introduction of H.R. 4183, the "National Urban Search and Rescue Response System Act of 2007." H.R. 4183 formally establishes the National Urban Search and Rescue Response System within the Department of Homeland Security. The legislation was considered by the Subcommittee on April 30, 2007, and ordered reported to the Full Committee, as amended, for consideration.

#### CONTINUITY OF OPERATIONS

As part of the Subcommittee on Emergency Communications, Preparedness, and Response's oversight of the Department of Homeland Security's role regarding the Continuity of Operations in the 110th Congress, Subcommittee Staff conducted a site visit to Mount Weather to review the status of the Federal agencies' planning to ensure the continuity of operations and the continuity of government should a catastrophic incident occur. Additionally, the Committee has also corresponded with the Department to request the supporting materials and the status of the eight national planning scenarios contained in the National Response Framework.

#### INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

##### DHS' OFFICE OF INTELLIGENCE AND ANALYSIS

As part of the Committee's oversight of the Department's Office of Intelligence and Analysis, the Committee held numerous briefings, hearings, and meetings and exchanged correspondence with Department officials and others to ensure that the Under Secretary for Intelligence and Analysis was 1) driving a common intelligence mission across the Office of Intelligence and Analysis and the various intelligence components within the Department's legacy law enforcement agencies; and 2) producing homeland security intelligence products that met the needs of the Department's State, local, tribal and private sector partners.

As detailed more fully below, the Committee examined: the Department's means and methods of communicating threat information to relevant stakeholders; intra-Department efforts to streamline information sharing and knowledge management by creating ultimate accountability to the Under Secretary for Intelligence and Analysis; the Department's outreach to State, local, and private sector sources of information to inform its analysis work; intelligence training for Department intelligence personnel; the Department's efforts to create a comprehensive information technology network architecture linking the Office of Intelligence and Analysis with the Department's intelligence components; State and local fusion centers; the role of State, local, tribal and private sector information needs in the Department's intelligence production processes; and the effectiveness of the authorities and organization of the Office of Intelligence and Analysis itself.

The Committee and Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held numerous classified briefings during which Members and staff were able to assess the

quality and quantity of intelligence products being prepared by the Department and how its efforts compared to those of other Federal Intelligence Community agencies such as the National Counterterrorism Center (NCTC), the Federal Bureau of Investigation (FBI), and the Central Intelligence Agency (CIA). The Subcommittee, in turn, held several hearings about the budgetary needs of the Office of Intelligence and Analysis, its priorities, and its challenges. Other hearings, briefings, meetings, and correspondence covered all of the areas described above and several more — including the problem of over-classification and so-called “pseudo-classification” of homeland security-relevant information; the threat of violent radicalization and homegrown terrorism; and the evolving threat of Al Qaeda and other foreign terrorist groups. Members and staff attended numerous briefings and meetings on these topics as part of their oversight work.

The Committee and the Subcommittees’ oversight resulted in the enactment of the “Implementing Recommendations of the 9/11 Commission Act of 2007,” P.L. 110-53, which included many provisions described more fully below that addressed the Office of Intelligence and Analysis’ shortcomings identified by Members and staff — most especially in the areas of mission and mission authorities, product quality, integration of intelligence components, and intelligence dissemination. P.L. 110-53, in turn, served as the basis for additional oversight as the law was implemented at the Department level. The Committee and the Subcommittees’ oversight also resulted in the enactment of the “Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act of 2008,” P.L. 110-412, which clarified the funding provisions in P.L. 110-53 to allow for more sustained intelligence analyst funding at State and local fusion centers.

In addition, the Committee reported and the House passed both H.R. 4806, the “Reducing Over-Classification Act of 2008,” to prevent over-classification at the Department, and H.R. 6194, the “Improving Public Access to Documents Act of 2008,” to implement the new Controlled Unclassified Information (CUI) regime that was designed by the Program Manager of the Information Sharing Environment to replace the confusing and inconsistent sensitive but unclassified (SBU) control marking regimes across the Federal government. The Committee likewise reported and the House passed H.R. 3815, the “Homeland Security Open Source Information Enhancement Act of 2008,” which gives the Department’s Privacy Officer a key oversight role when it comes to the operations of the Department’s open source intelligence program.

#### DHS’ INTELLIGENCE AND INFORMATION COLLECTION ACTIVITIES

As part of the Committee’s oversight of the Department’s Office of Intelligence Analysis and the various intelligence components within its legacy law enforcement agencies, the Committee held several hearings, briefings, and meetings and exchanged correspondence with Department officials to oversee the Department’s intelligence and information collection activities. The Committee examined: the Department’s leadership of the newly established National Applications Office (NAO) to handle requests for domestic satellite imagery of the homeland by civil applications, homeland

security, and law enforcement domain users; the categories, quality, and utility of intelligence products created by the Office of Intelligence and Analysis; the Department's State and local fusion center program; and the Department's management of the Inter-agency Threat Assessment and Coordination Group (ITACG) Detail at the National Counterterrorism Center (NCTC).

As described more fully below, the Full Committee held a hearing on the Department's leadership of the NAO program, and Members and staff had numerous briefings and meetings about this evolving intelligence collection initiative, the privacy and civil liberties implications of it, and the failure of the Department to define what information requirements the NAO would meet for its State, local, and tribal partners.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held two hearings examining the categories, quality and utility of intelligence products created by the Department and how to make them better — drawing on the testimony of Department, NCTC, State and local law enforcement and homeland security personnel. The Subcommittee likewise held several hearings about the Department's State and local fusion center program — examining the efficacy of fusion centers as an intelligence generator of value to the homeland, the appropriate Department role at fusion centers in terms of analytical and other support, and sustainment funding for them. Committee Members and staff visited several fusion centers across the country to obtain a first-hand account of the intelligence analysis work the centers do and how the Department partners with them. The Subcommittee also held a hearing and series of briefings on the progress of the ITACG Detail, a group of police and sheriffs' officers assigned to the NCTC to identify intelligence that might be of interest to the State, local and tribal law enforcement community; to help Federal intelligence analysts write those products in a way that provides utility to patrol officers on the beat; and to target them to appropriate audiences.

The Committee and the Subcommittees' oversight in this area resulted in the enactment of the "Implementing Recommendations of the 9/11 Commission Act of 2007," P.L. 110-53, which among other things established the ITACG and the ITACG Detail in law; and the "Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act of 2008," P.L. 110-412, described above. The Committee and Subcommittees' oversight also resulted in classified action by the House Appropriations Committee that limited the NAO's intelligence collection role to minimize the risk to privacy and civil liberties. The Committee and the Subcommittees' work likewise provided a benchmark going forward for what the Department's Office of Intelligence and Analysis role should be within the Department and the wider Federal Intelligence Community and what gaps its homeland security intelligence products should fill.

#### INFORMATION SHARING

As part of the Committee's oversight of the Department's efforts to share accurate, actionable, and timely information with its State, local, tribal and private sector partners, the Committee held

numerous hearings, meetings and site visits and exchanged correspondence with Department officials to encourage the development of intelligence products and processes that would make the homeland safer — by leveraging all stakeholders in the Nation's security efforts, including police and sheriff "first preventers" and other emergency response providers. The Committee examined: the establishment and development of the Interagency Threat Assessment and Coordination Group (ITACG) and the ITACG Detail described above; the twin problems of over-classification and so-called "pseudo-classification" resulting from the overuse of sensitive but unclassified (SBU) control markings; the growth and work of State and local fusion centers; and efforts to share more and better information with the private sector.

Committee Members and staff met with National Counterterrorism Center (NCTC) representatives, Office of the Program Manager of the Information Sharing Environment (PM-ISE) staff, and the ITACG Detailees — State and local law enforcement officers assigned to the ITACG — to examine how the ITACG was identifying National intelligence and other data of relevance to police and sheriffs' officers Nationwide, the production role of the ITACG Detailees within the NCTC, and the impact of the ITACG on the quality of intelligence being shared with a homeland audience. Committee staff held monthly meetings with ITACG stakeholders to ensure that it evolved progressed in line with Congressional intent.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, in turn, held a hearing on the ITACG and received commitments from Federal Intelligence Community officials that ITACG Detailees would be involved in the intelligence production process within the NCTC. The Subcommittee likewise held a series of hearings on the over-classification and so-called "pseudo-classification" problem to assess the impact that the phenomena were having on information sharing with State, local, tribal, and private sector audiences. The Subcommittee also held several hearings on the financial, training, and other support that the Department's Office of Intelligence and Analysis is providing to State and local fusion centers. In addition, the Subcommittee held a hearing addressing private sector information sharing and the particular concerns that those stakeholders have in sharing proprietary information with the Department and other Federal agencies.

The Committee's oversight in this area resulted in enactment of the "Implementing Recommendations of the 9/11 Commission Act of 2007," P.L. 110-53, which among other things established the ITACG and the ITACG Detail in law, and the "Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act of 2008," P.L. 110-412, described above. In addition, the Committee reported and the House passed both H.R. 4806, the "Reducing Over-Classification Act of 2008", and H.R. 6194, the "Improving Public Access to Documents Act of 2008", both described above.

#### THREAT COMMUNICATIONS AND ADVISORIES

As part of the Committee's oversight of the Department's role in disseminating homeland threat information to its Federal, State,



local, tribal, and private sector partners, and the public, the Committee held hearings, meetings, and exchanged correspondence with Department officials and others to ensure that the information provided by the Department was accurate, actionable, and timely. The Committee held numerous classified intelligence briefings and examined: the Homeland Security Advisory System; the evolving threat from Al Qaeda and other terrorist organizations; information sharing efforts surrounding mass gatherings, including National Special Security Events (NSSEs) such as the Democratic National Convention, the Republican National Convention, and the Inauguration of President-elect Barack Obama; and the practical use of homeland threat communications and advisories.

Committee Members and staff held meetings and exchanged correspondence with Department officials regarding the efficacy of the Homeland Security Advisory System and how to make it more useful for the Department's non-Federal partners. Committee Members and staff likewise received and reviewed numerous unclassified terrorist threat advisories prepared by the Department's Office of Intelligence and Analysis and provided feedback to the Department about the utility of that information.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing about growing rifts among key leaders in Al Qaeda and other terrorist groups and its implications for homeland security and terrorism risk assessment. The Subcommittee also conducted a hearing in Aurora, Colorado, regarding the United States Secret Service's (USSS) information sharing and planning efforts for the Democratic National Convention and conducted site visits to both Denver and St. Paul, Minnesota, to assess the threat communication processes and procedures being developed in both locales in advance of the Democratic and Republican National Conventions, respectively. In addition, the Subcommittee held a series of other classified intelligence briefings on actual threats and the USSS' processes for communicating those threats to State, local, tribal and private sector stakeholders that were involved with the candidate debates during the 2008 Presidential election cycle as well as preparations for the Inauguration of President-elect Barack Obama in January 2009. The Subcommittee also held a hearing on the issue of resiliency and how homeland security information could be improved to better inform efforts to prevent, prepare for, and recover from terrorist attacks.

The Committee and Subcommittees' oversight in this area resulted in changes and improvements to the Homeland Security Advisory System in the "Implementing Recommendations of the 9/11 Commission Act of 2007", P.L. 110-53. It also identified the USSS as a potential model for Department partnership with State, local, tribal and private sector stakeholders in the information sharing arena. Moreover, the Committee and Subcommittees' oversight highlighted the role that homeland security intelligence could play not only in prevention of attacks but better preparation — through a risk-based approach to homeland security — for them.

INTELLIGENCE-DRIVEN EFFORTS TO COUNTER TERRORISM-RELATED  
SMUGGLING

As part of the Committee's oversight of terrorism-related smuggling issues, the Subcommittee on Border, Maritime, and Global Counterterrorism held hearings and member briefing to evaluate the efficacy of relevant DHS programs. These Subcommittee meetings focused on the counterterrorism efforts of Immigration and Customs Enforcement's (ICE) Office of Investigations, including current and past investigations involving terrorism and contributions made by the agency to support other law enforcement agencies in fighting terrorism. They also included an examination of the Merida Initiative, which is intended to combat transnational criminal organizations, and exploration of whether DHS should play a greater role in that program.

## THE NATIONAL OPERATIONS CENTER

As part of the Committee's oversight of the Department's National Operations Center (NOC), the Committee held a hearing and several briefings, meetings, and exchanged correspondence with Department officials to oversee the NOC's development and implementation of the Homeland Security Information Network (HSIN) and its replacement system, the Homeland Security Information Network Next Generation (HSIN Next Gen). HSIN and HSIN Next Gen are intended to be the Department's sensitive but unclassified (SBU) information sharing network with State, local, tribal and private sector partners.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "Fixing the Homeland Security Information Network: Finding the Way Forward For Better Information Sharing." The hearing coincided with the public release of a report by the Government Accountability Office regarding HSIN's ongoing development and implementation problems, concluding that the Department had failed to coordinate with other preexisting State and local information sharing systems before investing tens of millions of dollars in the HSIN. As a result, it found that effective information sharing might not be occurring, and that a significant amount of duplication with other information sharing systems — like the Regional Information Sharing Systems (RISS) Program — seemed likely. The hearing also focused on previous report by the Department's Inspector General that had reached similar conclusions, as well as an April 17, 2007, internal Department Memorandum acknowledging that the HSIN had "grown without sufficient planning and program management" and announcing the HSIN Next Gen replacement. The Committee's subsequent correspondence, briefings, and meetings focused on the development of HSIN Next Gen, which lacked a business plan vetted by the Department's State, local, tribal, and private sector partners that defined end user requirements. Members of the Committee accordingly called for a moratorium on HSIN Next Gen's development until the Department took these key foundational steps.

As a result of the Committee's oversight in this area, the Office of Management and Budget (OMB) froze all funding for HSIN Next Gen development until the Department provided a business plan

that included the missing State, local, tribal and private sector information requirements and demonstrated a true partnership with those stakeholders. Without such information and partnership, HSIN Next Gen appeared to be doomed to failure like its predecessor.

#### PRIVACY AND CIVIL LIBERTIES PROTECTION

As part of the Committee's oversight of the Department's intelligence and information sharing activities, the Committee held several hearings, briefings, meetings, and exchanged correspondence to ensure that the Department conducted its intelligence and information sharing work in strict compliance with the Constitution and the law. The Committee examined: Department's National Applications Office (NAO) that made the Department the manager for all Federal, State, local, and tribal requests for Federal Intelligence Community and military satellite imagery of the homeland; the Department's State and Local Fusion Center Program; privacy and civil liberties training for intelligence and other personnel within the Department and at the State, local, and tribal levels; and the privacy and civil liberties implications of open source intelligence.

The Committee held a hearing on the NAO entitled "Turning Spy Satellites on the Homeland: the Privacy and Civil Liberties Implications of the National Applications Office." The hearing identified the need for a legal framework for the program that would ensure that the Department did not provide access to Federal Intelligence Community and military satellite imagery to its civil applications, homeland security, or law enforcement domain customers without clear policies and procedures in place to prevent domestic spying and other potential privacy and civil liberties abuses. Committee Members and staff met with and exchanged numerous letters with Department and Office of Intelligence and Analysis officials to describe their concerns and to request a written legal framework and standard operating procedures for the NAO. Committee Members and staff likewise met with representatives from the privacy and civil liberties community to discuss the written legal framework and SOPs for the NAO.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a series of hearings on fusion centers which included testimony about how to protect privacy and civil liberties as part of the information sharing those centers promote. Committee staff held numerous briefings with Department officials and representatives from the privacy and civil liberties community to discuss appropriate privacy and civil liberties training for Department personnel and the Department's information sharing partners at the State, local, and tribal levels. Committee staff likewise held several open source briefings with Department and Office of the Director of National Intelligence (ODNI) officials that addressed relevant privacy and civil liberties concerns.

The Committee's oversight in this area resulted in classified action by the House Appropriations Committee that addressed the Committee's privacy and civil liberties concerns with the NAO. It likewise led to the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53, which among other things required Department personnel affiliated with

fusion centers to undergo appropriate privacy and civil liberties training and conditioned Department funding for State and local fusion centers on State and local fusion center personnel receiving privacy and civil liberties training prescribed by the Department's Privacy Officer and Officer for Civil Rights and Civil Liberties. The Committee likewise reported and the House passed H.R. 1684, the "Department of Homeland Security Act for Fiscal Year 2008" which provided similar training provisions. Additionally, the Committee reported and the House passed H.R. 3815, described above.

#### RADICALIZATION

As part of the Committee's oversight of terrorist threats to the homeland during the 110th Congress, the Committee held several hearings, briefings, and meetings to examine the growing phenomena of violent radicalization and homegrown terrorism and its implications for homeland security. The Committee examined: the criminal prosecution of violent extremists identified and apprehended by Federal, State, and local law enforcement officials in southern California, the radicalization process for those violent extremists, and how authorities shared information to prevent their planned attacks; privacy and civil liberties issues involved in meeting the threat of violent radicalization and homegrown terrorism and Constitutionally sound strategies to prevent extremist violence; community outreach efforts to prevent extremist violence; legislative strategies to address how violent radicalization and homegrown terrorism might manifest themselves domestically, including the creation of a National commission to study and propose strategies to address the phenomena; and the use of the Internet by terrorists as a tool to radicalize Americans and legal residents and incite them to violence.

Members of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk assessment and staff met with Department and National Counterterrorism Center (NCTC) officials to discuss the threat posed by violent radicalization and homegrown terrorism, intelligence on how the threat was evolving domestically, and how information about the threat was being shared across the Federal Intelligence Community and with State, local, and tribal homeland security and law enforcement officials. Subcommittee Members and staff also met with privacy and civil liberties groups during the drafting of H.R. 1955, the "Violent Radicalization and Homegrown Terrorism Prevention Act of 2007", P.L. 110-53, to ensure that the legislation would encourage a robust discussion of the phenomena and strategies for action that fell squarely within strict Constitutional boundaries.

As a result of the Committee's oversight in this area, the Committee reported and the House passed H.R. 1955, the "Violent Radicalization and Homegrown Terrorism Prevention Act of 2007."

## TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION

### NATIONAL STRATEGY FOR TRANSPORTATION SECURITY

As part of the Committee's oversight of the Department of Homeland Security's implementation of a National strategy for transportation security, the Committee held several hearings, briefings, and meetings to assess the Department's commitment to a plan that secures all modes of transportation. The Committee examined the Department's progress in developing a risk-based National strategy for transportation security, as required by section 4001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458). The Committee also reviewed the security efforts by Federal rail and transportation entities; the industry and labor perspectives with regard to rail and mass transit security; the threats posed by cross-border trucking; and the efforts underway to protect the mass transit critical infrastructure within New York City and other mass transit hubs across the country.

Committee Members and staff met with representatives of the Department, other Federal agencies, State and local officials, and representatives of the private sector to assess the Department's compliance with section 4001 of the Intelligence Reform and Terrorism Prevention Act of 2004, the Implementing Recommendations of the 9/11 Commission Act of 2007, (P.L. 110-53), and other relevant statutes.

The Committee's oversight in this area resulted in the enactment of H.R. 1, the "Implementing Recommendations of the 9/11 Commission Act of 2007." In addition, the Committee reported and the House passed H.R. 1684, the "Department of Homeland Security Authorization Act for Fiscal Year 2008," as well as H.R. 1401, the "Rail and Public Transportation Security Act of 2007."

### CONSOLIDATION OF REDUNDANT BACKGROUND CHECKS

As part of its oversight of the Department of Homeland Security's consolidation of redundant background checks, the Committee held a hearing and several briefings that focused on the large number of potential background check and credentialing programs that an individual might have to complete in the course of their transportation-related employment. The Committee held a briefing on the impact of background checks and security clearances on the transportation workforce.

Committee Members and staff met with representatives of the Department, other Federal agencies, State and local officials, and representatives of the private sector to assess consolidation efforts.

The Committee's oversight in this area resulted in the enactment of H.R. 1, the "Implementing Recommendations of the 9/11 Commission Act of 2007," (P.L. 110-53).

### PASSENGER AND BAGGAGE SCREENING

As part of its oversight of the Transportation Security Administration's (TSA) progress in developing and deploying passenger- and baggage-screening technologies, the Committee held several hearings, briefings, and site visits to assess TSA's effectiveness in

this area. In the course of these meetings, the Committee examined the implementation of the Registered Traveler program and the need to enhance human resources and equipment at our Nation's airports.

Committee Members were briefed on the Registered Traveler program.

Committee Members and staff met with representatives of the Department, other Federal agencies, State and local officials, and representatives of the private sector to assess the development and deployment of passenger- and baggage-screening technologies. Committee staff also visited several airports to assess screening efforts at these locations.

The Committee's oversight in this area resulted in the enactment of H.R. 1, the "Implementing Recommendations of the 9/11 Commission Act of 2007," (P.L. 110-53). In addition, the Committee reported and the House passed H.R. 1684, the "Department of Homeland Security Authorization Act for Fiscal Year 2008."

#### AVIATION SECURITY

As part of its oversight of the Transportation Security Administration's (TSA) efforts to secure aviation, the Committee held several hearings, briefings, and meetings to assess TSA's progress in implementing effective aviation security. The Committee reviewed the improvements necessary to secure America's airports; whether the Nation's aviation nodes are truly protected against twenty-first century threats; efforts underway to screen cargo aboard passenger airplanes; and the problems associated with the terrorist watchlist.

Committee Members and staff met with representatives of TSA, State and local officials, and representatives from the Nation's airports to discuss progress made and problems faced in efforts to secure the country's airports and airplanes. At these meetings, Committee Members and staff discussed the development of supply-chain security measures and analyzed perimeter and access control procedures, as well as related technology (including the Transportation Worker Identification Credential and the Secure Identification Display Area credential).

In addition, the Committee held a joint classified Member briefing on the current operations

The Committee's oversight in this area resulted in the enactment of H.R. 1, the "Implementing Recommendations of the 9/11 Commission Act of 2007," (P.L. 110-53). In addition, the Committee reported and the House passed H.R. 1684, the "Department of Homeland Security Authorization Act for Fiscal Year 2008."

#### CRITICAL INFRASTRUCTURE PROTECTION

As part of its oversight of the Department of Homeland Security's efforts to secure the Nation's critical infrastructure, the Committee held several hearings, briefings, and meetings to galvanize further activity on this important front within the Department and in the private sector. The Committee examined the challenges posed by foreign ownership of critical infrastructure and whether adequate safeguards are in place to cope with such challenges; the implementation and future of the Department's regulatory frame-

work for securing the Nation's chemical facilities; whether infrastructure protection efforts at the Department effectively address cybersecurity concerns; the efficacy of public and private sector partnerships to secure critical infrastructure; whether the Department is promoting a resilience-based approach to infrastructure security; and the types of risk-management practices in place to aid decision-making and allocation of resources in the Department's efforts to secure critical infrastructure.

Committee Members and staff met with representatives of the Department and other Federal agencies, including the Department of Energy, the Department of Agriculture, and others. In addition, Committee Members and staff held meetings with State and local officials, as well as representatives of the private sector, to assess whether the Department was undertaking robust measures to secure critical infrastructure. This led to an enhanced focus and promotion of a resilience-based approach to critical infrastructure security and an ongoing assessment of whether the Department is adequately aligned to take a risk-management approach to homeland security. Committee Members and staff frequently met with the aforementioned stakeholders to assess the efficacy of the Chemical Facility Anti-Terrorism Standards and their future, in anticipation of their sunset in October 2009.

The Committee's oversight in this area resulted in the enactment of H.R. 1, the "Implementing Recommendations of the 9/11 Commission Act of 2007" (P.L. 110-53). In addition, the Committee reported and the House passed H.R. 1684, the "Department of Homeland Security Authorization Act for Fiscal Year 2008." The Committee also reported H.R. 5577, the "Chemical Facility Anti-Terrorism Act of 2008."

## BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

### IMPLEMENTATION OF TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC)

As part of the Committee's oversight of the TWIC program, the Subcommittee on Border, Maritime, and Global Counterterrorism held hearings and sent correspondence to the Department regarding implementation of the program. Concerns addressed in these hearings included lack of adequate program planning; failure to communicate effectively with stakeholders; limited resource allocation; minimal oversight of contractors; duplication of background checks; excessive equipment malfunction; lost applications; inadequate redundancy; and incomplete governmental recordkeeping. Correspondence focused on a variety of issues, such as the Department's failure to meet statutorily mandated program deadlines; potentially fraudulent TWIC cards; unacceptable helpdesk wait times; private companies' application services; reprogramming of grant funds originally dedicated for TWIC readers; and failure to process TWIC paperwork and appeal and waiver requests in a timely manner.

## PORT AND MARITIME SECURITY

As part of the Committee's oversight of port and maritime security, the Subcommittee on Border, Maritime, and Global Counterterrorism scrutinized the Department's port and maritime cargo security initiatives. The Subcommittee held two hearings to examine the Department's implementation of the SAFE Port Act (P.L. 109-347). Sections 201 and 202 of the Act required the Department to develop a comprehensive resumption of trade strategy and Section 204 of the Act required the Department to establish minimum standards and procedures for securing containers in transit to the United States. The hearings examined why the Department did not fully comply with these mandates, and the potential security implications.

The Subcommittee also focused on the Department's implementation of the Secure Freight Initiative pilot required by Section 231 of the SAFE Port Act. The pilot, consisting of three ports, began in December 2006. Section 1701 of the Implementing the Recommendations of the 9/11 Commission Act (P.L. 110-53) required the scanning of all cargo destined for the United States by July 1, 2012. Instead, the Department advocated for the scanning of cargo transiting through "high-risk trade corridors" and "strategic-trade corridors," though it did not define either concept. As a result of the Subcommittee's work, the Committee expressed concern about the failure to move toward fulfilling these mandates in a timely manner.

## INTEGRATED DEEPWATER SYSTEM

The Integrated Deepwater system is an acquisition program to upgrade and replace an aging fleet of ships and aircraft. On May 10, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism held a joint Member briefing with the Subcommittee on Management, Investigations, and Oversight on the U.S. Coast Guard's Integrated Deepwater System. On May 17, 2007, the Subcommittee on Border, Maritime and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled "Deepwater: Charting a Course for Safer Waters." The Subcommittees received testimony from Rear Admiral Gary T. Blore, Program Executive Officer, Integrated Deepwater System, U.S. Coast Guard, Department of Homeland Security; Mr. Richard L. Skinner, Inspector General, Department of Homeland Security; Captain Steven T. Baynes, Chief, Atlantic Area Response Enforcement Branch, U.S. Coast Guard, Department of Homeland Security; Mr. Fred Moosally, President, Lockheed Martin Maritime Systems and Sensors; and Mr. James E. Anton, Sector Vice President and General Manager, U.S. Coast Guard Programs, Northrop Grumman.

On May 10, 2007, the Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Border, Maritime, and Global Counterterrorism hosted a joint Member briefing for the Members of the Committee on problems associated with the Integrated Deepwater System.

## MARITIME DOMAIN AWARENESS AND VESSEL TRACKING

On November 26, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism held a field hearing in Miami, Florida



entitled "Homeland Security in the Maritime Environment: Maritime Domain Awareness and Vessel Tracking." The Subcommittee received testimony from Captain Karl Schultz, Commander, U.S. Coast Guard-Sector Miami, Department of Homeland Security; Mr. Stephen D. Dryden, President and CEO, The Mariner Group; and Colonel William H. Janes (U.S. Army, Ret.), Director, Florida Office of Drug Control.

#### SUPPLY CHAIN RESILIENCY

On May 7, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Assessing the Resiliency of the Nation's Supply Chain." The Subcommittee received testimony from Mr. Todd Owen, Executive Director, Cargo and Conveyance Security Office, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Rear Admiral James Watson, Director, Prevention Policy for Marine Safety, Security and Stewardship, U.S. Coast Guard, Department of Homeland Security; Mr. Robert W. Kelly, Senior Advisor, The Reform Institute; and Mr. Paul Zimmermann, Director of Operations, Board of Commissioners, Port of New Orleans.

#### COAST GUARD

As part of the Committee's oversight of the Coast Guard, the Subcommittee on Border, Maritime, and Global Counterterrorism held hearings on the Coast Guard's implementation of the SAFE Port Act. This Act required the Coast Guard to develop regulations for Long Range Vessel Tracking (Section 107), Notice of Arrival for Foreign Vessels on the Outer Continental Shelf (Section 109), Enhanced Crewmember Identification (Section 110), and development of a Port Security Training and Exercise Program (Sections 113 and 114). With the Subcommittee's Coast Guard oversight activities in mind, the Committee marked up the annual Coast Guard Authorization Act, H.R. 2830, and played a strong role in the development of the Integrated Deepwater Program Reform Act, H.R. 2722.

#### BORDER SCREENING

As part of the Committee's oversight of border screening matters, the Subcommittee on Border, Maritime, and Global Counterterrorism conducted extensive oversight on the border screening functions of the Department. The Subcommittee examined port of entry infrastructure, cross-border travel at the ports of entry, and the deployment and implementation of programs, technology and training to assist border and consular officials in identifying, intercepting, and disrupting terrorists, terrorist financing networks or others who would do us harm. The Subcommittee closely monitored the implementation of the Western Hemisphere Travel Initiative with several hearings, Member briefings, and correspondence. The Subcommittee monitored the Department's efforts to implement programs to expedite legitimate and qualified pre-screened travelers and cargo, such as NEXUS, SENTRI, FAST, and ACE, and to produce border crossing documents including the Enhanced Drivers License and the Passport Card.

Also, the Subcommittee reviewed the Department's efforts to implement the Visa Waiver Program requirements outlined in the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53. The Subcommittee conducted Member briefings and hearings and sent correspondence to the Department to gain more information about the Visa Waiver Program. As part of the examination, the Subcommittee conducted oversight on the Department's implementation of the Electronic System for Travel Authorization and US-VISIT system. The Committee and Subcommittee submitted official comments to the Department's Notice for Proposed Rule Making for US-VISIT exit. These efforts, in conjunction with significant correspondence the Subcommittee sent to the Department, examined the various challenges for US-VISIT; the impact of the program on cross-border travel at ports of entry; the ability of the Department to use overstay reports generated by the program for enforcement purposes; and the integration of the US-VISIT program with other screening programs.

Furthermore, the Subcommittee monitored the Department's interior immigration enforcement and detention practices. The Subcommittee held two hearings that examined immigrant detention, wrote correspondence to the Department, and visited numerous Federally and contractor-owned detention facilities. Also, the Subcommittee held two hearings on the Department's efforts to combat human trafficking in the United States and internationally, and studied the Department's interior immigration checkpoints and efforts to leverage State and local resources for immigration enforcement purposes.

#### OPERATIONAL CONTROL OF THE BORDER

As part of the Committee's oversight of DHS' efforts to gain operational control of the border, the Subcommittee on Border, Maritime, and Global Counterterrorism held numerous hearings and briefings and sent correspondence to the Department.

At the beginning of the 110th Congress, the Subcommittee held hearings to provide an overview of issues related to border security personnel, technology, and infrastructure necessary to securing America's borders. The purpose of the hearings was to set the stage for oversight and hearings regarding specific border security issues of concern.

Throughout the 110th Congress, of particular focus for the Subcommittee was DHS' implementation of the Secure Border Initiative and deployment of the program's technology component, known as SBInet. Because of previous failed attempts at deploying border security technology solutions and a number of delays with SBI and SBInet deployment, the Subcommittee gave the program consistent, careful scrutiny. The Subcommittee held three hearings on SBI, two of which were held jointly with the Subcommittee on Management, Investigations, and Oversight, at critical junctures in SBI and SBInet deployment. The Subcommittee also held two briefings to provide members with information on progress with the program. In addition, the Subcommittees hosted a site visit to the Tucson, Arizona area to view firsthand the initial, 28-mile deployment of SBInet, known as Project 28, and to assess the perform-

ance of the system and the need for improvements in future deployments.

Later in the 110th Congress, the Subcommittee held a hearing to receive testimony from Members of Congress who had introduced a broad array of legislative proposals to improve our Nation's border security. The Subcommittee also heard from the heads of Customs and Border Protection's Border Patrol, Office of Field Operations, and Air and Marine regarding the obstacles they face and the resources they need to fulfill their mission.

#### SBINET

On February 28, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism hosted a Member briefing to receive an update on the Department of Homeland Security's SBInet program. Representatives from the Department of Homeland Security, including the Department of Homeland Security's Inspector General's Office, and the Government Accountability Office briefed Members on SBInet, a component of Customs and Border Protection's Secure Border Initiative.

On June 7, 2007, Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled "Project 28: The Future of SBInet." The Subcommittee received testimony from Chief David V. Aguilar, U.S. Border Patrol, Customs and Border Protection, Department of Homeland Security; Mr. Gregory Giddens, Executive Director, Secure Border Initiative, Department of Homeland Security; Mr. Jerry W. McElwee, Vice President and Program Manager SBInet, Boeing Advanced Systems.

On June 19, 2007, the Chairman of the Committee on Homeland Security and the Chairwoman of the Subcommittee on Border, Maritime, and Global Counterterrorism sent a letter to the Secretary of Homeland Security expressing concerns that the testimony provided to the Subcommittee on June 7, 2007, failed to mention delays in the SBInet program.

On September 25, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight of the Committee on Homeland Security held a Member briefing to receive an update on the Department of Homeland Security's progress in implementing SBInet, and particularly, Project 28. Representatives from the Department of Homeland Security and the Government Accountability Office were present to provide Members with an update on this program.

On October 24, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled "The Future of Border Security: Can SBInet Succeed?" The Subcommittees received testimony from Mr. Gregory Giddens, Executive Director, Secure Border Initiative, Department of Homeland Security; Chief Robert W. Gilbert, Chief Patrol Agent, Tucson Sector, United States Border Patrol, Department of Homeland Security; Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office; Mr. Roger Krone, President, Network and Space Systems, The Boeing Company; and Mr. Jerry W. McElwee, Vice President, Advanced Systems, The Boeing Company.

On February 27, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled "Project 28: Lessons Learned and the Future of SBInet." The Subcommittee received testimony from Mr. Jayson P. Ahern, Deputy Commissioner, Customs and Border Protection, Department of Homeland Security; Chief David V. Aguilar, U.S. Border Patrol, Customs and Border Protection, Department of Homeland Security; Mr. Gregory Giddens, Executive Director, Secure Border Initiative, Customs and Border Protection, Department of Homeland Security; Mr. Richard Stana, Director, Homeland Security and Justice Issues, Government Accountability Office; and Mr. Roger Krone, President, Network and Space Systems, Integrated Defense Systems, The Boeing Company.

#### BORDER SECURITY

On May 22, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "The Border Security Challenge: Recent Developments and Legislative Proposals." The Subcommittee received testimony from Hon. Silvestre Reyes, Member in Congress from the 16th District of Texas; Hon. Brian P. Bilbray, Member in Congress from the 50th District of California; Hon. Ginny Brown-Waite, Member in Congress from the 5th District of Florida; Hon. Gabrielle Giffords, Member in Congress from the 8th District of Arizona; Hon. Heath Shuler, Member in Congress from the 11th District of North Carolina; Mr. Thomas S. Winkowski, Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Chief David V. Aguilar, U.S. Border Patrol, Customs and Border Protection, Department of Homeland Security; and Major General Michael C. Kostelnik, USAF (Ret.), Assistant Commissioner, Office of Air and Marine, Customs and Border Protection, Department of Homeland Security.

#### OTHER COMMITTEE ACTIVITIES

##### IMMIGRATION AND CUSTOMS ENFORCEMENT'S COUNTERTERRORISM INITIATIVES

On April 10, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism of the Committee on Homeland Security held a Classified Member briefing on the counterterrorism efforts of Immigration and Customs Enforcement's (ICE) Office of Investigations. The briefing included an explanation of the Counter Terrorism program within ICE's Office of Investigations, current and past investigations involving terrorism, and contributions made by the agency to support other law enforcement agencies in fighting terrorism.

##### WESTERN HEMISPHERE TRAVEL INITIATIVE

On April 16, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Moving Beyond the First Five Years: Ensuring Successful Implementation of the Western Hemisphere Travel Initiative." The Subcommittee received testimony from Ms. Kathleen Kraninger, Deputy Assistant Secretary, Policy, Screening Coordination Office, Department of Homeland Security; Mr. Robert Jacksta, Deputy Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Depart-

ment of Homeland Security; Mr. Derwood “Woody” Staeben, Senior Advisor, Western Hemisphere Travel Initiative, Department of State; Ms. Liz Luce, Director, Washington State Department of Licensing; Mr. Jim Phillips, President & CEO, CAN/AM Border Trade Alliance; and Ms. Janice L. Kephart, President, 911 Security Solutions.

#### THE MERIDA INITIATIVE

On June 5, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled “The Merida Initiative: Examining U.S. Efforts to Combat Transnational Criminal Organizations.” The Subcommittee received testimony from Mr. Paul Rosenzweig, Assistant Secretary (Acting), Office of International Affairs and Deputy Assistant Secretary for Policy, Department of Homeland Security; and Mr. David T. Johnson, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, Department of State.

### EMERGING THREATS, CYBERSECURITY, SCIENCE AND TECHNOLOGY

#### BIODEFENSE

#### BIOSHIELD

This hearing was part of the Committee’s oversight over Project BioShield (P.L. 108-276), a program designed to facilitate accelerated procurement of medical countermeasures such as drugs, vaccines, and medical devices for addition to the Strategic National Stockpile (SNS). To date, Project BioShield has only awarded contracts for immunizing against or treating anthrax, botulinum toxin and radiological sicknesses, even though the CDC has listed over 30 “select agents” of concern.

On April 18, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Can BioShield Effectively Procure Medical Countermeasures that Safeguard the Nation?” The Subcommittee received testimony from Mr. Jim Panek, President and Chief Executive Officer, VaxGen Inc.; Mr. Richard Hollis, Chief Executive Officer, Hollis-Eden Pharmaceuticals, Inc.; James H. Davis, Ph.D., J.D., Senior Vice President and General Counsel, Human Genome Sciences; Jeffrey Runge, M.D., Assistant Secretary for Health Affairs (Acting) and Chief Medical Officer, Office of Health Affairs, Department of Homeland Security; Gerry Parker, Ph.D., DVM, Principal Deputy Assistant Secretary, Office of the Assistant Secretary for Preparedness and Response, Department of Health and Human Services; Anthony Fauci, M.D., Director, National Institutes of Allergy and Infectious Diseases, National Institutes of Health, Department of Health and Human Services; and Jesse Goodman, MD., MPH., Director, Center for Biologics Evaluation and Research, Food and Drug Administration, Department of Health and Human Services.

#### NATIONAL BIO- AND AGRO-DEFENSE FACILITIES

On May 23, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Reducing Threats to our Nation’s Agriculture: Authorizing a National Bio and Agro-Defense Facility.” The Subcommittee received testimony from Dr. John Vitko, Head, Chemical and Biological Di-

vision, Science and Technology Directorate, Department of Homeland Security; Dr. Edward Knipling, Administrator, Agricultural Research Service, Department of Agriculture; and Mr. Kevin Shea, Assistant Administrator, Animal and Plant Health Inspection Service, Department of Agriculture.

#### AGRICULTURE SECURITY

This hearing will discuss the Federal efforts to mitigate vulnerabilities in the food supply chain. Imports of contaminated food from China — pet food laced with the chemical melamine, toothpaste with the poisonous compound diethyl glycol and seafood with carcinogenic antimicrobials — shows how vulnerable the food supply is to intentional acts of terrorism. This hearing will discuss the Federal implementation of HSPD-9 and its requirements of a coordinated food and agriculture protection program. Additionally, we will examine the Federal coordination with State and local officials in its fulfillment of HSPD-9.

On July 24, 2007, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled “Federal Efforts to Mitigate Vulnerabilities in the Food Supply Chain.” The Subcommittee received testimony from Dr. David Acheson, Assistant Commissioner, Food Protection, U. S. Food and Drug Administration; Dr. Carol Maczka, Assistant Administrator, Office of Food Defense and Emergency Response, Food Safety Inspection Service; Dr. Tom McGinn, Chief Veterinarian and Director, Food and Agriculture Security, Office of Health Affairs, Department of Homeland Security; Mr. Dan Baldwin, Assistant Commissioner, Office of International Trade, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Shaun Kennedy, Deputy Director, National Center for Food Protection and Defense, University of Minnesota-Twin Cities Campus; Dr. Craig Henry, Senior Vice President, Chief Operating Officer, Scientific and Regulatory Affairs, Grocery Manufacturers Association and Food Products Association; and Dr. Lee M. Myers, State Veterinarian, Assistant Commissioner of Animal Industry, Georgia Department of Agriculture.

#### PANDEMIC INFLUENZA

The purpose of this hearing is to provide Members with the opportunity to 1) explore insufficiencies in the National Strategy for Pandemic Influenza and its Implementation Plan; 2) examine the interactions between the Department of Homeland Security and the Department of Health and Human Services as they co-lead activities to manage an influenza pandemic when it does strike the Nation; 3) identify State and local challenges in obtaining the resources and guidance necessary to prepare for and respond to pandemic influenza; and 4) identify areas for immediate action to improve the National Strategy and its execution throughout the governmental and nongovernmental sectors. On September 26, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Beyond the Checklist: Addressing Shortfalls in National Pandemic Influenza Preparedness.” The Subcommittee received testimony from Ms. Bernice Steinhardt, Director, Strategic Issues, Government Accountability Office; B. Tilman Jolly, MD, Associate Chief Medical Officer for Medical Readiness, Office of Health Affairs, Department of Homeland Security.

ity; RADM W. Craig Vanderwagen, MD, Assistant Secretary for Preparedness and Response, Department of Health and Human Services; L. Anthony Cirillo, MD, Chief, Center for Emergency Preparedness and Response, Rhode Island Department of Health; Peter A. Shult, PhD, Director, Communicable Diseases Division, Wisconsin State Laboratory of Hygiene; Michael C. Caldwell, MD, MPH, Commissioner, Dutchess County Health Department, Poughkeepsie, New York; and David L. Lakey, MD, Commissioner, Texas Department of State Health Services, Center for Consumer and External Affairs.

#### BIOSURVEILLANCE

On July 16, 2008, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “One Year Later — Implementing the Biosurveillance Requirements of the ’9/11 Act.” The Subcommittee received testimony from Mr. Robert Hooks, Deputy Assistant Secretary for WMD and Bio-Defense, Office of Health Affairs, Department of Homeland Security; Mr. Eric Myers, Director, National Biosurveillance Integration Center, Office of Health Affairs, Department of Homeland Security; Mr. William Jenkins, Jr., Director, Homeland Security and Justice Issues, Government Accountability Office; Dr. James Wilson, V, Chief Technical Officer and Chief Scientist, Veratect Corporation; Dr. Jeffrey Stieffel, Director, BioWatch, Office of Health Affairs, Department of Homeland Security; and Dr. Frances Downes, State Public Health Laboratory Director, Michigan Department of Community Health.

#### PANDEMIC INFLUENZA

On September 23, 2008, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a Member on pandemic influenza. Representatives from the Office of Health Affairs (DHS), the National Exercise Program (DHS), the Operations Directorate (DHS), and the Office of the Assistant Secretary for Preparedness and Response (HHS) provided the briefing.

#### CBRNE TERRORISM AND NUCLEAR SMUGGLING

##### SECURING RADIOLOGICAL MATERIALS

On July 25, 2007, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a joint Classified Member briefing on securing radioactive materials to prevent a terrorist attack using a radiological dispersion devices. Representatives from the Department of Homeland Security and Sandia National Laboratory provided Members with an update.

##### NUCLEAR SMUGGLING DETECTION

On March 5, 2008, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Nuclear Smuggling Detection: Recent Tests of Advanced Spectroscopic Portal Monitors.” The Subcommittee received testimony from Mr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security; Ms. Elaine C. Duke, Deputy Under Secretary for Management, Department of Homeland Security; and Mr. George E. Thompson, Deputy Director, Programs, Homeland Security Institute.

#### ADVANCED SPECTROSCOPIC PORTAL MONITORS

On September 24, 2008, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a Classified Member briefing on radiation detection and the Advanced Spectroscopic Portal monitors. Representatives from the Department of Homeland Security's Domestic Nuclear Detection Office (DNDO) and Customs and Border Protection (CBP), the Government Accountability Office (GAO), and the Congressional Research Service (CRS) provided the briefing.

#### COUNTER-PROLIFERATION ACTIVITIES

##### RADIATION DETECTION TECHNOLOGIES

This hearing was the first in a series of hearings the Committee held on the Domestic Nuclear Detection Office (DNDO), specifically with regard to the procurement of Advanced Spectroscopic Portal (ASP) monitors. The Committee is concerned about the assumptions and methods used by DNDO in conducting their cost-benefit analysis for Advanced Spectroscopic Portal (ASP) monitors.

On March 14, 2007, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "Countering the Nuclear Threat to the Homeland: Evaluating the Procurement of Radiation Detection Technologies." The Subcommittee received testimony from Dr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security, and Mr. Gene Aloise, Director, Natural Resources and Environment, U.S. Government Accountability Office. This hearing was designed to update members on the deployment and use of Radiation Portal Monitors (RPM) and other equipment used for the detection of nuclear and radiological materials at our Nation's ports of entry (POE). This hearing expands upon the previous hearing on DNDO's procurement of Advanced Spectroscopic Portal (ASP) monitors held March 14, 2007.

On March 21, 2007, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "Countering the Nuclear Threat to the Homeland: Evaluating the Deployment of Radiation Detection Technologies." The Subcommittee received testimony from Mr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security, and Mr. Jayson Ahern, Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security.

##### SITE VISIT TO NEW YORK ON RADIOLOGICAL THREATS

On September 24, 2007, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment and the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology of the Committee on Homeland Security held a joint site visit to New York City. The Subcommittees were led by the New York City Police Department (NYPD) and attended briefings on the radiological threat and for tours of facilities that maintain stocks of radiological materials.

#### CYBERSECURITY

##### CYBERSECURITY: HACKERS



The infiltration by foreign nationals of Federal Government networks is one of the most critical issues confronting our Nation. Federal networks have been under attack for years; these attacks have resulted in the loss of massive amounts of critical information. The purpose of this hearing is to afford Members the opportunity to understand how deeply our systems have been penetrated. Experts believe that the remediation efforts that are currently underway are not able to completely clear out hackers from government networks.

On April 19, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled "Cyber Insecurity: Hackers are Penetrating Federal Systems and Critical Infrastructure." The Subcommittee received testimony from Mr. Greg Wilshusen, Director, Information Security Issues, Government Accountability Office; Mr. Donald Reid, Senior Coordinator for Security Infrastructure, Bureau of Diplomatic Security, Department of State; Mr. Dave Jarrell, Manager, Critical Infrastructure Protection Program, Department of Commerce; Mr. Jerry Dixon, Director, National Cyber Security Division, Department of Homeland Security; Mr. Aaron Turner, Cybersecurity Strategist, National & Homeland Security, Idaho National Laboratory; and Mr. Ken Silva, Chief Security Officer, VeriSign. Shortly after this hearing, the Committee began an investigation into the cybersecurity posture of the Department of Homeland Security, sending several letters to the Department's Chief Information Officer.

#### CYBERSECURITY: VULNERABILITIES

In a previous hearing, Members heard testimony about the vulnerabilities within Federal infrastructure that are exploited by sophisticated cyber attackers. That hearing was designed to provide Members with the background and understanding that cyber attack and loss of sensitive information from our Federal information systems is a widespread, serious problem. During the April 25 hearing, Members heard from witnesses who described a compelling and urgent need to dramatically reduce the vulnerability of the National information infrastructure to attack. These witnesses urged major, strategic investments that could significantly reduce vulnerability over a five to ten year period. On April 25, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled "Addressing the Nation's Cybersecurity Challenges: Reducing Vulnerabilities Requires Strategic Investment and Immediate Action." The Subcommittee received testimony from Dr. Daniel E. Geer, Jr., Principal, Geer Risk Services, LLC; Dr. James Andrew Lewis, Director and Senior Fellow, Technology and Public Policy Program, Center for Strategic and International Studies; Dr. Douglas Maughan, Program Manager, Cyber Security R&D, science and Technology Directorate, Department of Homeland Security; and Mr. O. Sami Saydjari, President, Professionals for Cyber Defense Chief Executive Officer, Cyber Defense Agency, LLC. The Committee began conducting a review of the Department's information system security in April 2007. On April 30, the Committee sent Chief Information Officer Scott Charbo a letter requesting responses to 13 questions; on May 31, the Committee sent a 12 question follow-up. The Committee discovered that the Department of Homeland Security has experi-

enced a number of cybersecurity incidents on its systems. In a response to an investigation, the Department of Homeland Security reported that 844 “cybersecurity incidents” took place on its networks during FY 2005 and FY 2006. This hearing offered a chance to publicly discuss these issues.

On June 20, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Hacking the Homeland: Investigating Cybersecurity Vulnerabilities at the Department of Homeland Security.” The Subcommittee received testimony from Mr. Scott Charbo, Chief Information Officer, Department of Homeland Security; Mr. Greg Wilshusen, Director, Information Security Issues, Government Accountability Office; and Mr. Keith A. Rhodes, Chief Technologist, Director, Center for Technology and Engineering, Government Accountability Office.

#### CYBERSECURITY: ELECTRIC GRID

The effective functioning of our critical infrastructure — from dams, to water systems, to factories, to the electric grid — is highly dependent on control systems, computer-based systems that are used to monitor and control sensitive processes and physical functions. Once largely proprietary, closed-systems, control systems are becoming increasingly connected to open networks, such as corporate intranets and the Internet. The use of control systems, including Supervisory Control and Data Acquisition (SCADA) systems, enables operators to monitor and control processes and even facilities from a centralized location or even automate processes that do not need constant human supervision. The purpose of this hearing is to afford Members the opportunity to understand how critical it is to properly secure these control systems upon which our society is so dependent.

On October 17, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “The Cyber Threat to Control Systems: Stronger Regulations are Necessary to Secure the Electric Grid.” The Subcommittee received testimony from Mr. Greg Wilshusen, Director, Information Security Issues, Government Accountability Office; Mr. Greg Garcia, Assistant Secretary, Office of Cyber Security and Telecommunication, Department of Homeland Security; Mr. Tim Roxey, Technical Assistant to the President CGG/Securit, Deputy to the Chair, NSCC & PCIS, Constellation Generation Group; Mr. Joe Weiss, Managing Director, Applied Control Solutions; Mr. Joseph McClelland, Director, Office of Electric Reliability, Federal Energy Regulatory Commission; Mr. David Whiteley, Executive Vice President, North American Electric Reliability Corporation.

The purpose of this hearing is to afford Members the opportunity to understand the framework used by the Department of Homeland Security (DHS) in CIP; the efforts conducted by the Office of Cybersecurity and Communications (CS&C) to ensure that cybersecurity is being considered in CIP; and the progress of several sectors in securing their infrastructure from a cybersecurity perspective. On October 31, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology and the Subcommittee on Transportation Security and Infrastructure Protection held a joint hearing entitled “Enhancing and Implementing the Cybersecurity

Elements of the Sector Specific Plans.” The Subcommittees received testimony from Mr. Greg Garcia, Assistant Secretary, Office of Cyber Security and Telecommunication, Department of Homeland Security; Mr. David Powner, Director, Information Technology Management Issues, Government Accountability Office; Mr. J. Michael Hickey, Chairman, Telecommunications Sector Coordinating Council, Vice President, Government Affairs-National Security Policy, Verizon; Mr. George Hender, Banking/Financial Sector Coordinating Council, Management Vice Chairman, Options Clearing Corporation; Dr. Michael O’Hanlon, Senior Fellow, Brookings Institution; Mr. Larry Clinton, President and CEO, Internet Security Alliance; Ms. Sally Katzen, Visiting Professor of Law, George Mason University School of Law; and Dr. Lawrence A. Gordon, Ernst & Young Alumni Professor, Managerial Accounting and Information Assurance, Robert H. Smith School of Business, University of Maryland.

On September 16, 2008, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Cybersecurity Recommendations for the Next Administration.” The Subcommittee received testimony from Mr. David Powner, Director, Information Management Issues, Government Accountability Office; Dr. James A. Lewis, Project Director, Commission on Cybersecurity for the 44th Presidency, Center for Strategic and International Studies; Lt. General Harry D. Raduege, Jr., Co-Chairman, Commission on Cybersecurity for the 44th Presidency, Center for Strategic and International Studies; Mr. Paul Kurtz, Member, Commission on Cybersecurity for the 44th Presidency, Center for Strategic and International Studies.

#### SCIENCE AND TECHNOLOGY DIRECTORATE

The purpose of the hearing is to provide Members an opportunity to discuss the budget and strategic agenda of the Science and Technology (S&T) Directorate at the Department of Homeland Security. Understand the overall management and agenda of the S&T Directorate and the FY 2008 President’s budget. On February 14, 2007, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled “Understanding the Budget and Strategic Agenda of the Science and Technology Directorate.” The Subcommittee received testimony from Dr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security, and Mr. Gene Aloise, Director, Natural Resources and Environment, U.S. Government Accountability Office. As a result of this hearing, the Committee introduced and considered the Department of Homeland Security Authorization for FY 2007, (H.R. 1684).

The Homeland Security Act of 2002 charges the Under Secretary of S&T with developing a “national policy and strategic plan” for civilian homeland security R&D across the Federal Government. In June 2007, the Under Secretary of Science and Technology submitted a strategic plan and five year research and development plan to the Congress. However, this strategic plan was not submitted pursuant to the Homeland Security Act requirements in Section 302; it was submitted pursuant to Conference report language in the Homeland Security Appropriations Act of 2007. The

Under Secretary acknowledged that the statutorily required plan still had not been submitted. On June 27, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “A Roadmap for Security? Examining the Science and Technology Directorate’s Strategic Plan.” The Subcommittee received testimony from Hon. Jay Cohen, Under Secretary, Science and Technology, Department of Homeland Security.

On April 1, 2008, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled “The Future of Science and Technology at the Department of Homeland Security.” The Subcommittee received testimony from Hon. Jay Cohen, Under Secretary, Science and Technology, Department of Homeland Security.

On May 21, 2008, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled “Implications of Cyber Vulnerabilities on the Resiliency and Security of the Electric Grid.” The Subcommittee received testimony from Hon. Joseph T. Kelliher, Chairman, Federal Energy Regulatory Commission; Mr. Richard Sergel, President and Chief Executive Officer, North American Electric Reliability Corporation; Mr. Greg Wilshusen, Director, Information Security Issues, Government Accountability Office; and Mr. William R. McCollum, Jr., Chief Operating Officer, Tennessee Valley Authority.

#### SAFETY ACT IMPLEMENTATION

On July 22, 2008, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a field hearing in Providence, Rhode Island entitled “Emerging Biological Threats and Public Health Preparedness: Getting Beyond Getting Ready.” The Subcommittee received testimony from Dr. Jeffrey W. Runge, Assistant Secretary for Health Affairs and Chief Medical Officer, Department of Homeland Security; RADM W. Craig Vanderwagen, MD, Assistant Secretary for Preparedness and Response, Department of Health and Human Services; Captain Peter Boynton, Deputy Regional PFO for Pandemic Influenza and Federal Security Director Bradley International Airport (Connecticut), Transportation Security Administration, Department of Homeland Security; Dr. Michael G. Kurilla, Director, Office of Biodefense Research Affairs and Associate Director for Biodefense Product Development, National Institute of Allergy and Infectious Diseases, National Institutes of Health; Dr. Daniel M. Sosin, Director, Biosurveillance Coordination Unit, and Associate Director for Science, Coordinating Office for Terrorism Preparedness and Emergency Response, Centers for Disease Control and Prevention; Dr. David Gifford, Director of Health, Rhode Island Department of Health; MG Robert T. Bray, Adjutant General, Rhode Island, Commanding General, Rhode Island National Guard, Director, Rhode Island Emergency Management Agency; and Homeland Security Advisor, State of Rhode Island; Mr. Thomas J. Kilday, Jr., Homeland Security Program Manager, Rhode Island Emergency Management Agency; and Hon. Peter T. Ginaitt, Director, Emergency Preparedness, Lifespan Hospital Network.



## APPENDICES

### APPENDIX I-COMMITTEE RULES-COMMITTEE ON HOMELAND SECURITY

(Adopted January 23, 2007)

#### RULE I.-GENERAL PROVISIONS.

(A) *Applicability of the Rules of the U.S. House of Representatives.*-The Rules of the U.S. House of Representatives (the "House") are the rules of the Committee on Homeland Security (the "Committee") and its subcommittees insofar as applicable.

(B) *Applicability to Subcommittees.*-Except where the terms "Full Committee" and "subcommittee" are specifically mentioned, the following rules shall apply to the Committee's subcommittees and their respective Chairmen and Ranking Minority Members to the same extent as they apply to the Full Committee and its Chairman and Ranking Minority Member.

(C) *Appointments by the Chairman.*-The Chairman shall designate a Member of the Majority party to serve as Vice Chairman of the Full Committee. The Vice Chairman of the Full Committee shall preside at any meeting or hearing of the Full Committee during the temporary absence of the Chairman. In the absence of both the Chairman and Vice Chairman, the Chairman's designee shall preside.

(D) *Recommendation of Conferees.*-Whenever the Speaker of the House is to appoint a Conference committee on a matter within the jurisdiction of the Full Committee, the Chairman shall recommend to the Speaker of the House conferees from the Full Committee. In making recommendations of Minority Members as conferees, the Chairman shall do so with the concurrence of the Ranking Minority Member of the Committee.

(E) *Motions To Disagree.*-The Chairman is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(F) *Committee Website.*-The Chairman shall maintain an official Committee 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 website for the same purposes.

#### RULE II.-TIME OF MEETINGS.

(A) *Regular Meeting Date.*-The regular meeting date and time for the transaction of business of the Full Committee

shall be on the first Wednesday that the House is in Session each month, unless otherwise directed by the Chairman.

(B) *Additional Meetings.*-At the discretion of the Chairman, additional meetings of the Committee may be scheduled for the consideration of any measure 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.*-The date, time, place and subject matter of any hearing of the Committee shall, except as provided in the Committee rules, be announced by notice at least one week in advance of the commencement of such hearing. 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. These notice requirements may be waived by the Chairman with the concurrence of the Ranking Minority Member.

(2) *Meetings.*-The date, time, place and subject matter of any meeting, other than a hearing or a regularly scheduled meeting, shall be announced at least 36 hours in advance of a meeting to take place on a day the House is in session, and 72 hours in advance of a meeting to take place on a day the House is not in session, except in the case of a special meeting called under clause 2(c)(2) of House Rule XI. These notice requirements may be waived by the Chairman with the concurrence of the Ranking Minority Member.

(a) Copies of any measure to be considered for approval by the Committee at any meeting, including any mark, print or amendment in the nature of a substitute shall be provided to the Members at least 24 hours in advance.

(b) The requirement in subsection (a) may be waived or abridged by the Chairman, with advance notice to the Ranking Minority Member.

(3) *Publication.*-The meeting or hearing announcement shall be promptly published in the Daily Digest portion of the Congressional Record. To the greatest extent practicable, meeting announcements shall be entered into the Committee scheduling service of the House Information Resources.

#### RULE IV.-OPEN MEETINGS AND HEARINGS; BROADCASTING.

(A) *Open Meetings.*- All meetings and hearings of the Committee shall be open to the public including to radio, television and still photography coverage, except as provided by Rule XI

of the Rules of the House or when the Committee, in open session and with a Majority present, determines by recorded vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the National security, compromise sensitive law enforcement information, tend to defame, degrade or incriminate a witness, or violate any law or rule of the House of Representatives.

(B) *Broadcasting.*-Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered by television broadcast, internet broadcast, print media, and still photography, or by any of such methods of coverage, in accordance with the provisions of clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI and all other applicable rules of the Committee and the House. Priority shall be given by the Committee to members of the Press Galleries.

(C) *Transcripts.*-A transcript shall be made of the testimony of each witness appearing before the Committee during a Committee hearing. All transcripts of meetings or hearings that are open to the public shall be made available.

#### RULE V.-PROCEDURES FOR MEETINGS AND HEARINGS.

(A) *Opening Statements.*-At any meeting of the Committee, the Chairman and Ranking Minority Member shall be entitled to present oral opening statements of five minutes each. Other Members may submit written opening statements for the record. The Chairman presiding over the meeting may permit additional opening statements by other Members of the Full Committee or of that subcommittee, with the concurrence of the Ranking Minority Member.

(B) *The Five-Minute Rule.*-The time any one Member may address the Committee on any measure, motion, or other matter under consideration by the Committee shall not exceed five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be extended when permitted by unanimous consent.

(C) *Postponement of Vote.*-The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed vote at any time, provided that all reasonable steps have been taken to notify Members of the resumption of such proceedings. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(D) *Contempt Procedures.*-No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the Full Committee has, upon notice to all its Members, met and considered the alleged contempt. The



person to be cited for contempt shall be afforded, upon notice of at least 72 hours, an opportunity to state why he or she should not be held in contempt prior to a vote of the Full Committee, with a quorum being present, on the question whether to forward such recommendation to the House. Such statement shall be, in the discretion of the Chairman, either in writing or in person before the Full Committee.

#### RULE VI.-WITNESSES.

##### (A) *Questioning of Witnesses.*-

(1) Questioning of witnesses by Members will be conducted under the five-minute rule unless the Committee adopts a motion permitted by House Rule XI (2)(j)(2).

(2) In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall first be recognized. In a subcommittee meeting or hearing, the Chairman and Ranking Minority Member of the Full Committee are then recognized. All other Members that arrive before the commencement of the meeting or hearing will be recognized in the order of seniority on the Committee, alternating between Majority and Minority Members. Committee Members arriving after the commencement of the hearing shall be recognized in order of appearance, alternating between Majority and Minority Members, after all Members present at the beginning of the hearing have been recognized. Each Member shall be recognized at least once before any Member is given a second opportunity to question a witness.

(3) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion may permit an extension of the period of questioning of a witness beyond five minutes but the time allotted must be equally apportioned to the Majority party and the Minority and may not exceed one hour in the aggregate.

(4) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion may permit Committee staff of the Majority and Minority to question a witness for a specified, total period that is equal for each side and not longer than 30 minutes for each side.

(B) *Minority Witnesses.*-Whenever a hearing is conducted by the Committee upon any measure or matter, the Minority party Members on the Committee shall be entitled, upon request to the Chairman by a Majority of those Minority Members before the completion of such hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(C) *Oath or Affirmation.*-The Chairman of the Committee or any Member designated by the Chairman, may administer an oath to any witness.

##### (D) *Statements by Witnesses.*-

(1) Consistent with the notice given, witnesses shall submit a prepared or written statement for the record of the proceedings (including, where practicable, an electronic copy) with the Clerk of the Committee no less than 48

hours in advance of the witness's appearance before the Committee. Unless the 48 hour requirement is waived or otherwise modified by the Chairman after consultation with the Ranking Minority Member, the failure to comply with this requirement may result in the exclusion of the written testimony from the hearing record and/or the barring of an oral presentation of the testimony.

(2) To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or 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 to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, the hearing.

#### RULE VII.-QUORUM.

*Quorum Requirements.*- Two Members shall constitute a quorum for purposes of taking testimony and receiving evidence. One-third of the Members of the Committee shall constitute a quorum for conducting business, except for (1) reporting a measure or recommendation; (2) closing Committee meetings to the public, pursuant to Committee Rule IV; (3) authorizing the issuance of subpoenas; and (4) any other action for which an actual majority quorum is required by any rule of the House of Representatives or by law. The Chairman shall make reasonable efforts, including consultation with the Ranking Minority Member when scheduling meetings and hearings, to 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, mark up or other meeting of the Committee shall be limited to Members and staff of the Committee. Subject to availability of space on the dais, a Member may have a personal staff present on the dais during periods when the Member is seated on the dais at the hearing.

(C) *Wireless Communications Use Prohibited.*- During a hearing, mark-up, or other meeting of the Committee, ringing or audible sounds or conversational use of cellular telephones or other electronic devices is prohibited in the Committee room.

#### RULE IX.-SUBCOMMITTEES.

(A) *Generally.*-The Full Committee shall be organized into the following six standing subcommittees:

(1) Subcommittee on Border, Maritime and Global Counterterrorism;

(2) Subcommittee on Emergency Communications, Preparedness, and Response;

(3) Subcommittee on Transportation Security and Infrastructure Protection;

(4) Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment;

(5) Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology; and

(6) Subcommittee on Management, Investigations, and Oversight.

(B) *Selection and Ratio of Subcommittee Members.*-The Chairman and Ranking Member of the Full Committee shall select their respective Members of each subcommittee. The ratio of Majority to Minority Members shall be comparable to the ratio of Majority to Minority Members on the Full Committee, except that each subcommittee shall have at least two more Majority Members than Minority Members.

(C) *Ex Officio Members.*-The Chairman and Ranking Minority Member of the Full Committee shall be ex officio members of each subcommittee but are not authorized to vote on matters that arise before each subcommittee. The Chairman and Ranking Minority Member of the Full Committee shall not be counted to satisfy the quorum requirement for any purpose other than taking testimony unless they are regular members of that subcommittee.

(D) *Powers and Duties of Subcommittees.*-Except as otherwise directed by the Chairman of the Full Committee, each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Full Committee on all matters within its purview. Subcommittee Chairmen shall set hearing and meeting dates only with the approval of the Chairman of the Full Committee. To the greatest extent practicable, no more than one meeting and hearing should be scheduled for a given time.

(E) *Special Voting Provision.*-If a tie vote occurs in a subcommittee on the question of reporting any measure to the Full Committee, the measure shall be placed on the agenda for Full Committee consideration as if it had been ordered reported by the subcommittee without recommendation.

(F) *Task Forces or Select Subcommittees.*-The Chairman, with the concurrence of the Ranking Minority Member, may create task forces of limited duration to carry out specifically enumerated duties and functions within the jurisdiction of the Committee subject to any limitations provided for in the House Rules or other Caucus or Conference Rules. Any task force created under this rule shall be subject to all applicable Committee and House rules and other laws in the conduct of its duties and functions.

#### RULE X.-REFERRALS TO SUBCOMMITTEES.

*Referral of Bills and Other Matters by Chairman.*-Except for measures and other matters retained by the Chairman for Full Committee consideration, each measure or other matters referred to the Full Committee shall be referred by the Chairman to one or

more subcommittees. 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 XI.-SUBPOENAS.

(A) *Authorization.*-Pursuant to clause 2(m) of Rule XI of the House, a subpoena may be authorized and issued under the seal of the House and attested by the Clerk of the House, and may be served by any person designated by the Full Committee for the furtherance of an investigation with authorization by-

(1) a majority of the Full Committee, a quorum being present; or

(2) the Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chairman of the Full Committee, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chairman of the Full Committee shall notify Members of the Committee of the authorization and issuance of a subpoena under this rule as soon as practicable, but in no event later than one week after service of such subpoena.

(B) *Disclosure.*-Provisions may be included in a subpoena with the concurrence of the Chairman and the Ranking Minority Member of the Full Committee, or by the Committee, to prevent the disclosure of the Full Committee's demands for information when deemed necessary for the security of information or the progress of an investigation, including but not limited to prohibiting the revelation by witnesses and their counsel of Full Committee's inquiries.

(C) *Subpoena duces tecum.*-A subpoena duces tecum may be issued whose return to the Committee Clerk shall occur at a time and place other than that of a regularly scheduled meeting.

(D) *Affidavits and Depositions.*-The Chairman of the Full Committee, in consultation with the Ranking Minority Member of the Full Committee, or the Committee may authorize the taking of an affidavit or deposition with respect to any person who is subpoenaed under these rules but who is unable to appear in person to testify as a witness at any hearing or meeting. Notices for the taking of depositions shall specify the date, time and place of examination. Depositions shall be taken under oath administered by a Member or a person otherwise authorized by law to administer oaths. Prior consultation with the Ranking Minority Member of the Full Committee shall include written notice three business days before any deposition is scheduled to provide an opportunity for Minority staff to be present during the questioning.

RULE XII.-COMMITTEE STAFF.

(A) *Generally.*- Committee staff members are subject to the provisions of clause 9 of House Rule X and must be eligible to be considered for routine access to classified information.

(B) *Staff Assignments.*-For purposes of these rules, Committee staff means the employees of the Committee, detailees, fellows or any other person engaged by contract or otherwise to perform services for, or at the request of, the Committee. All such persons shall be either Majority, Minority, or shared staff. The Chairman shall appoint, determine remuneration of, supervise and may remove Majority staff. The Ranking Minority Member shall appoint, determine remuneration of, supervise and may remove Minority staff. In consultation with the Ranking Minority Member, the Chairman may appoint, determine remuneration of, supervise and may remove shared staff that is assigned to service of the Committee. The Chairman shall certify Committee staff appointments, including appointments by the Ranking Minority Member, as required.

(C) *Divulgence of Information.*-Prior to the public acknowledgment by the Chairman or the Committee of a decision to initiate an investigation of a particular person, entity, or subject, no member of the Committee staff shall knowingly divulge to any person any information, including non-classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if the member of the Committee staff has a reasonable expectation that such information may alert the subject of a Committee investigation to the existence, nature, or substance of such investigation, unless authorized to do so by the Chairman or the Committee.

RULE XIII.-MEMBER AND 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 Member or any Committee staff shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any Member and any 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 matter under the general jurisdiction of the Full Committee.

(1) *Proposed Travel by Majority Party Members and Staff.*-In the case of proposed travel by Majority party Members or Committee staff, before such authorization is given, there shall be submitted to the Chairman in writing the following: (a) the purpose of the travel; (b) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (c) the location of the event for which the travel is to be made; and (d) the names of Members and staff seeking authorization. On the basis of that information, the Chairman shall

determine whether the proposed travel is for official Committee business, concerns subject matter within 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 Members and Staff.*-In the case of proposed travel by Minority party Members or Committee staff, the Ranking Minority Member shall provide to the Chairman a written representation setting forth the information specified in items (a), (b), (c), and (d) of subparagraph (1) and his or her determination that such travel complies with the other requirements of subparagraph (1).

(B) *Foreign Travel.*-All Committee Member and staff requests for Committee-funded foreign travel must be submitted to the Chairman, through the Chief Financial Officer of the Committee, not less than seven business days prior to the start of the travel. Within 60 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.

#### RULE XIV.-CLASSIFIED AND OTHER CONFIDENTIAL 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 sensitive but unclassified (SBU) documents (including but not limited to those marked with dissemination restrictions such as Sensitive Security Information (SSI), Law Enforcement Sensitive (LES), For Official Use Only (FOUO), or Critical Infrastructure Information (CII)) may be examined only in an appropriately secure manner. Such documents may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handing 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 clearance and a need-to-know, as determined by the Chairman and Ranking Minor-

ity Member and under their direction of the Majority and Minority Staff Directors.

(D) *Maintaining Confidentiality.*-No Member of the Committee or Committee staff shall disclose, in whole or in part or by way of summary, to any person who is not a Member of the Committee or an authorized member of 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 sensitive but unclassified (SBU) information (including but not limited to documents marked with dissemination restrictions such as Sensitive Security Information (SSI), Law Enforcement Sensitive (LES), For Official Use Only (FOUO), or Critical Infrastructure Information (CII)) shall be handled in accordance with all applicable provisions of law and consistent with the provisions of these rules.

(E) *Oath.*-Before a Member or Committee staff member 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 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 member of the Committee staff 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 party staff, the Chairman shall consider such disciplinary action in consultation with the Ranking Minority Member.

#### RULE XV.-COMMITTEE RECORDS

(A) *Committee Records.*-Committee Records shall constitute all data, charts and files in possession of the Committee and shall be maintained in accordance with House Rule XI, clause 2(e).

(B) *Legislative Calendar.*-The Clerk of the Committee shall maintain a printed calendar for the information of each Committee Member showing any procedural or legislative measures considered or scheduled to be considered by the Committee, and the status of such measures and such other matters as the Committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of such revisions shall be made available to each Member of the Committee upon request.

(C) *Members Right To Access.*-Members of the Committee and of the House shall have access to all official Committee Records. Access to Committee files shall be limited to examination within the Committee offices at reasonable times. Access to Committee Records that contain classified information shall be provided in a manner consistent with these rules.

(D) *Removal of Committee Records.*-Files and records of the Committee are not to be removed from the Committee offices. No Committee files or records that are not made publicly available shall be photocopied by any Member.

(E) *Executive Session Records.*-Evidence or testimony received by the Committee in executive session shall not be released or made available to the public unless agreed to by the Committee. Members may examine the Committee's executive session records, but may not make copies of, or take personal notes from, such records.

(F) *Public Inspection.*-The Committee shall keep a complete record of all Committee action including recorded votes. Information so available for public inspection shall include a description of each amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against each such amendment, motion, order, or proposition, as well as the names of those Members present but not voting. Such record shall be made available to the public at reasonable times within the Committee offices.

(G) *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 XVI.-CHANGES TO COMMITTEE RULES

These rules may be modified, amended, or repealed by the Full Committee provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken.





## APPENDIX II-MEMBERSHIP CHANGES

January 4, 2007

On January 4, 2007, Mr. Bennie G. Thompson of Mississippi was appointed as Chairman of the Committee on Homeland Security, and Mr. Peter T. King of New York was appointed as Ranking Member pursuant to H. Res. 7 and H. Res. 8 respectively. On January 10, 2007, pursuant to H. Res. 45, additional Minority Members were appointed to the Committee. On January 12, 2007, pursuant to H. Res. 56, additional Majority Members were appointed to the Committee.

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

### COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

LORETTA SANCHEZ, California, <i>Vice Chair</i>	PETER T. KING, New York
EDWARD J. MARKEY, Massachusetts	LAMAR SMITH, Texas
NORMAN D. DICKS, Washington	CHRISTOPHER SHAYS, Connecticut
JANE HARMAN, California	MARK E. SOUDER, Indiana
PETER A. DEFAZIO, Oregon	TOM DAVIS, Virginia
NITA M. LOWEY, New York	DANIEL E. LUNGREN, California
ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
ZOE LOFGREN, California	BOBBY JINDAL, Louisiana
SHEILA JACKSON-LEE, Texas	DAVID G. REICHERT, Washington
DONNA M. CHRISTENSEN, Virgin Islands	MICHAEL T. MCCAUL, Texas
BOB ETHERIDGE, North Carolina	CHARLES W. DENT, Pennsylvania
JAMES R. LANGEVIN, Rhode Island	GINNY BROWN-WAITE, Florida
HENRY CUELLAR, Texas	MARSHA BLACKBURN, Tennessee
CHRISTOPHER P. CARNEY, Pennsylvania	GUS M. BILIRAKIS, Florida
YVETTE D. CLARKE, New York	DAVID DAVIS, Tennessee
AL GREEN, Texas	
ED PERLMUTTER, Colorado	
<i>Vacancy</i>	

### SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

Loretta Sanchez, California, *Chairwoman*

JANE HARMAN, California	MARK E. SOUDER, Indiana
ZOE LOFGREN, California	BOBBY JINDAL, Louisiana
SHEILA JACKSON-LEE, Texas	DAVID G. REICHERT, Washington
JAMES R. LANGEVIN, Rhode Island	MICHAEL T. MCCAUL, Texas
HENRY CUELLAR, Texas	GUS M. BILIRAKIS, Florida
AL GREEN, Texas	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND  
TERRORISM RISK ASSESSMENT

Jane Harman, California, *Chair*

NORMAN D. DICKS, Washington	DAVID G. REICHERT, Washington
JAMES R. LANGEVIN, Rhode Island	CHRISTOPHER SHAYS, Connecticut
CHRISTOPHER P. CARNEY, Pennsylvania	CHARLES W. DENT, Pennsylvania
ED PERLMUTTER, Colorado	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	<i>(Ex Officio)</i>

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND  
INFRASTRUCTURE PROTECTION

Sheila Jackson-Lee, Texas, *Chairwoman*

EDWARD J. MARKEY, Massachusetts	DANIEL E. LUNGREN, California
PETER A. DEFAZIO, Oregon	GINNY BROWN-WAITE, Florida
ELEANOR HOLMES NORTON, District of Columbia	MARSHA BLACKBURN, Tennessee
YVETTE D. CLARKE, New York	GUS M. BILIRAKIS, Florida
ED PERLMUTTER, Colorado	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	<i>(Ex Officio)</i>

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND  
SCIENCE AND TECHNOLOGY

James R. Langevin, Rhode Island, *Chairman*

ZOE LOFGREN, California	MICHAEL T. MCCAUL, Texas
DONNA M. CHRISTENSEN, Virgin Islands	DANIEL E. LUNGREN, California
BOB ETHERIDGE, North Carolina	GINNY BROWN-WAITE, Florida
AL GREEN, Texas	MARSHA BLACKBURN, Tennessee
<i>Vacancy</i>	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	<i>(Ex Officio)</i>

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,  
AND RESPONSE

Henry Cuellar, Texas, *Chairman*

LORETTA SANCHEZ, California	CHARLES W. DENT, Pennsylvania
NORMAN D. DICKS, Washington	MARK E. SOUDER, Indiana
NITA M. LOWEY, New York	MIKE ROGERS, Alabama
ELEANOR HOLMES NORTON, District of Columbia	BOBBY JINDAL, Louisiana
DONNA M. CHRISTENSEN, Virgin Islands	DAVID DAVIS, Tennessee
BOB ETHERIDGE, North Carolina	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	<i>(Ex Officio)</i>

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

Christopher P. Carney, Pennsylvania, *Chairman*

PETER A. DEFAZIO, Oregon	MIKE ROGERS, Alabama
YVETTE D. CLARKE, New York	TOM DAVIS, Virginia
ED PERLMUTTER, Colorado	MICHAEL T. MCCAUL, Texas
<i>Vacancy</i>	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	<i>(Ex Officio)</i>

## March 12, 2007

On March 12, 2007, Ms. Marsha Blackburn of Tennessee resigned as a Member of the Committee; and Mr. Kevin McCarthy of California was appointed as a Member of the Minority pursuant to H. Res. 236.

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

### COMMITTEE ON HOMELAND SECURITY

Bennie G. Thompson, Mississippi, *Chairman*

LORETTA SANCHEZ, California, <i>Vice Chair</i>	PETER T. KING, New York
EDWARD J. MARKEY, Massachusetts	LAMAR SMITH, Texas
NORMAN D. DICKS, Washington	CHRISTOPHER SHAYS, Connecticut
JANE HARMAN, California	MARK E. SOUDER, Indiana
PETER A. DEFAZIO, Oregon	TOM DAVIS, Virginia
NITA M. LOWEY, New York	DANIEL E. LUNGREN, California
ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
ZOE LOFGREN, California	BOBBY JINDAL, Louisiana
SHEILA JACKSON-LEE, Texas	DAVID G. REICHERT, Washington
DONNA M. CHRISTENSEN, Virgin Islands	MICHAEL T. MCCAUL, Texas
BOB ETHERIDGE, North Carolina	CHARLES W. DENT, Pennsylvania
JAMES R. LANGEVIN, Rhode Island	GINNY BROWN-WAITE, Florida
HENRY CUELLAR, Texas	GUS M. BILIRAKIS, Florida
CHRISTOPHER P. CARNEY, Pennsylvania	DAVID DAVIS, Tennessee
YVETTE D. CLARKE, New York	KEVIN MCCARTHY, California
AL GREEN, Texas	
ED PERLMUTTER, Colorado	
<i>Vacancy</i>	

### SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

Loretta Sanchez, California, *Chairwoman*

JANE HARMAN, California	MARK E. SOUDER, Indiana
ZOE LOFGREN, California	BOBBY JINDAL, Louisiana
SHEILA JACKSON-LEE, Texas	DAVID G. REICHERT, Washington
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BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

### SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

Jane Harman, California, *Chair*

NORMAN D. DICKS, Washington	DAVID G. REICHERT, Washington
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BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND  
INFRASTRUCTURE PROTECTION

Sheila Jackson-Lee, Texas, *Chairwoman*

EDWARD J. MARKEY, Massachusetts	DANIEL E. LUNGREN, California
PETER A. DEFAZIO, Oregon	GINNY BROWN-WAITE, Florida
ELEANOR HOLMES NORTON, District of Columbia	GUS M. BILIRAKIS, Florida
YVETTE D. CLARKE, New York	KEVIN MCCARTHY, California
ED PERLMUTTER, Colorado	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND  
SCIENCE AND TECHNOLOGY

James R. Langevin, Rhode Island, *Chairman*

ZOE LOFGREN, California	MICHAEL T. MCCAUL, Texas
DONNA M. CHRISTENSEN, Virgin Islands	DANIEL E. LUNGREN, California
BOB ETHERIDGE, North Carolina	GINNY BROWN-WAITE, Florida
AL GREEN, Texas	KEVIN MCCARTHY, California
<i>Vacancy</i>	PETER T. KING, New York <i>(Ex Officio)</i>
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AND RESPONSE

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BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

Christopher P. Carney, Pennsylvania, *Chairman*

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YVETTE D. CLARKE, New York	TOM DAVIS, Virginia
ED PERLMUTTER, Colorado	MICHAEL T. MCCAUL, Texas
<i>Vacancy</i>	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

## July 25, 2007

On July 25, 2007, Mr. Kevin McCarthy of California resigned from the Committee; and Mr. Paul C. Broun of Georgia was appointed as a Member of the Minority pursuant to H. Res. 566.

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

### COMMITTEE ON HOMELAND SECURITY

Bennie G. Thompson, Mississippi, *Chairman*

LORETTA SANCHEZ, California, <i>Vice Chair</i>	PETER T. KING, New York
EDWARD J. MARKEY, Massachusetts	LAMAR SMITH, Texas
NORMAN D. DICKS, Washington	CHRISTOPHER SHAYS, Connecticut
JANE HARMAN, California	MARK E. SOUDER, Indiana
PETER A. DEFAZIO, Oregon	TOM DAVIS, Virginia
NITA M. LOWEY, New York	DANIEL E. LUNGREN, California
ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
ZOE LOFGREN, California	BOBBY JINDAL, Louisiana
SHEILA JACKSON-LEE, Texas	DAVID G. REICHERT, Washington
DONNA M. CHRISTENSEN, Virgin Islands	MICHAEL T. MCCAUL, Texas
BOB ETHERIDGE, North Carolina	CHARLES W. DENT, Pennsylvania
JAMES R. LANGEVIN, Rhode Island	GINNY BROWN-WAITE, Florida
HENRY CUELLAR, Texas	GUS M. BILIRAKIS, Florida
CHRISTOPHER P. CARNEY, Pennsylvania	DAVID DAVIS, Tennessee
YVETTE D. CLARKE, New York	PAUL C. BROUN, Georgia
AL GREEN, Texas	
ED PERLMUTTER, Colorado	
<i>Vacancy</i>	

### SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

Loretta Sanchez, California, *Chairwoman*

JANE HARMAN, California	MARK E. SOUDER, Indiana
ZOE LOFGREN, California	BOBBY JINDAL, Louisiana
SHEILA JACKSON-LEE, Texas	DAVID G. REICHERT, Washington
JAMES R. LANGEVIN, Rhode Island	MICHAEL T. MCCAUL, Texas
HENRY CUELLAR, Texas	GUS M. BILIRAKIS, Florida
AL GREEN, Texas	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

### SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

Jane Harman, California, *Chair*

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CHRISTOPHER P. CARNEY, Pennsylvania	CHARLES W. DENT, Pennsylvania
ED PERLMUTTER, Colorado	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND  
INFRASTRUCTURE PROTECTION

Sheila Jackson-Lee, Texas, *Chairwoman*

EDWARD J. MARKEY, Massachusetts	DANIEL E. LUNGREN, California
PETER A. DEFAZIO, Oregon	GINNY BROWN-WAITE, Florida
ELEANOR HOLMES NORTON, District of Columbia	GUS M. BILIRAKIS, Florida
YVETTE D. CLARKE, New York	PAUL C. BROUN, Georgia
ED PERLMUTTER, Colorado	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND  
SCIENCE AND TECHNOLOGY

James R. Langevin, Rhode Island, *Chairman*

ZOE LOFGREN, California	MICHAEL T. MCCAUL, Texas
DONNA M. CHRISTENSEN, Virgin Islands	DANIEL E. LUNGREN, California
BOB ETHERIDGE, North Carolina	GINNY BROWN-WAITE, Florida
AL GREEN, Texas	PAUL C. BROUN, Georgia
<i>Vacancy</i>	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,  
AND RESPONSE

Henry Cuellar, Texas, *Chairman*

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NITA M. LOWEY, New York	MIKE ROGERS, Alabama
ELEANOR HOLMES NORTON, District of Columbia	BOBBY JINDAL, Louisiana
DONNA M. CHRISTENSEN, Virgin Islands	DAVID DAVIS, Tennessee
BOB ETHERIDGE, North Carolina	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

Christopher P. Carney, Pennsylvania, *Chairman*

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YVETTE D. CLARKE, New York	TOM DAVIS, Virginia
ED PERLMUTTER, Colorado	MICHAEL T. MCCAUL, Texas
<i>Vacancy</i>	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

## September 20, 2007

On September 20, 2007, Mr. Bill Pascrell, Jr. of New Jersey was appointed as a Member of the Majority pursuant to H. Res. 667. The Committee on Homeland Security Membership and Subcommittee Membership was as follows:

### COMMITTEE ON HOMELAND SECURITY

Bennie G. Thompson, Mississippi, *Chairman*

LORETTA SANCHEZ, California, <i>Vice Chair</i>	PETER T. KING, New York
EDWARD J. MARKEY, Massachusetts	LAMAR SMITH, Texas
NORMAN D. DICKS, Washington	CHRISTOPHER SHAYS, Connecticut
JANE HARMAN, California	MARK E. SOUDER, Indiana
PETER A. DEFazio, Oregon	TOM DAVIS, Virginia
NITA M. LOWEY, New York	DANIEL E. LUNGREN, California
ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
ZOE LOFGREN, California	BOBBY JINDAL, Louisiana
SHEILA JACKSON-LEE, Texas	DAVID G. REICHERT, Washington
DONNA M. CHRISTENSEN, Virgin Islands	MICHAEL T. MCCAUL, Texas
BOB ETHERIDGE, North Carolina	CHARLES W. DENT, Pennsylvania
JAMES R. LANGEVIN, Rhode Island	GINNY BROWN-WAITE, Florida
HENRY CUELLAR, Texas	GUS M. BILIRAKIS, Florida
CHRISTOPHER P. CARNEY, Pennsylvania	DAVID DAVIS, Tennessee
YVETTE D. CLARKE, New York	PAUL C. BROWN, Georgia
AL GREEN, Texas	
ED PERLMUTTER, Colorado	
BILL PASCRELL, JR, New Jersey	

### SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

Loretta Sanchez, California, *Chairwoman*

JANE HARMAN, California	MARK E. SOUDER, Indiana
ZOE LOFGREN, California	BOBBY JINDAL, Louisiana
SHEILA JACKSON-LEE, Texas	DAVID G. REICHERT, Washington
JAMES R. LANGEVIN, Rhode Island	MICHAEL T. MCCAUL, Texas
HENRY CUELLAR, Texas	GUS M. BILIRAKIS, Florida
AL GREEN, Texas	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi ( <i>Ex Officio</i> )	( <i>Ex Officio</i> )

### SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

Jane Harman, California, *Chair*

NORMAN D. DICKS, Washington	DAVID G. REICHERT, Washington
JAMES R. LANGEVIN, Rhode Island	CHRISTOPHER SHAYS, Connecticut
CHRISTOPHER P. CARNEY, Pennsylvania	CHARLES W. DENT, Pennsylvania
ED PERLMUTTER, Colorado	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi ( <i>Ex Officio</i> )	( <i>Ex Officio</i> )



SUBCOMMITTEE ON TRANSPORTATION SECURITY AND  
INFRASTRUCTURE PROTECTION

Sheila Jackson-Lee, Texas, *Chairwoman*

EDWARD J. MARKEY, Massachusetts	DANIEL E. LUNGREN, California
PETER A. DEFAZIO, Oregon	GINNY BROWN-WAITE, Florida
ELEANOR HOLMES NORTON, District of Columbia	GUS M. BILIRAKIS, Florida
YVETTE D. CLARKE, New York	PAUL C. BROUN, Georgia
ED PERLMUTTER, Colorado	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND  
SCIENCE AND TECHNOLOGY

James R. Langevin, Rhode Island, *Chairman*

ZOE LOFGREN, California	MICHAEL T. MCCAUL, Texas
DONNA M. CHRISTENSEN, Virgin Islands	DANIEL E. LUNGREN, California
BOB ETHERIDGE, North Carolina	GINNY BROWN-WAITE, Florida
AL GREEN, Texas	PAUL C. BROUN, Georgia
BILL PASCARELL, JR, New Jersey	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,  
AND RESPONSE

Henry Cuellar, Texas, *Chairman*

LORETTA SANCHEZ, California	CHARLES W. DENT, Pennsylvania
NORMAN D. DICKS, Washington	MARK E. SOUDER, Indiana
NITA M. LOWEY, New York	MIKE ROGERS, Alabama
ELEANOR HOLMES NORTON, District of Columbia	BOBBY JINDAL, Louisiana
DONNA M. CHRISTENSEN, Virgin Islands	DAVID DAVIS, Tennessee
BOB ETHERIDGE, North Carolina	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

Christopher P. Carney, Pennsylvania, *Chairman*

PETER A. DEFAZIO, Oregon	MIKE ROGERS, Alabama
YVETTE D. CLARKE, New York	TOM DAVIS, Virginia
ED PERLMUTTER, Colorado	MICHAEL T. MCCAUL, Texas
BILL PASCARELL, JR, New Jersey	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

## January 14, 2008

On January 14, 2008, Mr. Bobby Jindal of Louisiana resigned as a Member of the House of Representatives.

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

### COMMITTEE ON HOMELAND SECURITY

Bennie G. Thompson, Mississippi, *Chairman*

LORETTA SANCHEZ, California, <i>Vice Chair</i>	PETER T. KING, New York
EDWARD J. MARKEY, Massachusetts	LAMAR SMITH, Texas
NORMAN D. DICKS, Washington	CHRISTOPHER SHAYS, Connecticut
JANE HARMAN, California	MARK E. SOUDER, Indiana
PETER A. DEFazio, Oregon	TOM DAVIS, Virginia
NITA M. LOWEY, New York	DANIEL E. LUNGREN, California
ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
ZOE LOFGREN, California	DAVID G. REICHERT, Washington
SHEILA JACKSON-LEE, Texas	MICHAEL T. MCCAUL, Texas
DONNA M. CHRISTENSEN, Virgin Islands	CHARLES W. DENT, Pennsylvania
BOB ETHERIDGE, North Carolina	GINNY BROWN-WAITE, Florida
JAMES R. LANGEVIN, Rhode Island	GUS M. BILIRAKIS, Florida
HENRY CUELLAR, Texas	DAVID DAVIS, Tennessee
CHRISTOPHER P. CARNEY, Pennsylvania	PAUL C. BROUN, Georgia
YVETTE D. CLARKE, New York	<i>Vacancy</i>
AL GREEN, Texas	
ED PERLMUTTER, Colorado	
BILL PASCRELL, JR, New Jersey	

### SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

Loretta Sanchez, California, *Chairwoman*

JANE HARMAN, California	MARK E. SOUDER, Indiana
ZOE LOFGREN, California	DAVID G. REICHERT, Washington
SHEILA JACKSON-LEE, Texas	MICHAEL T. MCCAUL, Texas
JAMES R. LANGEVIN, Rhode Island	GUS M. BILIRAKIS, Florida
HENRY CUELLAR, Texas	<i>Vacancy</i>
AL GREEN, Texas	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

### SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

Jane Harman, California, *Chair*

NORMAN D. DICKS, Washington	DAVID G. REICHERT, Washington
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CHRISTOPHER P. CARNEY, Pennsylvania	CHARLES W. DENT, Pennsylvania
ED PERLMUTTER, Colorado	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND  
INFRASTRUCTURE PROTECTION

Sheila Jackson-Lee, Texas, *Chairwoman*

EDWARD J. MARKEY, Massachusetts	DANIEL E. LUNGREN, California
PETER A. DEFAZIO, Oregon	GINNY BROWN-WAITE, Florida
ELEANOR HOLMES NORTON, District of Columbia	GUS M. BILIRAKIS, Florida
YVETTE D. CLARKE, New York	PAUL C. BROUN, Georgia
ED PERLMUTTER, Colorado	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND  
SCIENCE AND TECHNOLOGY

James R. Langevin, Rhode Island, *Chairman*

ZOE LOFGREN, California	MICHAEL T. MCCAUL, Texas
DONNA M. CHRISTENSEN, Virgin Islands	DANIEL E. LUNGREN, California
BOB ETHERIDGE, North Carolina	GINNY BROWN-WAITE, Florida
AL GREEN, Texas	PAUL C. BROUN, Georgia
BILL PASCARELL, JR, New Jersey	PETER T. KING, New York <i>(Ex Officio)</i>
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SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,  
AND RESPONSE

Henry Cuellar, Texas, *Chairman*

LORETTA SANCHEZ, California	CHARLES W. DENT, Pennsylvania
NORMAN D. DICKS, Washington	MARK E. SOUDER, Indiana
NITA M. LOWEY, New York	MIKE ROGERS, Alabama
ELEANOR HOLMES NORTON, District of Columbia	DAVID DAVIS, Tennessee <i>Vacancy</i>
DONNA M. CHRISTENSEN, Virgin Islands	PETER T. KING, New York <i>(Ex Officio)</i>
BOB ETHERIDGE, North Carolina	
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SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

Christopher P. Carney, Pennsylvania, *Chairman*

PETER A. DEFAZIO, Oregon	MIKE ROGERS, Alabama
YVETTE D. CLARKE, New York	TOM DAVIS, Virginia
ED PERLMUTTER, Colorado	MICHAEL T. MCCAUL, Texas
BILL PASCARELL, JR, New Jersey	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

## March 11, 2008

On March 11, 2008, Mrs. Candice S. Miller of Michigan was appointed as a Member of the Minority pursuant to H. Res. 1034.

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

### COMMITTEE ON HOMELAND SECURITY

Bennie G. Thompson, Mississippi, *Chairman*

LORETTA SANCHEZ, California, <i>Vice Chair</i>	PETER T. KING, New York
EDWARD J. MARKEY, Massachusetts	LAMAR SMITH, Texas
NORMAN D. DICKS, Washington	CHRISTOPHER SHAYS, Connecticut
JANE HARMAN, California	MARK E. SOUDER, Indiana
PETER A. DEFazio, Oregon	TOM DAVIS, Virginia
NITA M. LOWEY, New York	DANIEL E. LUNGREN, California
ELEANOR HOLMES NORTON, District of Columbia	MIKE ROGERS, Alabama
ZOE LOFGREN, California	DAVID G. REICHERT, Washington
SHEILA JACKSON-LEE, Texas	MICHAEL T. MCCAUL, Texas
DONNA M. CHRISTENSEN, Virgin Islands	CHARLES W. DENT, Pennsylvania
BOB ETHERIDGE, North Carolina	GINNY BROWN-WAITE, Florida
JAMES R. LANGEVIN, Rhode Island	GUS M. BILIRAKIS, Florida
HENRY CUELLAR, Texas	DAVID DAVIS, Tennessee
CHRISTOPHER P. CARNEY, Pennsylvania	PAUL C. BROUN, Georgia
YVETTE D. CLARKE, New York	CANDICE S. MILLER, Michigan
AL GREEN, Texas	
ED PERLMUTTER, Colorado	
BILL PASCRELL, JR, New Jersey	

### SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

Loretta Sanchez, California, *Chairwoman*

JANE HARMAN, California	MARK E. SOUDER, Indiana
ZOE LOFGREN, California	DAVID G. REICHERT, Washington
SHEILA JACKSON-LEE, Texas	MICHAEL T. MCCAUL, Texas
JAMES R. LANGEVIN, Rhode Island	GUS M. BILIRAKIS, Florida
HENRY CUELLAR, Texas	MIKE ROGERS, Alabama
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BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

### SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

Jane Harman, California, *Chair*

NORMAN D. DICKS, Washington	DAVID G. REICHERT, Washington
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BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND  
INFRASTRUCTURE PROTECTION

Sheila Jackson-Lee, Texas, *Chairwoman*

EDWARD J. MARKEY, Massachusetts	DANIEL E. LUNGREN, California
PETER A. DEFAZIO, Oregon	GINNY BROWN-WAITE, Florida
ELEANOR HOLMES NORTON, District of Columbia	GUS M. BILIRAKIS, Florida
YVETTE D. CLARKE, New York	PAUL C. BROUN, Georgia
ED PERLMUTTER, Colorado	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND  
SCIENCE AND TECHNOLOGY

James R. Langevin, Rhode Island, *Chairman*

ZOE LOFGREN, California	MICHAEL T. MCCAUL, Texas
DONNA M. CHRISTENSEN, Virgin Islands	DANIEL E. LUNGREN, California
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<i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,  
AND RESPONSE

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ELEANOR HOLMES NORTON, District of Columbia	TOM DAVIS, Virginia
DONNA M. CHRISTENSEN, Virgin Islands	CANDICE S. MILLER, Michigan
BOB ETHERIDGE, North Carolina	PETER T. KING, New York
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<i>(Ex Officio)</i>	

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

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BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

## November 24, 2008

On November 24, 2008, Mr. Tom Davis of Virginia resigned as a Member of the House of Representatives.

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

### COMMITTEE ON HOMELAND SECURITY

Bennie G. Thompson, Mississippi, *Chairman*

LORETTA SANCHEZ, California, <i>Vice Chair</i>	PETER T. KING, New York
EDWARD J. MARKEY, Massachusetts	LAMAR SMITH, Texas
NORMAN D. DICKS, Washington	CHRISTOPHER SHAYS, Connecticut
JANE HARMAN, California	MARK E. SOUDER, Indiana
PETER A. DEFazio, Oregon	DANIEL E. LUNGREN, California
NITA M. LOWEY, New York	MIKE ROGERS, Alabama
ELEANOR HOLMES NORTON, District of Columbia	DAVID G. REICHERT, Washington
ZOE LOFGREN, California	MICHAEL T. MCCAUL, Texas
SHEILA JACKSON-LEE, Texas	CHARLES W. DENT, Pennsylvania
DONNA M. CHRISTENSEN, Virgin Islands	GINNY BROWN-WAITE, Florida
BOB ETHERIDGE, North Carolina	GUS M. BILIRAKIS, Florida
JAMES R. LANGEVIN, Rhode Island	DAVID DAVIS, Tennessee
HENRY CUELLAR, Texas	PAUL C. BROUN, Georgia
CHRISTOPHER P. CARNEY, Pennsylvania	CANDICE S. MILLER, Michigan
YVETTE D. CLARKE, New York	VACANCY
AL GREEN, Texas	
ED PERLMUTTER, Colorado	
BILL PASCRELL, JR, New Jersey	

### SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

Loretta Sanchez, California, *Chairwoman*

JANE HARMAN, California	MARK E. SOUDER, Indiana
ZOE LOFGREN, California	DAVID G. REICHERT, Washington
SHEILA JACKSON-LEE, Texas	MICHAEL T. MCCAUL, Texas
JAMES R. LANGEVIN, Rhode Island	GUS M. BILIRAKIS, Florida
HENRY CUELLAR, Texas	MIKE ROGERS, Alabama
AL GREEN, Texas	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

### SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

Jane Harman, California, *Chair*

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JAMES R. LANGEVIN, Rhode Island	CHRISTOPHER SHAYS, Connecticut
CHRISTOPHER P. CARNEY, Pennsylvania	CHARLES W. DENT, Pennsylvania
ED PERLMUTTER, Colorado	PETER T. KING, New York
BENNIE G. THOMPSON, Mississippi	<i>(Ex Officio)</i>
<i>(Ex Officio)</i>	

SUBCOMMITTEE ON TRANSPORTATION SECURITY AND  
INFRASTRUCTURE PROTECTION

Sheila Jackson-Lee, Texas, *Chairwoman*

EDWARD J. MARKEY, Massachusetts	DANIEL E. LUNGREN, California
PETER A. DEFAZIO, Oregon	GINNY BROWN-WAITE, Florida
ELEANOR HOLMES NORTON, District of Columbia	GUS M. BILIRAKIS, Florida
YVETTE D. CLARKE, New York	PAUL C. BROUN, Georgia
ED PERLMUTTER, Colorado	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND  
SCIENCE AND TECHNOLOGY

James R. Langevin, Rhode Island, *Chairman*

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DONNA M. CHRISTENSEN, Virgin Islands	DANIEL E. LUNGREN, California
BOB ETHERIDGE, North Carolina	GINNY BROWN-WAITE, Florida
AL GREEN, Texas	PAUL C. BROUN, Georgia
BILL PASCARELL, JR, New Jersey	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS,  
AND RESPONSE

Henry Cuellar, Texas, *Chairman*

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NORMAN D. DICKS, Washington	MARK E. SOUDER, Indiana
NITA M. LOWEY, New York	DAVID DAVIS, Tennessee
ELEANOR HOLMES NORTON, District of Columbia	CANDICE S. MILLER, Michigan
DONNA M. CHRISTENSEN, Virgin Islands	VACANCY
BOB ETHERIDGE, North Carolina	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

Christopher P. Carney, Pennsylvania, *Chairman*

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YVETTE D. CLARKE, New York	MICHAEL T. MCCAUL, Texas
ED PERLMUTTER, Colorado	CANDICE S. MILLER, Michigan
BILL PASCARELL, JR, New Jersey	PETER T. KING, New York <i>(Ex Officio)</i>
BENNIE G. THOMPSON, Mississippi <i>(Ex Officio)</i>	

## APPENDIX III-LIST OF PUBLIC LAWS

Public Law	Date Approved	Bill	Title
110-53 ....	August 3, 2007, .....	H.R. 1 .....	<p><i>"IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007."</i></p> <p>To provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States. Implementing Recommendations of the 9/11 Commission Act of 2007.</p>
110-161 ..	December 26, 2007, ..	H.R. 2764, (H.R. 1680).	<p><i>"CONSOLIDATED APPROPRIATIONS ACT, 2008."</i></p> <p>Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.</p>
110-181 ..	January 28, 2008 .....	H.R. 4985, (H.R. 1585).	<p><i>"NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008."</i></p> <p>To provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.</p>
110-388 ..	October 10, 2008 .....	S. 2816 .....	To provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.
110-412 ..	October 14, 2008 .....	H.R. 6098 .....	<p><i>"PERSONNEL REIMBURSEMENT FOR INTELLIGENCE COOPERATION AND ENHANCEMENT OF HOMELAND SECURITY ACT OF 2008"</i> or the <i>'PRICE OF HOMELAND SECURITY ACT'</i></p> <p>To amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes.</p>





## APPENDIX IV-LEGISLATIVE STATUS

### PUBLIC LAWS

**H.R. 1** (H. Res. 6) (H. Res. 567) (S. 4).-*To provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.* Referred to Homeland Security and in addition to Energy and Commerce, the Judiciary, Intelligence, Foreign Affairs, Transportation and Infrastructure, Oversight and Government Reform, and Ways and Means Jan. 5, 2007. Passed House Jan. 9, 2007; Roll No. 15: 299-128. Received in Senate and referred to Homeland Security and Governmental Affairs Jan. 9, 2007. Committee discharged. Passed Senate with amendment July 9, 2007. Senate insisted on its amendment and asked for a Conference July 9, 2007. House disagreed to Senate amendment and agreed to a Conference July 17, 2007. Conference report filed in the House July 25, 2007; Rpt. 110-259. Senate agreed to Conference report July 26, 2007; Roll No. 284: 85-8. House agreed to Conference report July 27, 2007; Roll No. 757: 371-40. Presented to the President Aug. 1, 2007. Approved Aug. 3, 2007. **Public Law 110-53.**

**H.R. 2764** (H. Res. 498) (H. Res. 878) (H. Res. 893).-*Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.* Reported from Appropriations June 18, 2007; Rpt. 110-197. Union Calendar. Considered June 20, 2007. Passed House amended June 22 (Legislative day of June 21), 2007; Roll No. 542: 241-178. Received in Senate and referred to Appropriations June 22, 2007. Reported with amendment July 10, 2007; Rpt. 110-128. Passed Senate with amendment Sept. 6, 2007; Roll No. 325: 81-12. Senate insisted on its amendment and asked for a Conference Sept. 6, 2007. House agreed to Senate amendment with 1st House amendment Dec. 17, 2007; Roll No. 1171: 253-154. House agreed to Senate amendment with 2nd House amendment Dec. 17, 2007; Roll No. 1172: 206-201. Senate agreed to 2nd House amendment to Senate amendment with amendment by Yea-Nay Vote: 70 — 25 (Roll No. 439) Dec. 18, 2007. Senate agreed to 1st House amendment to Senate amendment by Yea-Nay Vote: 76 — 17 (Roll No. 441) Dec. 18, 2007. Senate requested return of papers Dec. 19, 2007. Papers returned to Senate Dec. 19, 2007. Senate returned papers to House Dec. 19, 2007. House agreed to Senate amendment to 2nd House amendment to Senate amendment Dec. 19, 2007; Roll No. 1186: 272-142. Presented to the President Dec. 24, 2007. Approved Dec. 26, 2007. **Public Law 110-161.** (*The text of H.R. 1680 was included in Title V, as passed by the House.*)

**H.R. 4986.**-*To provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgements against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.* Referred to Armed Services Jan. 16, 2008. Rules suspended. Passed House Jan. 16, 2008; Roll No. 11: 369-46. Received in Senate and passed Jan. 22 (Legislative day of Jan. 3), 2008; Roll No. 1: 91-3. Presented to the President Jan. 24, 2008. Approved Jan. 28, 2008. **Public Law 110-181.**

**H.R. 6098.**-*To amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes.* Referred to Homeland Security May 20, 2008. Reported amended July 10, 2008; Rpt. 110-752. Union Calendar. Rules suspended. Passed House amended July 29, 2008. Received in Senate and referred to Homeland Security and Governmental Affairs July 30, 2008. Reported with amendment Sept. 24 (Legislative day of Sept. 17), 2008; no written report. Passed Senate with amendment Sept. 27 (Legislative day of Sept. 17), 2008. House agreed to Senate amendment Sept. 29, 2008. Approved October 10, 2008. **Public Law 110-412.**

**S. 2816.**-*To provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.* Referred to Homeland Security and Governmental Affairs Apr. 3, 2008. Reported Sept. 16, 2008; Rpt. 110-466. Passed Senate Sept. 23 (Legislative day of Sept. 17), 2008. Received in House and referred to Homeland Security Sept. 24, 2008. Rules suspended. Passed House Sept. 27, 2008. Presented to the President Oct. 2, 2008. Approved October '4, 2008. **Public Law 110-388.**

#### LEGISLATION VETOED

**H.R. 1585** (H. Res. 403) (H. Res. 860) (H. Con. Res. 269) (S. 1547) (S. 1548).-*To authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes.* Referred to Armed Services Mar. 20, 2007. Reported amended May 11, 2007; Rpt. 110-146. Union Calendar. Supplemental report filed May 14, 2007; Pt. II. Considered May 16, 2007. Passed House amended May 17, 2007; Roll No. 373: 397-27. Received in Senate June 4, 2007. Ordered placed on the calendar June 5, 2007. Considered July 9, 10, 11, 12, 13, 16, 17, 18 (Legislative day of July 17), 2007. Returned to the calendar July 31, 2007. Considered Sept. 17, 18, 19, 20, 21, 25, 26, 27, 28 Passed Senate with amendment Oct. 1, 2007; Roll No. 359: 92-3. Senate insisted on its amendment and asked for a Conference Oct. 1, 2007. House disagreed to Senate amendment and agreed to a Conference Dec. 5, 2007. Conference report filed in the House Dec. 6, 2007; Rpt. 110-477. House agreed

to Conference report Dec. 12, 2007; Roll No. 1151: 370-49. Senate agreed to Conference report Dec. 14, 2007; Roll No. 433: 90-3. Presented to the President Dec. 19, 2007. Vetoed Dec. 28, 2007. In House, veto referred to Armed Services Jan. 15, 2008. (*SEE ACTION on H.R. 4986 listed above.*)

LEGISLATION PASSED THE SENATE

**H.R. 2631.**-*To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material.* Referred to Homeland Security and in addition to Foreign Affairs June 7, 2007. Reported amended from Homeland Security June 11, 2008; Rpt. 110-708, Pt. I. Foreign Affairs discharged. June 11, 2008. Union Calendar. Rules suspended. Passed House amended June 18, 2008. Received in Senate and referred to Homeland Security and Governmental Affairs June 19, 2008. Reported with amendment Sept. 25 (Legislative day of Sept. 17), 2008; no written report. Passed Senate with amendment Sept. 26 (Legislative day of Sept. 17), 2008.

LEGISLATION IN SENATE

**H.R. 599.**-*To direct the Secretary of Homeland Security to streamline the SAFETY Act and anti-terrorism technology procurement processes.* Referred to Homeland Security Jan. 22, 2007. Rules suspended. Passed House Jan. 23, 2007; Roll No. 47: 427-0. Received in Senate and referred to Homeland Security and Governmental Affairs Jan. 24, 2007.

**H.R. 884.**-*To provide for the establishment of the Science and Technology Homeland Security International Cooperative Programs Office, and for other purposes.* Referred to Homeland Security Feb. 7, 2007. Rules suspended. Passed House Feb. 27, 2007; Roll No. 105: 396-16. Received in Senate and referred to Homeland Security and Governmental Affairs Feb. 28, 2007.

**H.R. 1333.**-*To amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions.* Referred to Homeland Security and in addition to Transportation and Infrastructure Mar. 6, 2007. Reported amended from Homeland Security June 5, 2008; Rpt. 110-691, Pt. I. Referral to Transportation and Infrastructure extended June 5, 2008, for a period ending not later than June 13, 2008. Reported amended from Transportation and Infrastructure June 12, 2008; Pt. II. Union Calendar. Rules suspended. Passed House amended June 18, 2008. Received in Senate and referred to Homeland Security and Governmental Affairs June 19, 2008.

**H.R. 1401** (H. Res. 270) (S. 184) (S. 763).-*To improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes.* Referred to Homeland Security and in addition to Transportation and Infrastructure Mar. 8, 2007. Reported amended from Homeland Security Mar. 22, 2007;

Rpt. 110-65, Pt. I. Transportation and Infrastructure discharged. Mar. 22, 2007. Union Calendar. Passed House amended Mar. 27, 2007; Roll No. 201: 299-124. Received in Senate and referred to Commerce, Science and Transportation Mar. 28, 2007.

**H.R. 1413.**-*To direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to address vulnerabilities in aviation security by carrying out a pilot program to screen airport workers with access to secure and sterile areas of airports.* Referred to Homeland Security Mar. 8, 2007. Reported amended Dec. 11, 2007; Rpt. 110-482. Union Calendar. Rules suspended. Passed House amended Dec. 11, 2007. Received in Senate and referred to Commerce, Science and Transportation Dec. 12, 2007.

**H.R. 1680.**-*To authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists.* Referred to Homeland Security Mar. 26, 2007. Reported amended Oct. 2, 2007; Rpt. 110-357. Union Calendar. Rules suspended. Passed House amended Oct. 23, 2007. Received in Senate and referred to Homeland Security and Governmental Affairs Oct. 24, 2007. (See Action taken on H.R. 2764)

**H.R. 1684** (H. Res. 382).-*To authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes.* Referred to Homeland Security Mar. 26, 2007. Reported amended May 4, 2007; Rpt. 110-122. Union Calendar. Passed House amended May 9, 2007; Roll No. 318: 296-126. Received in Senate and referred to Homeland Security and Governmental Affairs May 11, 2007.

**H.R. 1955.**-*To prevent homegrown terrorism, and for other purposes.* Referred to Homeland Security and in addition to the Judiciary Apr. 19, 2007. Reported amended from Homeland Security Oct. 16, 2007; Rpt. 110-384, Pt. I. The Judiciary discharged. Oct. 16, 2007. Union Calendar. Rules suspended. Passed House amended Oct. 23, 2007; Roll No. 993: 404-6. Received in Senate and referred to Homeland Security and Governmental Affairs Oct. 24, 2007.

**H.R. 2399.**-*To amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes.* Referred to the Judiciary and in addition to Homeland Security May 21, 2007. Rules suspended. Passed House amended May 22, 2007; Roll No. 400: 412-0. Received in Senate and referred to the Judiciary May 23, 2007.

**H.R. 2490.**-*To require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States.* Referred to Homeland Security May 24, 2007. Reported amended July 10, 2008; Rpt. 110-751. Union Calendar. Rules suspended. Passed House amended July 29, 2008; Roll No. 534: 394-3. Received in Senate and referred to Commerce, Science and Transportation July 30, 2008.

**H.R. 2830** (H. Res. 1126) (S. 1892).-*To authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes.* Referred to Transportation and Infrastructure June 22, 2007. Reported amended from Transportation and Infrastructure Sept. 20, 2007; Rpt. 110-338, Pt. I. Referred to Homeland Security Sept. 20, 2007, for a period ending not later than Oct. 1, 2007. Reported amended from Homeland Security Oct. 1, 2007; Pt. II. Referred to Energy and Commerce and the Judiciary Oct. 1, 2007, for a period ending not later than Oct. 15, 2007. Referral to Energy and Commerce and the Judiciary extended Oct. 15, 2007, for a period ending not later than Oct. 29, 2007. Referral to the Judiciary extended Oct. 29, 2007, for a period ending not later than Oct. 30, 2007. Referral to Energy and Commerce extended Oct. 29, 2007, for a period ending not later than Nov. 16, 2007. Reported amended from the Judiciary Oct. 30, 2007; Pt. III. Referral to Energy and Commerce extended Nov. 15, 2007, for a period ending not later than Dec. 7, 2007. Referral to Energy and Commerce extended Dec. 7, 2007, for a period ending not later than Dec. 14, 2007. Referral to Energy and Commerce extended Dec. 14, 2007, for a period ending not later than Jan. 12, 2008. Referral to Energy and Commerce extended Dec. 18, 2007, for a period ending not later than Jan. 15, 2008. Referral to Energy and Commerce extended Jan. 15, 2008, for a period ending not later than Jan. 23, 2008. Referral to Energy and Commerce extended Jan. 23, 2008, for a period ending not later than Jan. 29, 2008. Energy and Commerce discharged. Jan. 29, 2008. Union Calendar. Supplemental report filed from the Judiciary Apr. 23, 2008; Pt. IV. Passed House amended Apr. 24, 2008; Roll No. 223: 395-7. Received in Senate and ordered placed on the calendar Apr. 28, 2008.

**H.R. 3232** (S. 1661).-*To establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.* Referred to Energy and Commerce and in addition to the Judiciary, and Homeland Security July 31, 2007. Rules suspended. Passed House amended Sept. 25, 2008. Received in Senate Sept. 26 (Legislative day of Sept. 17), 2008.

**H.R. 3815**.-*To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, and for other purposes.* Referred to Homeland Security Oct. 10, 2007. Reported amended July 21, 2008; Rpt. 110-763. Union Calendar. Considered under suspension of rules July 29, 2008. Rules suspended. Passed House amended July 30, 2008. Received in Senate and referred to Homeland Security and Governmental Affairs July 31, 2008. Reported with amendment Sept. 24 (Legislative day of Sept. 17), 2008; no written report.

**H.R. 4749**.-*To amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.* Referred to Homeland Security Dec. 17, 2007. Reported amended June 5, 2008; Rpt. 110-689. Union Calendar. Rules suspended. Passed House amended June

18, 2008. Received in Senate and referred to Homeland Security and Governmental Affairs June 19, 2008.

**H.R. 4806.**-*To require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.* Referred to Homeland Security Dec. 18, 2007. Reported amended July 24, 2008; Rpt. 110-776. Union Calendar. Considered under suspension of rules July 29, 2008. Rules suspended. Passed House amended July 30, 2008. Received in Senate and referred to Homeland Security and Governmental Affairs July 31, 2008.

**H.R. 5170.**-*To amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes.* Referred to Homeland Security Jan. 29, 2008. Reported amended July 10, 2008; Rpt. 110-755. Union Calendar. Considered under suspension of rules July 29, 2008. Rules suspended. Passed House amended July 30, 2008. Received in Senate and referred to Homeland Security and Governmental Affairs July 31, 2008.

**H.R. 5531.**-*To amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors, and for other purposes.* Referred to Homeland Security Mar. 5, 2008. Reported amended July 22, 2008; Rpt. 110-764. Union Calendar. Considered under suspension of rules July 29, 2008. Rules suspended. Passed House amended July 30, 2008. Received in Senate and referred to Homeland Security and Governmental Affairs July 31, 2008.

**H.R. 5909.**-*To amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes.* Referred to Homeland Security Apr. 24, 2008. Reported amended June 5, 2008; Rpt. 110-687. Union Calendar. Rules suspended. Passed House amended June 18, 2008. Received in Senate and referred to Commerce, Science and Transportation June 19, 2008.

**H.R. 5982.**-*To direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes.* Referred to Homeland Security May 7, 2008. Reported amended June 5, 2008; Rpt. 110-688. Union Calendar. Rules suspended. Passed House amended June 18, 2008. Received in Senate and referred to Commerce, Science and Transportation June 19, 2008.

**H.R. 5983.**-*To amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security, and for other purposes.* Referred to Homeland Security May 7, 2008. Reported amended July 24, 2008; Rpt. 110-777. Union Calendar. Considered under suspension of rules July 29, 2008. Rules suspended. Passed House amended July 30, 2008. Received in Sen-

ate and referred to Homeland Security and Governmental Affairs July 31, 2008.

**H.R. 6193.**-*To require the Secretary of Homeland Security to develop and administer policies, procedures, and programs to promote the implementation of the Controlled Unclassified Information Framework applicable to unclassified information that is homeland security information, terrorism information, weapons of mass destruction information and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and for other purposes.* Referred to Homeland Security June 5, 2008. Reported amended July 28, 2008; Rpt. 110-779. Union Calendar. Considered under suspension of rules July 29, 2008. Rules suspended. Passed House amended July 30, 2008. Received in Senate and referred to Homeland Security and Governmental Affairs July 31, 2008.

LEGISLATION PASSED THE HOUSE

**H. Res. 134.**-*Recognizing and honoring the employees of the Department of Homeland Security for their efforts and contributions to protect and secure the Nation.* Referred to Homeland Security Feb. 7, 2007. Rules suspended. Passed House Feb. 12, 2007; Roll No. 93: 412-0.

**H. Res. 954.**-*Honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008.* Referred to Homeland Security Jan. 29, 2008. Rules suspended. Passed House amended Feb. 12, 2008; Roll No. 43: 357-0.

**H. Res. 1038.**-*Recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our Nation.* Referred to Homeland Security Mar. 11, 2008. Considered under suspension of rules Apr. 9, 2008. Rules suspended. Passed House Apr. 10, 2008; Roll No. 180: 406-3.

**H. Res. 1150.**-*Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines.* Referred to Homeland Security Apr. 24, 2008. Reported amended June 17, 2008; Rpt. 110-716. House Calendar. Rules suspended. Passed House amended June 18, 2008.

**H. Res. 1420.**-*Expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.* Referred to Oversight and Government Reform and in addition to Foreign Affairs, Armed Services, Transportation and Infrastructure, Homeland Security, the Judiciary, and Intelligence Sept. 9, 2008. Rules suspended. Passed House Sept. 11, 2008; Roll No. 586: 402-0.



**H. Res. 1429.**-*Expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism. Referred to Homeland Security Sept. 11, 2008. Rules suspended. Passed House Sept. 27, 2008.*

LEGISLATION REPORTED TO THE HOUSE

**H.R. 263.**-*To authorize the Secretary of Homeland Security to establish a program to award grants to institutions of higher education for the establishment or expansion of cybersecurity professional development programs, and for other purposes. Referred to Science and Technology and in addition to Education and Labor, and Homeland Security Jan. 5, 2007. Reported amended from Homeland Security Sept. 8, 2008; Rpt. 110-829, Pt. I.*

**H.R. 1717.**-*To amend the Homeland Security Act of 2002 to establish a National Bio and Agro-defense Facility. Referred to Homeland Security and in addition to Agriculture, and Energy and Commerce Mar. 27, 2007. Reported amended from Homeland Security Aug. 1, 2008; Rpt. 110-819, Pt. I. Referral to Energy and Commerce extended Aug. 1, 2008, for a period ending not later than Sept. 12, 2008. Agriculture discharged. Aug. 1, 2008. Referral to Energy and Commerce extended Sept. 12, 2008, for a period ending not later than Sept. 26, 2008. Referral to Energy and Commerce extended Sept. 26, 2008, for a period ending not later than Sept. 28, 2008. Referral to Energy and Commerce extended Sept. 28, 2008, for a period ending not later than Sept. 29, 2008. Referral to Energy and Commerce extended Sept. 29, 2008, for a period ending not later than Oct. 2, 2008. Referral to Energy and Commerce extended Oct. 2, 2008, for a period ending not later than Oct. 3, 2008. Referral to Energy and Commerce extended Oct. 3, 2008, for a period ending not later than Jan. 3, 2009.*

**H.R. 5577.**-*To amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes. Referred to Homeland Security and in addition to Energy and Commerce Mar. 11, 2008. Reported from Homeland Security Mar. 14, 2008; Rpt. 110-550, Pt. I. Referral to Energy and Commerce extended Mar. 14, 2008, for a period ending not later than Apr. 11, 2008. Referral to Energy and Commerce extended Apr. 11, 2008, for a period ending not later than May 30, 2008. Referral to Energy and Commerce extended May 30, 2008, for a period ending not later than July 11, 2008. Referral to Energy and Commerce extended July 11, 2008, for a period ending not later than Sept. 12, 2008. Referral to Energy and Commerce extended Sept. 12, 2008, for a period ending not later than Sept. 26, 2008. Referral to Energy and Commerce extended Sept. 26, 2008, for a period ending not later than Sept. 28, 2008. Referral to Energy and Commerce extended*

Sept. 28, 2008, for a period ending not later than Sept. 29, 2008. Referral to Energy and Commerce extended Sept. 29, 2008 for a period ending not later than Oct. 2, 2008. Referral to Energy and Commerce extended Oct. 2, 2008 for a period ending not later than Oct. 3, 2008. Referral to Energy and Commerce extended Oct. 3, 2008 for a period ending not later than Jan. 3, 2009.

**H.R. 5743.**-*To provide the Secretary of Homeland Security with the authority to procure real property and accept in-kind donations.* Referred to Homeland Security Apr. 9, 2008. Reported Sept. 8, 2008; Rpt. 110-828.

LEGISLATION ORDERED TO BE REPORTED TO THE HOUSE

**H.R. 5935.**-*To require certain Federal agencies to use iron and steel produced in the United States in carrying out projects for the construction, alteration, or repair of a public building or public work, and for other purposes.* Apr. 30, 2008. Referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security and Armed Services. Jun. 26, 2008. Committee Markup Held, ordered to be reported to the House.

LEGISLATION PENDING AT FULL COMMITTEE

**H.R. 4183.**-*To amend the Homeland Security Act of 2002 to establish the National Urban Search and Rescue Response System.* Nov. 14, 2007. Referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security. Jan. 31, 2008. Referred to the Subcommittee on Emergency Communications, Preparedness, and Response. Apr. 30, 2008. Subcommittee markup held. Forwarded to the Full Committee by Voice Vote.

**H.R. 5890.**-*To amend the Homeland Security Act of 2002 to establish the Community Preparedness Division of the Department of Homeland Security and the Citizen Corps Program, and for other purposes.* Apr. 24, 2008. Referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security. Apr. 29, 2008. Referred to the Subcommittee on Emergency Communications, Preparedness, and Response. Apr. 30, 2008. Subcommittee Markup held. Forwarded to the Full Committee (Amended) by the Yeas and Nays: 8 — 0.



## APPENDIX V-COMMITTEE LEGISLATIVE REPORTS

H.Rpt. 110-65, Pt. 1	H.R. 1401	<p><i>Rail and Public Transportation Security Act of 2007.</i> To improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes. Filed March 22, 2007.</p>
H.Rpt. 110-122	H.R. 1684	<p><i>Department of Homeland Security Authorization Act for Fiscal Year 2008.</i> To authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes. Filed May 5, 2007</p>
H.Rpt. 110-259	Conference Report to Accompany H.R. 1	<p><i>Implementing Recommendations of the 9/11 Commission Act of 2007.</i> To provide for the implementation of the recommendation of the National Commission on Terrorist Attacks Upon the United States. Filed July 25, 2007</p>
H.Rpt. 110-338, Pt. II	H.R. 2830	<p><i>Coast Guard Authorization Act of 2007.</i> To authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes. Filed October 1, 2007</p>
H.Rpt. 110-357	H.R. 1680	<p><i>Secure Handling of Ammonium Nitrate Act of 2007.</i> To authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes. Filed October 2, 2007</p>
H.Rpt. 110-384, Pt. I	H.R. 1955	<p><i>Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.</i> To prevent homegrown terrorism, and for other purposes. Filed October 16, 2007</p>
H.Rpt. 110-482	H.R. 1413	<p>To direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to address vulnerabilities in aviation security by carrying out a pilot program to screen airport workers with access to secure and sterile areas of airports, and for other purposes. Filed December 11, 2007</p>

H. Rpt. 110–550, Pt. 1	H.R. 5577	<p><i>Chemical Facility Anti-Terrorism Act of 2008</i></p> <p>To amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes.</p> <p>Filed March 14, 2008</p>
H. Rpt. 110–686	H.R. 4179	<p><i>Fair, Accurate, Secure and Timely Redress Act of 2007.</i></p> <p>To amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight.</p> <p>Filed June 5, 2008</p>
H. Rpt. 110–687	H.R. 5909	<p>To amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports.</p> <p>Filed June 5, 2008</p>
H. Rpt. 110–688	H.R. 5982	<p><i>Biometric Enhancement for Airport-Risk Reduction Act of 2008</i></p> <p>To direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport.</p> <p>Filed June 5, 2008</p>
H. Rpt. 110–689	H.R. 4749	<p><i>National Bombing Prevention Act of 2007.</i></p> <p>To amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats.</p> <p>Filed June 5, 2008</p>
H. Rpt. 110–691, Pt. 1	H.R. 1333	<p><i>Civil Air Patrol Homeland Security Support Act of 2007.</i></p> <p>To amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions.</p> <p>Filed June 5, 2008</p>
H. Rpt. 110–708, Pt. 1	H.R. 2631	<p><i>Nuclear Forensics and Attribution Act.</i></p> <p>To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material.</p> <p>Filed June 11, 2008</p>
H. Rpt. 110–716	H. Res. 1150	<p>Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines.</p> <p>Filed June 17, 2008</p>

H. Rpt. 110-751	H.R. 2490	To require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States. Filed July 10, 2008
H. Rpt. 110-752	H.R. 6098	<i>Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act or the PRICE of Homeland Security Act.</i> To amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities. Filed July 10, 2008
H. Rpt. 110-755	H.R. 5170	<i>Department of Homeland Security Component Privacy Officer Act of 2008.</i> To amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, with an amendment Filed July 10, 2008
H. Rpt. 110-763	H.R. 3815	<i>Homeland Security Open Source Information Enhancement Act of 2008.</i> To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, and for other purposes. Filed July 21, 2008
H. Rpt. 110-764	H.R. 5531	<i>Next Generation Radiation Screening Act of 2008.</i> To amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors. Filed July 22, 2008
H. Rpt. 110-776	H.R. 4806	<i>Reducing Over-Classification Act of 2007.</i> To require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information. Filed July 24, 2008
H. Rpt. 110-777	H.R. 5983	<i>Homeland Security Network Defense and Accountability Act of 2008.</i> To amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security. Filed July 24, 2008

H.Rpt. 110-779	H.R. 6193	<p><i>Improving Public Access to Documents Act of 2008.</i>          To require the Secretary of Homeland Security to develop and administer policies, procedures, and programs to promote the implementation of the Controlled Unclassified Information Framework applicable to unclassified information that is homeland security information, terrorism information, weapons of mass destruction information and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).          Filed July 28, 2008</p>
H.Rpt. 110-828	H.R. 5743	<p><i>Scientific Transformations through Advancing Research (STAR) Act.</i>          A measure to provide the Secretary of Homeland Security with the authority to procure real property and accept in-kind donations.          Filed September 8, 2008</p>
H.Rpt. 110-829, Pt. 1	H.R. 263	<p><i>Cybersecurity Education Enhancement Act of 2007.</i>          A measure to authorize the Secretary of Homeland Security to establish a program to award grants to institutions of higher education for the establishment or expansion of cybersecurity professional development programs, and for other purposes; with an amendment.          Filed September 8, 2008</p>

## APPENDIX VI-EXECUTIVE COMMUNICATIONS, MEMORIALS, PETITIONS AND PRESIDENTIAL MESSAGES

### EXECUTIVE COMMUNICATIONS

#### *Executive Communication 86*

January 9, 2007-A letter from the Deputy Chief Counsel, Regulations, Department of Homeland Security, transmitting the Department's "Major" final rule -- Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License [Docket Nos. TSA-2006-24191; Coast Guard-2006-24196; TSA Amendment Nos. 1515-(New), 1540-8, 1570-2, 1572-7] (RIN: 1652-AA41) received January 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

#### *Executive Communication 1242*

April 20, 2007-A letter from the Assistant Secretary, Office of Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting the Department's report on the Transportation Security Administration's Voluntary Provision of Emergency Services Program, pursuant to Public Law 109-295; to the Committee on Homeland Security.

#### *Executive Communication 1309*

April 25, 2007-A letter from the Chemical Security Compliance Division, Office of Infrastructure Protection, Department of Homeland Security, transmitting the Department's "Major" final rule — Chemical Facility Anti-Terrorism Standards (RIN: 1601-AA41) Received April 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A).; to the Committee on Homeland Security.

#### *Executive Communication 1550*

May 7, 2007-A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule -- Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted Through ACE Truck Manifest at Ports in the States of Idaho and Montana [CBP Dec. 07-25] received May 2, 2007, pursuant to 5U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

#### *Executive Communication 1599*

May 8, 2007-A letter from the Assistant Secretary, Office of Legislative Affairs, TSA, Department of Homeland Security, transmitting the Administration's report on Security Plan for Essential Air Service and Small Community Service Airports, pursuant to Public Law 109-347, section 701; to the Committee on Homeland Security.



*Executive Communication 1636*

May 9, 2007-A letter from the Director, Regulations and Disclosure Law Division, Department of Homeland Security, transmitting the Department's final rule -- Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted through ACE Truck Manifest at Ports in the States of Vermont, North Dakota and New Hampshire -- received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

*Executive Communication 2292*

June 22, 2007-A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's report regarding its efforts in the area of transportation security for the calendar year 2006, pursuant to 49 U.S.C. 44938; to the Committee on Homeland Security.

*Executive Communication 2294*

June 22, 2007-A letter from the Secretary, Department of Homeland Security, transmitting a report of the Department's Office of Civil Rights and Civil Liberties, pursuant to 6 U.S.C. 345; jointly to the Committees on Homeland Security and the Judiciary.

*Executive Communication 2335*

June 27, 2007-A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Key West International Airport and the Florida Keys Marathon Airport will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

*Executive Communication 2719*

July 27, 2007-A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at the Sonoma County Airport in Santa Rosa, California will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

*Executive Communication 2720*

July 27, 2007-A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's report entitled, "2007, Data Mining Report: DHS Privacy Office Response to House Report 109-699," pursuant to Public Law 109-295; to the Committee on Homeland Security.

*Executive Communication 3104*

September 4, 2007-A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's "Major" final rule -- Advance Electronic Transmission of Passenger and Crew Member Manifests for Commercial Aircraft and Vessels (RIN: 1651-AA62) received August 14,

2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

*Executive Communication 4022*

November 6, 2007-A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at the Gallup Municipal Airport and Roswell Industrial Air Center will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers; to the Committee on Homeland Security.

*Executive Communication 4408*

December 10, 2001-A letter from the Secretary, Department of Homeland Security, transmitting the Department's annual financial report for fiscal year 2007; to the Committee on Homeland Security.

*Executive Communication 4922*

January 15, 2008-A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule -- Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License [Docket Nos. TSA-2006-24191; USCG-2006-24196] (RIN: 1652-AA41) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

*Executive Communication 5686*

March 11, 2008-A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report entitled, "The Federal Agency Data Mining Reporting Act of 2007," pursuant to Section 804 of the Implementing Recommendations of the 9/11 Commission Act of 2007; to the Committee on Homeland Security.

*Executive Communication 5865*

April 4, 2008-A letter from the Secretary, Department of Homeland Security, transmitting an annual report of the Department's Office of Civil Rights and Civil Liberties for fiscal year 2007, pursuant to 6 U.S.C. 345(b); jointly to the Committees on Homeland Security and the Judiciary.

*Executive Communication 6132*

April 16, 2008-A letter from the Deputy Under Secretary for Management, Department of Homeland Security, transmitting the Department's Fiscal Year 2009-2013 Future Years Homeland Security Program, pursuant to 6 U.S.C. 454 Public Law 107-296, section 874(c); to the Committee on Homeland Security.

*Executive Communication 6274*

April 24, 2008-A letter from the Acting Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's "Major" final rule -- Documents Required for Travelers Departing From or Arriving in the United States at Sea and Land Ports-of-Entry from Within the Western Hemisphere [USCBP 2007-0061] (RIN: 1651-AA69) received April

3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

*Executive Communication 6473*

May 7, 2008-A letter from the Secretary, Department of Homeland Security, transmitting an annual report of the Department's Office of Civil Rights and Civil Liberties for fiscal year 2007, pursuant to 6 U.S.C. 345(b); jointly to the Committees on Homeland Security and the Judiciary.

*Executive Communication 6708*

May 19, 2008-A letter from the Secretary, Department of Homeland Security, transmitting the Department's report on the Implementing Recommendations of the 9/11 Commission Act of 2007, pursuant to 28 U.S.C. 530D; to the Committee on Homeland Security.

*Executive Communication 7080*

June 10, 2008-A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule -- Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License [Docket Nos. TSA-2006-24191; USCG-2006-24196] (RIN: 1652-AA41) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

*Executive Communication 7639*

July 17, 2008-A letter from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the first quarterly report of the Department's Office of Civil Rights and Civil Liberties, covering the period from October 1, 2007, to December 31, 2007, pursuant to 42 U.S.C. 2000ee-1; jointly to the Committee on the Judiciary and the Committee on Homeland Security.

*Executive Communication 7793*

July 24, 2008-A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting the report entitled, "U.S. Department of Homeland Security Other Transaction Authority Report to Congress," pursuant to Public Law 107-296, section 831(a)(1); to the Committee on Homeland Security.

*Executive Communication 8177*

September 9, 2008-A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the measure H.R. 5983 the "Homeland Security Network Defense and Accountability Act of 2008"; to the Committee on Homeland Security.

*Executive Communication 8178*

September 9, 2008-A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the measure H.R. 5531 "Next Generation Radiation Screening Act of 2008"; to the Committee on Homeland Security.

*Executive Communication 8179*

September 9, 2008-A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the measures H.R. 3815, H.R. 4806, H.R. 6193, and H.R. 6098; to the Committee on Homeland Security.

*Executive Communication 8548*

September 22, 2008-A letter from the Director, Homeland Security Institute, transmitting the Institute's annual report; to the Committee on Homeland Security.

*Executive Communication 9379*

November 19, 2008-A letter from the Deputy Chief Counsel for Regulations, Department of Homeland Security, transmitting the Department's "Major" final rule -- Secure Flight Program [Docket No. TSA-2007-28572; Amendment Nos. 1540-9, 1544-8, and 1560-(New)] (RIN: 1652-AA45) received November 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

*Executive Communication 9380*

November 19, 2008-A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule -- Advance Information on Private Aircraft Arriving and Departing the United States [Docket No.: USCBP-2007-0064] (RIN: 1651 -- AA41) received November 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

*Executive Communication 9600*

November 20, 2008-A letter from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security transmitting the Department's second quarterly report covering the period from January 1, 200 to March 31, 2008 as required by the Implementing Recommendation of the 9/11 Commission Act of 2007, Pub. L. 110-53; to the Committee on Homeland Security and the Committee on the Judiciary.

*Executive Communication 9785*

December 9, 2008-A letter from the Deputy Chief Counsel, Regulations, Department of Homeland Security, transmitting the Department's final rule -- Rail Transportation Security [Docket No. TSA-2006-26514; Amendment Nos. 1520-5, 1580-(New)] (RIN: 1652-AA51) received November 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

*Executive Communication 10280*

January 3, 2009-A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's annual report of the Privacy Office which covers its activities from July 2007 through July 2008, pursuant to 6 U.S.C. 142(a)(6); to the Committee on Homeland Security.

*Executive Communication 10281*

January 3, 2009-A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's Privacy Office's report entitled, "2008 Report to Congress on Data Mining Technology and Policy," pursuant to Public Law 110-53 (121 Stat. 266); to the Committee on Homeland Security.

*Executive Communication 10282*

January 3, 2009-A letter from the Secretary, Department of Homeland Security, transmitting the Department's annual financial report for fiscal year 2008; to the Committee on Homeland Security.

*Executive Communication 10290*

January 3, 2009-A letter from the Office for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the Department's second quarterly report covering the period from April 1, 2008 to June 30, 2008 as required by the Implementing Recommendations of the 9 /11 Commission Act of 2007, Pub. L. 110-53; jointly to the Committees on Homeland Security and the Judiciary

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MEMORIALS

*Memorial 33*

May 9, 2007-A memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 3 affirming the states support of the United States campaign to secure our country and urging member's of Idaho's congressional delegation to support measures to repeal the Federal REAL ID Act of 2005; to the Committee on Homeland Security.

*Memorial 34*

May 9, 2007-A memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 20 urging the Department of Homeland Security to complete an economic analysis of the costs of compliance with the requirements of the Federal Real ID Act and the Western Hemisphere Travel Initiative; jointly to the Committees on the Judiciary and Homeland Security.

*Memorial 35*

May 9, 2007-A memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 21 memorializing the United States Department of State and the Department of Homeland Security to develop a pilot program in Michigan for a dual purpose state drivers license/personal identification card to comply with the provisions of the Real ID Act and the Western Hemisphere Travel Initiative; jointly to the Committees on the Judiciary and Homeland Security.

*Memorial 86*

June 22, 2007-A memorial of the Senate of the State of Arizona, relative to Senate Memorial No. 1004 encouraging the Congress of the United States to continue the funding and completion of SBInet; to the Committee on Homeland Security.

*Memorial 146*

July 30, 2007-A memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 129 urging members of the Pennsylvania Congressional delegation to support legislation to repeal Section 1221 of the Energy Policy Act of 2005; jointly to the Committees on the Judiciary, Homeland Security, and Oversight and Government Reform.

*Memorial 147*

July 30, 2007-A memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 126 urging the Pennsylvania Congressional delegation to support measures that repeal the REAL ID Act or to delay its implementation until such time as sufficient funds are available to adequately cover the costs of implementation and amendment is made to preserve essential civil rights and liberties of citizens of this country; jointly to the Committees on the Judiciary, Homeland Security, and Oversight and Government Reform.

*Memorial 148*

July 30, 2007-A memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 248 opposing the implementation of the REAL ID Act of 2005; jointly to the Committees on the Judiciary, Homeland Security, and Oversight and Government Reform.

*Memorial 181*

August 3, 2007-A memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 247 memorializing the Secretary of the Department of Homeland Security to create a unified Urban Area Security Initiative zone for Camden and Philadelphia area; to the Committee on Homeland Security.

*Memorial 205*

September 24, 2007-A memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 28 opposing the enactment or enforcement of the REAL ID Act; jointly to the Committees on the Judiciary, Homeland Security, and Oversight and Government Reform.

*Memorial 234*

February 8, 2008-A memorial of the Senate of the State of Georgia, relative to Senate Resolution No. 646 urging the President of the United States and the Congress of the United States to adopt and implement an effective and comprehensive Federal immigration and border security plan in response to the increasing illegal immigration crisis facing the United States.

*Memorial 337*

July 17, 2008-A memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 111 urging the Congress of the United States to pass necessary and appropriate legislation to resolve the illegal immigration crisis; jointly to the Committee on the Judiciary and the Committee on Homeland Security.

*Memorial 338*

July 17, 2008-A memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 209 requesting that the Congress of the United States enact legislation to waive single state agency requirements with regard to the administration of funds under the Homeland Security Grant Program; jointly to the Committees on Homeland Security, Energy and Commerce, and Transportation and Infrastructure.

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## PETITIONS

*Petition 17*

April 24, 2007-A petition of the Major County Sheriffs' Association, relative to a resolution urging all levels of the Federal government to take immediate action to adequately fund the operations of the United States Immigration and Customs Enforcement (ICE) Agency; jointly to the Committees on the Judiciary and Homeland Security.

*Petition 218*

February 8, 2008-A petition of the National Council Junior Order United American Merchants, relative to Resolution No. 13 demanding that the Congress of the United States find common language that will bring the immigration issues to resolution.

*Petition 228*

April 3, 2008-A petition of the California State Lands Commission, relative to a letter expressing concerns regarding H.R. 2830, the Coast Guard Authorization Act of 2007; jointly to the Committees on Transportation and Infrastructure, Homeland Security, Energy and Commerce, and the Judiciary.

*Petition 334* October 3, 2008-A petition of the Veterans of Foreign Wars of the United States, relative to Resolution No. 448 pertaining to Energy Dependence and National Security; jointly to the Committees on Armed Services, Science and Technology, Natural Resources, Homeland Security, Ways and Means, and Energy and Commerce.

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PRESIDENTIAL MESSAGES

*Presidential Message 17*

March 3, 2008-A message from the President wherein he transmitted the 2008 National Drug Control Strategy--referred to the Committees on Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Homeland Security, the Judiciary, Natural Resources, Oversight and Government Reform, Small Business, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means and ordered printed (H. Doc. 110-98)

## APPENDIX VII-COMMITTEE STAFF

### MAJORITY STAFF

I. Lanier Avant, *Staff Director*  
Cordie Aziz, *Executive Assistant*  
Galen Bean, *Legislative Assistant*  
Chris A. Beck, *Senior Adviser for Science and Technology*  
Michael A. Beland, *Subcommittee on Transportation Security and Infrastructure Protection Staff Director*  
Cherri Branson, *Chief Oversight Counsel*  
Jill Butler, *Investigator*  
Holly E. Canevari, *Professional Staff Member*  
Mario H. Cantú, *Professional Staff Member*  
Rosaline Cohen, *Chief Counsel*  
Adam M. Comis, *Press Secretary*  
Brandon D. Deplet, *Professional Staff Member / Counsel*  
Paula R. Delcambre, *Professional Staff Member*  
William W. Ellis, *Deputy Oversight Director*  
Thomas M. Finan, *Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment Staff Director*  
Asha M. George, *Senior Professional Staff Member*  
Hope Goins, *Professional Staff Member / Counsel*  
Dena Graziano, *Communications Director*  
Karis T. Gutter, *Professional Staff Member*  
R. Denton Herring, *Professional Staff Member*  
Cory Horton, *Legislative Assistant*  
Nicole W. Johnson, *Office Manager*  
Kathryn Denise Rucker Krepp, *Senior Professional Staff Member / Counsel*  
Todd A. Levett, *Senior Professional Staff Member*  
Arthuretta Martin, *Senior Professional Staff Member*  
Thomas C. McDaniels, Jr., *Professional Staff Member*  
Tyrik B. McKeiver, *Legislative Assistant*  
Kathryn M. Minor, *Senior Policy Advisor / Counsel*  
Erin E. Murphy, *Professional Staff Member*  
Andrew Newhart, *Staff Assistant*  
Alison B. Northrup (Rosso), *Subcommittee on Border, Maritime, and Global Counterterrorism Staff Director*  
Jacob S. Olcott, *Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology Staff Director*  
Véronique Pluioise-Fenton, *Subcommittee on Emergency Communications, Preparedness, and Response Staff Director*  
Angela T. Rye, *Senior Adviser / Counsel*  
Marisela Salayandia, *Professional Staff Member*  
Tamla T. Scott, *Subcommittee on Management, Investigations, and Oversight Staff Director*



D. Michael Stroud, Jr. *Deputy Chief Counsel*  
 Brian B. Turbyfill, *Parliamentarian*  
 Stephen R. Vina, *Professional Staff Member / Counsel*  
 Shaun West, *Investigator*  
 Daniel Wilkins, *Clerk*  
 Carla M. Zamudio-Dolan, *Clerk*  
 Patricia Zavala, *Professional Staff Member*

## MINORITY STAFF

Robert F. O'Connor, *Staff Director*  
 Matthew Allen, *Fellow*  
 Jennifer Arangio, *Counsel*  
 Richard Balzano, *Professional Staff Member*  
 Mandy Bowers, *Senior Professional Staff Member*  
 Ellen Carlin, *Professional Staff Member*  
 Joseph D. Dickey, III, *Staff Assistant*  
 James P. DoBoer, *Professional Staff Member*  
 Kristina V. Dorville, *Detailee*  
 Stephanie Genco, *T3Press Secretary*  
 Kevin Gundersen, *Professional Staff Member*  
 Amanda J. Halpern, *Professional Staff Member*  
 Heather E. Hogsett, *Senior Professional Staff Member*  
 Michele Ingwersen, *Scheduler*  
 Kerry A. Kinirons, *Counsel*  
 Sterling A. Marchand, *Professional Staff Member*  
 Deron T. McElroy, *Senior Professional Staff Member*  
 Lydia Morgan, *Professional Staff Member*  
 Jeremy Obenchain, *Fellow*  
 Coleman C. O'Brien, *Senior Counsel*  
 Edward Parkinson, *Professional Staff Member*  
 Adam Paulson, *Senior Legislative Assistant*  
 William B. Rubens, *Counsel*  
 Michael J. Russell, *Chief Counsel*  
 Joseph J. Vealencis, *Professional Staff Member*  
 Lauren Wenger, *Professional Staff Member*

## SHARED COMMITTEE STAFF

Dawn Criste, *Chief Financial Officer*  
 Michael S. Twinchek, *Chief Clerk*  
 Natalie Nixon, *Deputy Chief Clerk*  
 Heather Crowell, *GPO Detailee Printer*  
 Diane Norman, *GPO Detailee Printer*

## FORMER MAJORITY STAFF

Jessica R. Herrera-Flanigan, *Staff Director and General Counsel*  
 Erin N. Daste, *Subcommittee on Transportation Security and Infrastructure Protection Staff Director*  
 Nichole A. Francis, *Senior Professional Staff Member / Counsel*  
 Todd William Gee, *Chief Counsel*  
 Kandis C. Gibson, *Law Clerk*

*Jeffrey E. Greene, Subcommittee on Management, Investigations,  
and Oversight Staff Director*  
*Areto A. Imoukhuede, Investigative Counsel*  
*Devin Polster, Investigator*  
*Craig M. Sharman, Subcommittee on Emergency Communications,  
Preparedness, and Response Staff Director*  
*Matthew E. Washington, Subcommittee on Transportation Security  
and Infrastructure Protection Staff Director*

## FORMER MINORITY STAFF

*Diane L. Berry, Senior Professional Staff Member*  
*Kevin E. Gronberg, Senior Counsel*  
*Adam J. Hepburn, Staff Assistant*  
*Mark Klaassen, General Counsel*  
*Matthew P. McCabe, Counsel*  
*Colleen M. O'Keefe, Counsel*  
*Keyur B. Parikh, Staff Assistant*  
*Michael G. Power, Chief Counsel*  
*Charles Bishop Scarborough, Communications Director*  
*Janice Tolley, Press/Staff Assistant*

## MAJORITY INTERNS

<i>Khakija A. deLarge 6-8/2008</i>	<i>Jesus E. Hernandez 5-9/2007</i>
<i>Angela Addae 5-8/2008</i>	<i>Maryann McRenolds 9-12/2007</i>
<i>William S. Anderson</i>	<i>Robert Miller 6-8/2008</i>
<i>Shana E. Benjamin 1-5/2008</i>	<i>Ivy Moffett 6-8/2008</i>
<i>Ulkuhn Buyuk 9-12/2007</i>	<i>Corey Moore 1-2/2008 <sup>1</sup></i>
<i>Eric Charity 6-7/2008</i>	<i>Dominic Muller 9-12/2008</i>
<i>R. Robin Cook</i>	<i>Bennett Sherry 9-12/2008</i>
<i>John P. Coonrod 1-5/2008</i>	<i>Eleina K. Thomas 9-12/2007</i>
<i>Travis M. Contratto 5-7/2007</i>	<i>Leland Vaughn 9-12/2008</i>
<i>Mark E. Devry</i>	<i>Su-Layne Walker 1-5/2008</i>
<i>Jason E. Ferguson 5-8/2007</i>	<i>Erica Woods 6-8/2008</i>
<i>Raja Cundu 9-12/2008</i>	

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<sup>1</sup> Deceased.

## MINORITY INTERNS

*Daniel Agold* 9-11/2008  
*Dustin Antonello* 8-12/2007  
*Joseph H. Barton* 8-10/2007  
*Alexandra Booth* 6-8/2008  
*David Bradberry* 7-9/2008  
*James H. Brooks* 8-11/2007  
*Peter Cavallaro* 1-4/2008  
*Laura Dean* 5-8/2008  
*Kimberly Faucette* 7-7/2008; 9-12/2008  
*David Folkerts* 3-5/2008  
*Michael R. Kaplan* 8-12/2007  
*Samantha M. Kleckner* 1-5/2008  
*Nathaniel R. Knapper* 1/2008  
*Rebecca Mark* 1-5/2008  
*Katherine S. Mazza*  
*Carl Marrone*  
*Christopher Mulrain* 1-8/2008

*Walter Nockett* 9-12/2008  
*Ross M. Oklewicz*  
*James Pannell* 7-8/2008  
*Mayank Patel* 5-8/2008  
*Sarah Rohrbach* 7-9/2007  
*Mark Rosborg* 6-10/2007; 5-8/2008  
*Kelly Sachs* 5-8/2008  
*Oleg M. Shik* 6-8/2008  
*Isaac M. Slavitt* 5-9/2007  
*Nicole Smith* 10-12/2008  
*Christopher Sprowls* 6-10/2007  
*Brendan Surma* 5-7/2008  
*Courtney Tausher* 2-4/2008  
*John F. Terrillion* 7-8/2007  
*Jill E. Zabel*

## APPENDIX VIII-WITNESSES

- A -

- ACHESON, DR. DAVID, Assistant Commissioner, Food Protection, Food and Drug Administration.  
ETC&S&T, July 24, 2007, "Federal Efforts to Mitigate Vulnerabilities in the Food Supply Chain."
- AFTAB, PARRY, Internet Attorney.  
IIS&TRA, November 6, 2007, "Using the Web as a Weapon: the Internet as a Tool for Violent Radicalization and Homegrown Terrorism."
- AGRAST, MARK Senior Fellow, Center for American Progress.  
IIS&TRA, June 28, 2007, "Over-Classification and Pseudo-Classification: Making DHS the Gold Standard for Designating Classified and Sensitive Homeland Security Information."
- AGUILAR, DAVID V., Chief, Border Patrol, Department of Homeland Security.  
BM&GC, February 13, 2007, "Border Security: Infrastructure, Technology, and the Human Element."  
BM&GC, June 7, 2007, "Project 28: The Future of SBInet."  
BM&GC, and MI&O, February 27, 2008, "Project 28: Lessons Learned and the Future of SBInet."  
BM&GC, May 22, 2008, "The Border Security Challenge: Recent Developments and Legislative Proposals."
- AHERN, JAYSON P., Deputy Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security.  
ETC&S&T, March 21, 2007, "Countering the Nuclear Threat to the Homeland: Evaluating the Deployment of Radiation Detection Technologies."  
BM&GC, April 26, 2007, "The SAFE Port Act: A Six Month Review."  
FULL, June 6, 2007, "The XDR Tuberculosis Incident: A Poorly Coordinated Federal Response to an Incident with Homeland Security Implications."  
BM&GC, and MI&O, February 27, 2008, "Project 28: Lessons Learned and the Future of SBInet."  
FULL, September 10, 2008, "Mismanagement, Missteps, and Missed Benchmarks: Why the Virtual Fence Has Not Become a Reality."
- AL-MARAYATI, SALAM, Executive Director, Muslim Public Affairs Council.

- IIS&TRA, June 14, 2007, "Assessing and Addressing the Threat: Defining the Role of a National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism."
- ALAGNA, MICHAEL, Director, Homeland Security, Strategic Initiatives & Policy, Motorola, Inc.  
ECP&R, July 15, 2008, "Assessing the Framework and Coordination of the National Emergency Communications Plan."
- ALEXANDER, JOHN, Health and Safety Specialist, Health, Safety and Environment Department, United Steelworkers.  
TS&IP, July 24, 2007, "Chemical Security-A Rising Concern for America: Examination of the Department's Chemical Security Regulations and its Effect on the Public and Private Sector."
- ALEXANDER, MARY, Chair, Joint Industry Group.  
BM&GC, October 30, 2007, "The SAFE Port Act: Status of Implementation One Year Later."
- ALLEN, CHARLES E., Chief Intelligence Officer, Office of Intelligence and Analysis, Department of Homeland Security.  
IIS&TRA, February 14, 2007, "The President's Proposed FY2008 Budget for the Department of Homeland Security: The Office of Intelligence and Analysis."  
IIS&TRA, March 14, 2007, "The Department of Homeland Security State and Local Fusion Center Program: Advancing Information Sharing While Safeguarding Civil Liberties."  
FULL, September 6, 2007, "Turning Spy Satellites on the Homeland: the Privacy and Civil Liberties Implications of the National Applications Office."  
IIS&TRA, February 14, 2008, "Homeland Security Intelligence at a Crossroads: The Office of Intelligence and Analysis' Vision for 2008."  
IIS&TRA, March 13, 2008, "Making Homeland Security Intelligence Work for State, Local, and Tribal Partners: An Interagency Threat Assessment Coordination Group (ITACG) Progress Report."  
IIS&TRA, September 24, 2008, "A Report Card on Homeland Security Information Sharing."
- ALLEN, CINDY, Chairman, Task Force on Security, National Customs Brokers and Forwarders Association of America.  
TS&IP, July 15, 2008, "The Next Step in Aviation Security - Cargo Security: Is DHS Implementing the Requirements of the 9/11 Law Effectively?"
- ALOISE, GENE, Director, Natural Resources and Environment, Government Accountability Office.  
ETC&S&T, February 14, 2007, "Understanding the Budget and Strategic Agenda of the Science and Technology Directorate."  
ETC&S&T, March 14, 2007, "Countering the Nuclear Threat to the Homeland: Evaluating the Procurement of Radiation Detection Technologies."
- AMEY, SCOTT, General Counsel, Project on Government Oversight.  
FULL, April 20, 2007, "Responsibility in Federal Homeland Security Contracting."  
MI&O, September 17, 2008, "Waste, Abuse and Mismanagement: Calculating the Cost of DHS Failed Contracts."

- ANTON, JAMES E., Sector Vice President and General Manager, U.S. Coast Guard Programs, Northrop Grumman.  
BM&GC, and MI&O, May 17, 2007, "Deepwater: Charting a Course for Safer Waters."
- AOKI, DR. STEVEN, Deputy Under Secretary for Counterterrorism, National Nuclear Security Administration, Department of Energy.  
ETC&S&T, October 10, 2007, H.R. 2631, the "Nuclear Forensics and Attribution Act."
- ARMSTRONG, SCOTT, Founder, Information Trust.  
IIS&TRA, March 22, 2007, "Over-classification and Pseudo-classification: The Impact on Information Sharing."  
IIS&TRA, June 28, 2007, "Over-Classification and Pseudo-Classification: Making DHS the Gold Standard for Designating Classified and Sensitive Homeland Security Information."
- ARNOLD, MARY, Vice President — Government Relations, SAP America.  
FULL, May 6, 2008, "The Resilient Homeland — Broadening the Homeland Security Strategy."
- ARNOT, DOUG, Senior Vice President, Games Operations, Chicago 2016.  
TS&IP, March 12, 2008, "Partnerships in Securing Critical Infrastructure."
- ARRINGTON, BILL, General Manager, Highway and Motor Carrier Division, Transportation Security Administration, Department of Homeland Security.  
TS&IP, June 19, 2007, "Keeping the Border Secure: Examining Potential Threats Posed by Cross Border Trucking."
- ARSHT, LESLYE A., Deputy Under Secretary of Defense for Military Community & Family Policy, Department of Defense.  
MI&O, November 13, 2007, "Examining the Department of Homeland Security's Efforts to Recruit, Hire, and Promote Veterans."
- ASCHEMEYER, MANNY, Executive Director, Marine Exchange of Southern California.  
BM&GC, April 26, 2007, "The SAFE Port Act: A Six Month Review."
- ASHBY, CORNELIA M., Director, Education, Workforce, and Income Security, Government Accountability Office.  
FULL, May 17, 2007, "Protecting our Schools: Federal Efforts to Strengthen Community Preparedness and Response."
- ATWOOD, CYNTHIA, Assistant Director, Field Training Directorate, Federal Law Enforcement Training Center, Department of Homeland Security.  
MI&O, June 19, 2007, "Ensuring We Have Well-Trained Boots on the Ground At the Border."

- **B** -

- BACA, LEROY D., Sheriff, Los Angeles County Sheriff's Department.  
IIS&TRA, September 24, 2008, "A Report Card on Homeland Security Information Sharing."

- BAILEY, SUSAN R., Ph.D., Vice President, Global Network Operations Planning, AT&T.  
 FULL, May 6, 2008, "The Resilient Homeland — Broadening the Homeland Security Strategy."
- BAKER, HON. STEWART A., Assistant Secretary for Policy, Department of Homeland Security.  
 TS&IP, March 23, 2007, "Foreign Ownership: Discussion of Challenges Posed by Foreign Ownership to Using Critical Infrastructure."  
 FULL, May 6, 2008, "The Resilient Homeland — Broadening the Homeland Security Strategy."
- BALBONI, MICHAEL, Deputy Secretary for Public Safety, State of New York.  
 TS&IP, April 25, 2008, field hearing in Brooklyn, New York, "Protecting the Mass Transit Critical Infrastructure in New York City and in the Nation."
- BALDWIN, DAN, Assistant Commissioner, Office of International Trade, U.S. Customs and Border Protection, Department of Homeland Security.  
 ETC&S&T, July 24, 2007, "Federal Efforts to Mitigate Vulnerabilities in the Food Supply Chain."
- BARR, ANN CALVARESI, Director of Acquisition and Sourcing Management, Government Accountability Office.  
 TS&IP, March 23, 2007, "Foreign Ownership: Discussion of Challenges Posed by Foreign Ownership to Using Critical Infrastructure."
- BARTH, DR. RICHARD C., Assistant Secretary, Office of Policy Development, Department of Homeland Security.  
 BM&GC, July 16, 2008, "Implementing the 9/11 Act Mandates for Enhancing the Visa Waiver Program."
- BASHAM, W. RALPH, Commissioner, Customs and Border Protection, Department of Homeland Security.  
 FULL, June 6, 2007, "The XDR Tuberculosis Incident: A Poorly Coordinated Federal Response to an Incident with Homeland Security Implications."  
 FULL, September 10, 2008, "Mismanagement, Missteps, and Missed Benchmarks: Why the Virtual Fence Has Not Become a Reality."
- BASKERVILLE, LEZLI, Esq., President and CEO, National Association for Equal Opportunity in Higher Education.  
 FULL, May 22, 2007, "The Role of the Department of Homeland Security in Gulf Coast Rebuilding and Recovery Efforts."
- BATISTE, CHIEF JOHN R., Washington State Patrol; Mr. Richard E. Hovel, Aviation Security Advisor, The Boeing Company.  
 IIS&TRA, May 25, 2007, field hearing in Bellevue, Washington "Building a Partnership Strategy: Improving Information Sharing with State & Local Law Enforcement and the Private Sector."
- BATTISTA, MICHAEL H., Deputy Chief, Denver Police Department.  
 IIS&TRA, August 10, 2007, field hearing in Aurora, Colorado, "Information Sharing and National Special Security Events: Preparing for the 2008 Presidential Conventions."
- BATTLES, WADE, Managing Director, Port of Houston Authority.

- BM&GC, October 30, 2007, "The SAFE Port Act: Status of Implementation One Year Later."
- BAUGHMAN, BRUCE, Director, Alabama Emergency Management Agency, State of Alabama.
- FULL, March 15, 2007, "Disaster Declarations: Where is FEMA in a Time of Need?"
- MI&O and ECP&R, June 4, 2007, field hearing in Bay St. Louis, Mississippi "Empowering State and Local Officials Through Enhanced FEMA Regional Offices."
- BAYNES, CAPTAIN STEVEN T., Chief, Atlantic Area Response Enforcement Branch, United States Coast Guard, Department of Homeland Security.
- BM&GC, and MI&O, May 17, 2007, "Deepwater: Charting a Course for Safer Waters."
- BEARDSWORTH, RANDY, Former Assistant Secretary, Strategic Plans, Department of Homeland Security.
- FULL, July 25, 2007, "An Overview of Department of Homeland Security Federal Advisory Committees."
- BEASLEY, NORMAN, Coordinator for Counter Terrorism, Maricopa County Sheriff's Office.
- IIS&TRA, September 27, 2007, "The Way Forward With Fusion Centers: Challenges and Strategies for Change."
- BECKER, JOE, Senior Vice President, Preparedness and Response, American Red Cross National Headquarters.
- FULL, May 15, 2007, "The 2007, Hurricane Season: Are We Prepared?"
- BEEBE, HON. MIKE, Governor, State of Arkansas.
- FULL, March 15, 2007, "Disaster Declarations: Where is FEMA in a Time of Need?"
- BELITSKY, NEAL M., Executive Vice President & General Manager, Detroit & Canada Tunnel Corporation.
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TS&IP, March 12, 2008, "Partnerships in Securing Critical Infrastructure."
- SMISLOVA, MELISSA, Director, Homeland Infrastructure Threat & Risk Analysis Center, Department of Homeland Security.  
IIS&TRA, July 26, 2007, "Private Sector Information Sharing: What Is It, Who Does It, and What's Working at DHS?"
- SMITH, ERIC, Assistant Administrator for Logistics Management, Federal Emergency Management Agency, Department of Homeland Security.  
ECP&R and the Senate Committee on Homeland Security and Governmental Affairs ad hoc Subcommittee on Disaster Recovery, July 31, 2008, "Lessons Learned: Ensuring the Delivery of Donated Goods to Survivors of Catastrophes."
- SONDERMEYER, GARY, Director of Operations, New Jersey Department of Environmental Protection.  
TS&IP, December 12, 2007, H.R. \_\_, the "Chemical Facility Anti-Terrorism Act of 2008."
- SOSA, CHIEF LUIS F., JR, Fire Chief, Laredo, Texas.  
ECP&R, June 21, 2007, "Challenges Facing First Responders in Border Communities."
- SOSIN, DANIEL M., Dr. Director, Biosurveillance Coordination Unit, and Associate Director for Science, Coordinating Office for Terrorism Preparedness and Emergency Response, Centers for Disease Control and Prevention.  
ETC&S&T, July 22, 2008, field hearing in Providence, Rhode Island, "Emerging Biological Threats and Public Health Preparedness: Getting Beyond Getting Ready."

- SOTORRIO, ANA, Associate Director, Governmental Affairs, Miami-Dade Aviation Department.  
 BM&GC, June 28, 2007, "US-VISIT Exit: Closing Gaps in Our Security."
- SOUTHERS, ERROLL G., Chief of Homeland Security and Intelligence, Los Angeles World Airports Police Department.  
 FULL, May 6, 2008, "The Resilient Homeland — Broadening the Homeland Security Strategy."
- SPAULDING, SUZANNE E., Principal, Bingham Consulting Group, LLC.  
 IIS&TRA, June 28, 2007, "Over-Classification and Pseudo-Classification: Making DHS the Gold Standard for Designating Classified and Sensitive Homeland Security Information."
- STAEBEN, DERWOOD "WOODY", Senior Advisor, Western Hemisphere Travel Initiative, Department of State.  
 BM&GC, April 16, 2008, "Moving Beyond the First Five Years: Ensuring Successful Implementation of the Western Hemisphere Travel Initiative."
- STALCUP, GEORGE, Director of Strategic Issues, Government Accountability Office.  
 FULL, May 21, 2008, "Diversity at DHS: Keeping Pace or Missing the Mark?"
- STALLWORTH, BILL, Executive Director, East Biloxi Coordination and Relief Center.  
 ECP&R and the Senate Committee on Homeland Security and Governmental Affairs ad hoc Subcommittee on Disaster Recovery, July 31, 2008, "Lessons Learned: Ensuring the Delivery of Donated Goods to Survivors of Catastrophes."
- STANA, RICHARD M., Director, Homeland Security and Justice Issues, Government Accountability Office.  
 FULL, March 20, 2007, "Organizational and Policy Proposals for the FY 2008 Department of Homeland Security Authorization: Positioning US-VISIT for Success and Establishing a Quadrennial Homeland Security Review Process."  
 MI&O, June 19, 2007, "Ensuring We Have Well-Trained Boots on the Ground At the Border."  
 BM&GC, and MI&O, October 24, 2007, "The Future of Border Security: Can SBInet Succeed?"  
 BM&GC, and MI&O, February 27, 2008, "Project 28: Lessons Learned and the Future of SBInet."  
 FULL, September 10 and 18, 2008, "Mismanagement, Missteps, and Missed Benchmarks: Why the Virtual Fence Has Not Become a Reality."
- STEIN, STEVE L., Senior Program Manager, Pacific Northwest National Laboratory.  
 IIS&TRA, May 25, 2007, field hearing in Bellevue, Washington, "Building a Partnership Strategy: Improving Information Sharing with State & Local Law Enforcement and the Private Sector."
- STEINHARDT, BARRY, Director, ACLU Program on Technology and Liberty, American Civil Liberties Union.  
 FULL, September 6, 2007, "Turning Spy Satellites on the Homeland: the Privacy and Civil Liberties Implications of the National Applications Office."

- STEINHARDT, BERNICE, Director, Strategic Issues, Government Accountability Office.  
ETC&S&T, September 26, 2007, "Beyond the Checklist: Addressing Shortfalls in National Pandemic Influenza Preparedness."
- STEPHAN, COL. ROBERT B., (USAF Ret.) Assistant Secretary for Infrastructure Protection, Department of Homeland Security.  
TS&IP, March 23, 2007, "Foreign Ownership: Discussion of Challenges Posed by Foreign Ownership to Using Critical Infrastructure."  
TS&IP, July 24, 2007, "Chemical Security-A Rising Concern for America: Examination of the Department's Chemical Security Regulations and its Effect on the Public and Private Sector."  
TS&IP, December 12, 2007, H.R. \_\_, the "Chemical Facility Anti-Terrorism Act of 2008."  
FULL, February 26, 2008, Committee Print entitled "Chemical Facility Anti-Terrorism Act of 2008."  
TS&IP, May 14, 2008, "Partnering with the Private Sector to Secure Critical Infrastructure: Has the Department of Homeland Security Abandoned the Resilience-Based Approach?"  
FULL, July 9, 2008, "The Challenge of Protecting Mass Gatherings in a Post-9/11 World."
- STEPHEN L. CALDWELL, Director, Homeland Security and Justice Issues, Government Accountability Office.  
BM&GC, October 30, 2007, "The SAFE Port Act: Status of Implementation One Year Later."
- STEPHENS, DR. KEVIN, MD, Director, Health Department, City of New Orleans.  
TS&IP, May 14, 2008, "Partnering with the Private Sector to Secure Critical Infrastructure: Has the Department of Homeland Security Abandoned the Resilience-Based Approach?"
- STEVE DELAHOUSEY, Vice President, Emergency Preparedness, American Medical Response.  
MI&O and ECP&R June 4, 2007, field hearing in Bay St. Louis, Mississippi "Empowering State and Local Officials Through Enhanced FEMA Regional Offices."
- STEVENSON, RICHARD H., President and Chief Operating Officer, Clise Properties, Inc.  
IIS&TRA, May 25, 2007, field hearing in Bellevue, Washington, "Building a Partnership Strategy: Improving Information Sharing with State & Local Law Enforcement and the Private Sector."
- STEWART, STACEY D., Senior Vice President and Chief Diversity Officer, Fannie Mae Corporation.  
FULL, May 21, 2008, "Diversity at DHS: Keeping Pace or Missing the Mark?"
- STIEFFEL, DR. JEFFREY, Director, BioWatch, Office of Health Affairs, Department of Homeland Security.  
ETC&S&T, July 16, 2008, "One Year Later — Implementing the Biosurveillance Requirements of the '9/11 Act.'"
- STIER, MAX, President and CEO, Partnership for Public Service.  
MI&O, April 19, 2007, "Addressing the Department of Homeland Security's Morale Crisis."
- STITTLEBURG, PHIL, Chairman, National Volunteer Fire Council.

- ECP&R, June 13, 2007, "Citizen Preparedness: Helping Our Communities Help Themselves."
- STOVER, LAUREN, Assistant Aviation Director for Security and Communications, Miami-Dade Aviation Department.  
TS&IP, April 19, 2007, "Airport Security: The Necessary Improvements to Secure America's Airports."
- STURM, CAPTAIN FRANCIS, U.S. Coast Guard, Department of Homeland Security.  
BM&GC, October 30, 2007, "The SAFE Port Act: Status of Implementation One Year Later."
- SUMRALL, MICHAEL, Major General, Assistant to the Chairman, Joint Chiefs of Staff for National Guard Matters.  
MI&O, July 30, 2008, "The Quadrennial Homeland Security Review."
- SUNDET, LEAL, Coast Committeeman, Longshore Division of the International Longshore and Warehouse Union.  
BM&GC, April 26, 2007, "The SAFE Port Act: A Six Month Review."
- SUTHERLAND, DANIEL W., Officer for Civil Rights and Civil Liberties, Department of Homeland Security.  
IIS&TRA, March 14, 2007, "The Department of Homeland Security State and Local Fusion Center Program: Advancing Information Sharing While Safeguarding Civil Liberties."  
FULL, September 6, 2007, "Turning Spy Satellites on the Homeland: the Privacy and Civil Liberties Implications of the National Applications Office."

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- TAHMASSIAN, DR. ARA, Associate Vice President, Research Compliance, Boston University.  
TS&IP, July 24, 2007, "Chemical Security-A Rising Concern for America: Examination of the Department's Chemical Security Regulations and its Effect on the Public and Private Sector."
- TAYLOR, HON. JAMES L., Deputy Inspector General, Department of Homeland Security.  
FULL, May 1, 2007, "The Direction and Viability of the Federal Protective Service."
- TAYLOR, JAMES L., Deputy Inspector General, Department of Homeland Security.  
MI&O, September 17, 2008, "Waste, Abuse and Mismanagement: Calculating the Cost of DHS Failed Contracts."
- TEUFEL, HUGO, Chief Privacy Officer, Department of Homeland Security.  
IIS&TRA, March 14, 2007, "The Department of Homeland Security State and Local Fusion Center Program: Advancing Information Sharing While Safeguarding Civil Liberties."  
FULL, September 6, 2007, "Turning Spy Satellites on the Homeland: the Privacy and Civil Liberties Implications of the National Applications Office."
- THOMPSON, GEORGE E., Deputy Director, Programs, Homeland Security Institute.

- ETC&S&T, March 5, 2008, "Nuclear Smuggling Detection: Recent Tests of Advanced Spectroscopic Portal Monitors."
- TIEFER, PROF. CHARLES, Private Citizen.  
FULL, April 20, 2007, "Responsibility in Federal Homeland Security Contracting."
- TIPSON, DAVID, Interim Director, Community Development Project, Lawyers' Committee for Civil Rights Under Law.  
FULL, January 29, 2008, "Ensuring Safe and Effective Housing Programs in the Wake of Disasters."
- TOMARCHIO, JACK, Principal Deputy Assistant Secretary, Intelligence and Analysis, Department of Homeland Security.  
IIS&TRA, September 27, 2007, "The Way Forward With Fusion Centers: Challenges and Strategies for Change."
- TOMBLIN, CAPTAIN BRIAN, Military Liaison, Office of Homeland Security, Tennessee Army National Guard.  
IIS&TRA, May 10, 2007, "Fixing the Homeland Security Information Network: Finding the Way Forward For Better Information Sharing."
- TORRES, JOHN P., Director, Office of Detention and Removal Operations, Immigration and Customs Enforcement, Department of Homeland Security.  
BM&GC, March 15, 2007, "Crossing the Border: Immigrants in Detention and Victims of Trafficking."
- TRUMP, KENNETH S., M.P.A., President, National School Safety and Security Services.  
FULL, May 17, 2007, "Protecting our Schools: Federal Efforts to Strengthen Community Preparedness and Response."
- TUGGLE, LAURA, Staff Attorney, New Orleans Legal Assistance Corporation, Southeast Louisiana Legal Services.  
ECP&R and the Subcommittee on Housing and Community Opportunity of Committee on Financial Services joint hearing June 4, 2008, "Examining the Roles and Responsibilities of HUD and FEMA in Responding to the Affordable Housing Needs of Gulf Coast States following Emergencies and Natural Disasters."
- TURNER, AARON, Cybersecurity Strategist, National & Homeland Security, Idaho National Laboratory. Ken Silva, Chief Security Officer, VeriSign.  
ETC&S&T, April 19, 2007, "Cyber Insecurity: Hackers are Penetrating Federal Systems and Critical Infrastructure."
- TUTTLE, JAMES, Director, Explosives Division, Directorate for Science & Technology, Department of Homeland Security.  
TS&IP, July 15, 2008, "The Next Step in Aviation Security - Cargo Security: Is DHS Implementing the Requirements of the 9/11 Law Effectively?"

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VANDERWAGEN, W. CRAIG (RADM), MD, Assistant Secretary for Preparedness and Response, Department of Health and Human Services.



- ETC&S&T, September 26, 2007, "Beyond the Checklist: Addressing Shortfalls in National Pandemic Influenza Preparedness."
- ETC&S&T, July 22, 2008, field hearing in Providence, Rhode Island, "Emerging Biological Threats and Public Health Preparedness: Getting Beyond Getting Ready."
- VAYL OXFORD, Director, Domestic Nuclear Detection Office; Department of Homeland Security.
- BM&GC, October 30, 2007, "The SAFE Port Act: Status of Implementation One Year Later."
- VERDERY, C. STEWART, JR., Partner, Monument Policy Group, LLC.
- TS&IP, April 15, 2008, "Moving Beyond the First Five Years: How the Transportation Security Administration Will Continue to Enhance Security for All Modes of Transportation."
- VITKO, DR. JOHN, Head, Chemical and Biological Division, Science and Technology Directorate, Department of Homeland Security.
- ETC&S&T, May 23, 2007, "Reducing Threats to our Nation's Agriculture: Authorizing a National Bio and Agro-Defense Facility."

- W -

- WAINIO, RICHARD A., Port Director and Chief Executive Officer, Tampa Port Authority.
- BM&GC, April 26, 2007, "The SAFE Port Act: A Six Month Review."
- WALKER, HON. DAVID M., Comptroller General of the United States.
- FULL, February 7, 2007, "An Overview of Issues and Challenges Facing the Department of Homeland Security."
- FULL, September 18, 2007, "The Grades are In! — Is the Department of Homeland Security Measuring Up?"
- WALKER, JAMES M., JR., Director for Homeland Security, Alabama Department of Homeland Security.
- MI&O, June 20, 2007, "You Don't Know What You Don't Know: Has the Department of Homeland Security Improved its Ability to Maintain Situational Awareness Since Hurricane Katrina?"
- MI&O, June 11, 2008, "Ready to Lead? DHS and the Next Major Catastrophe."
- MI&O, July 22, 2008, field hearing in McClellan, Alabama, "Examining the Training of First Responders in Rural Communities."
- WARD, DR. KEITH B., Chief Research and Development Branch, Chemical and Biological Division, Science and Technology, Department of Homeland Security. February 7, 2008, ETC&S&T, "Other Transaction Authority: Flexibility at the Expense of Accountability?"
- WARD, GREGG M., Vice President, Detroit-Windsor Truck Ferry.
- TS&IP, June 19, 2007, "Keeping the Border Secure: Examining Potential Threats Posed by Cross Border Trucking."

- WATSON, JAMES, (RADM), Director, Prevention Policy for Marine Safety, Security and Stewardship, U.S. Coast Guard, Department of Homeland Security.  
 BM&GC, May 7, 2008, "Assessing the Resiliency of the Nation's Supply Chain."  
 BM&GC, September 17, 2008, "Transportation Worker Identification Credential: A Status Update."
- WATTIER, KEVIN, General Manager, Long Beach Water Department.  
 FULL, February 26, 2008, Committee Print entitled "Chemical Facility Anti-Terrorism Act of 2008."
- WEIDERHOLD, FRED, Inspector General, National Railroad Passenger Corporation (Amtrak).  
 TS&IP, February 13, 2007, "Rail and Mass Transit Security: Industry and Labor Perspectives."  
 FULL, March 6, 2007, Committee Print entitled "Rail and Public Transportation Security Act of 2007."
- WEISMANN, ANNE, Chief Counsel, Citizens for Responsibility and Ethics in Washington.  
 FULL, July 25, 2007, "An Overview of Department of Homeland Security Federal Advisory Committees."
- WEISS, JOE, Managing Director, Applied Control Solutions.  
 ETC&S&T, October 17, 2007, "The Cyber Threat to Control Systems: Stronger Regulations are Necessary to Secure the Electric Grid."
- WEITZMAN, MARK, Director, Task Force Against Hate, Simon Wiesenthal Center.  
 IIS&TRA, November 6, 2007, "Using the Web as a Weapon: the Internet as a Tool for Violent Radicalization and Homegrown Terrorism."
- WELLS, JIM, Director, Energy, NRC, Natural Resources and Environment, Government Accountability Office.  
 FULL, March 21, 2007, "Securing LNG Tankers to Protect the Homeland."
- WERMUTH, MICHAEL, Director, RAND Homeland Security Program.  
 BM&GC, March 8, 2007, "Border Security: Infrastructure, Technology, and the Human Element, Part II."
- WERNER, CHARLES L., EFO/CFO, Fire Chief, Charlottesville, Virginia Fire Department.  
 ECP&R, July 15, 2008, "Assessing the Framework and Coordination of the National Emergency Communications Plan."
- WERTS, ROBERT G., Program Manager, Northeast Pennsylvania Regional Counter Terrorism Task Force.  
 ECP&R, September 10, 2007, field hearing in Bethlehem, Pennsylvania, "Federal, State, and Local Coordination: How Prepared is Pennsylvania to Respond to a Terrorist Attack or Natural Disaster?"
- WESTERMANN, CHIEF STEVEN P., President, International Association of Fire Chiefs.  
 ECP&R, November 15, 2007, "Leveraging Mutual Aid for Effective Emergency Response."
- WHITELEY, DAVID, Executive Vice President, North American Electric Reliability Corporation.

- ETC&S&T, October 17, 2007, "The Cyber Threat to Control Systems: Stronger Regulations are Necessary to Secure the Electric Grid."
- WHITMIRE, CHIEF CHARLIE, Director, Border Patrol Training Academy, Customs and Border Protection, Department of Homeland Security.  
MI&O, June 19, 2007, "Ensuring We Have Well-Trained Boots on the Ground At the Border."
- WILLIAMS, ORICE M., Director, Financial Markets and Community Investment, Government Accountability Office.  
MI&O and the Committee on Financial Services Subcommittee on Oversight and Investigations, June 12, 2007, "National Flood Insurance Program: Issues Exposed by the 2005 Hurricanes."
- WILLIAMS, RICHARD, Chief Financial Officer, Science and Technology, Department of Homeland Security.  
ETC&S&T, February 14, 2007, "Understanding the Budget and Strategic Agenda of the Science and Technology Directorate."
- WILLIS, LARRY, General Counsel, Transportation Trades Department, AFL-CIO.  
TS&IP, February 16, 2007, "Impact of Background and Security Clearances on the Transportation Workforce."
- WILSHUSEN, GREG, Director, Information Security Issues, Government Accountability Office.  
ETC&S&T, April 19, 2007, "Cyber Insecurity: Hackers are Penetrating Federal Systems and Critical Infrastructure." June 20, 2007, "Hacking the Homeland: Investigating Cybersecurity Vulnerabilities at the Department of Homeland Security."  
ETC&S&T, October 17, 2007, "The Cyber Threat to Control Systems: Stronger Regulations are Necessary to Secure the Electric Grid."  
ETC&S&T, May 21, 2008, "Implications of Cyber Vulnerabilities on the Resiliency and Security of the Electric Grid."
- WILSON, DR. JAMES, V, Chief Technical Officer and Chief Scientist, Veratect Corporation.  
ETC&S&T, July 16, 2008, "One Year Later — Implementing the Biosurveillance Requirements of the '9/11 Act.'"
- WILSON, NANCY, Vice President for Security, Association of American Railroads.  
TS&IP, February 13, 2007, "Rail and Mass Transit Security: Industry and Labor Perspectives."
- WINKOWSKI, THOMAS, Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security.  
BM&GC, October 30, 2007, "The SAFE Port Act: Status of Implementation One Year Later."  
BM&GC, May 22, 2008, "The Border Security Challenge: Recent Developments and Legislative Proposals."
- WOLFINBARGER, Major James M., Director, Colorado Office of Preparedness, Security and Fire Safety.

- IIS&TRA, August 10, 2007, field hearing in Aurora, Colorado, "Information Sharing and National Special Security Events: Preparing for the 2008 Presidential Conventions."
- WOMACK, MIKE, Director, Mississippi Emergency Management Agency, State of Mississippi.  
ECP&R, April 25, 2007, "Examining the Military's Support of Civil Authorities During Disasters."
- WORMUTH, CHRISTINE E., Senior Fellow, International Security Program, Center for Strategic & International Studies.  
MI&O, June 11, 2008, "Ready to Lead? DHS and the Next Major Catastrophe."  
MI&O, July 30, 2008, "The Quadrennial Homeland Security Review."
- WRIGHT, DAVID L., President, American Federation of Government Employees, Local 918, FPS Union.  
FULL, May 1, 2007, "The Direction and Viability of the Federal Protective Service."
- WRIGHT, LAWRENCE, Fellow, NYU Center on Law and Security.  
IIS&TRA, July 30, 2008, "Reassessing the Threat: the Future of Al Qaeda and Its Implications for Homeland Security."

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- ZADRA, MARK, Assistant Commissioner, Florida Department of Law Enforcement.  
IIS&TRA, April 26, 2007, "The Over-Classification and Pseudo-Classification of Government Information: The Response of the Program Manager of the Information Sharing Environment."
- ZIMMERMAN, PAUL, Director of Operations, Board of Commissioners of the Port of New Orleans.  
BM&GC, May 7, 2008, "Assessing the Resiliency of the Nation's Supply Chain."
- ZITZ, RICHARD ROBERT, Deputy Under Secretary for Preparedness, Department of Homeland Security.  
FULL, March 20, 2007, "Organizational and Policy Proposals for the FY 2008 Department of Homeland Security Authorization: Positioning US-VISIT for Success and Establishing a Quadrennial Homeland Security Review Process."



## APPENDIX IX-PRINTED HEARINGS

Number	Title	Date
110-1	“Update on Federal Rail and Public Transportation Security Efforts.” Subcommittee on Transportation Security and Infrastructure Protection	February 6, 2007,
110-2	“An Overview of Issues and Challenges Facing the Department of Homeland Security.” Full Committee	February 7, 2007,
110-3	“An Examination of the President’s FY 2008 Budget Request for the Department of Homeland Security.” Full Committee	February 9, 2007,
110-4	“Border Security: Infrastructure, Technology, and the Human Element.” Subcommittee on Border, Maritime, and Global Counterterrorism	February 13, 2007, March 8, 2007,
110-5	“Rail and Mass Transit Security: Industry and Labor Perspectives.” Subcommittee on Transportation Security and Infrastructure Protection	February 13, 2007,
110-6	“Understanding the Budget and Strategic Agenda of the Science and Technology Directorate.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	February 14, 2007,
110-7	“The President’s Proposed FY2008 Budget for the Department of Homeland Security: The Office of Intelligence and Analysis.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	February 14, 2007,
110-8	“Lessons Learned and Grading Goals: The Department of Homeland Security of 2007.” Full Committee	February 15, 2007,
110-9	“Impact of Background and Security Clearances on the Transportation Workforce.” Subcommittee on Transportation Security and Infrastructure Protection	February 16, 2007,
110-10	“Reforming FEMA: Are We Making Progress?” Subcommittee on Emergency Communication, Preparedness, and Response and the Subcommittee on Management, Investigations, and Oversight	February 28, 2007,
110-11	“The Department of Homeland Security’s Management Directorate: Goals and Objectives of the New Under Secretary.” Subcommittee on Management, Investigations, and Oversight	March 1, 2007,
110-12	Committee Print entitled “Rail and Public Transportation Security Act of 2007.” Full Committee	March 6, 2007,

Number	Title	Date
110-13	“Public Safety Interoperable Communications Grants: Are the Departments of Homeland Security and Commerce Effectively Coordinating to Meet our Nation’s Emergency Communications Needs?” Subcommittee on Emergency Communications, Preparedness, and Response	March 14, 2007,
110-14	“Countering the Nuclear Threat to the Homeland: “Evaluating the Procurement of Radiation Detection Technologies.” “Evaluating the Deployment of Radiation Detection Technologies.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	March 14, 2007, March 21, 2007,
110-15	“The Department of Homeland Security State and Local Fusion Center Program: Advancing Information Sharing While Safeguarding Civil Liberties.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	March 14, 2007,
110-16	“Crossing the Border: Immigrants in Detention and Victims of Trafficking.” Subcommittee on Border, Maritime, and Global Counterterrorism	March 15, 2007, March 20, 2007,
110-17	“Disaster Declarations: Where is FEMA in a Time of Need?” Full Committee	March 15, 2007,
110-18	“Organizational and Policy Proposals for the FY 2008 Department of Homeland Security Authorization: Positioning US-VISIT for Success and Establishing a Quadrennial Homeland Security Review Process.” Full Committee	March 20, 2007,
110-19	“Securing LNG Tankers to Protect the Homeland.” Full Committee	March 21, 2007,
110-20	“Over-Classification and Pseudo-Classification.” “The Impact on Information Sharing.” “The Response of the Program Manager of the Information Sharing Environment.” “Making DHS the Gold Standard for Designating Classified and Sensitive Homeland Security Information.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	March 22, 2007 April 26, 2007, June 28, 2007,
110-21	“Foreign Ownership: Discussion of Challenges Posed by Foreign Ownership to Using Critical Infrastructure.” Subcommittee on Transportation Security and Infrastructure Protection	March 23, 2007,
110-22	“Radicalization, Information Sharing and Community Outreach: Protecting the Homeland from Homegrown Terror.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	April 5, 2007, (Torrance, CA)
110-23	“Can BioShield Effectively Procure Medical Countermeasures that Safeguard the Nation?” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	April 18, 2007,

Number	Title	Date
110-24	“Addressing the Department of Homeland Security’s Morale Crisis.” Subcommittee on Management, Investigations, and Oversight	April 19, 2007,
110-25	“Airport Security: The Necessary Improvements to Secure America’s Airports” Subcommittee on Transportation Security and Infrastructure Protection	April 19, 2007,
110-26	“Cyber Insecurity: Hackers are Penetrating Federal Systems and Critical Infrastructure.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	April 19, 2007,
110-27	“Responsibility in Federal Homeland Security Contracting.” Full Committee	April 20, 2007,
110-28	“Examining the Military’s Support of Civil Authorities During Disasters.” Subcommittee on Emergency Communications, Preparedness, and Response	April 25, 2007,
110-29	“Strong Oversight at the Department of Homeland Security: A Predicate to Good Government.” Subcommittee on Management, Investigation, and Oversight	April 25, 2007,
110-30	“Addressing the Nation’s Cybersecurity Challenges: Reducing Vulnerabilities Requires Strategic Investment and Immediate Action.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	April 25, 2007,
110-31	“The SAFE Port Act: A Six Month Review.” Subcommittee on Border, Maritime, and Global Counterterrorism	April 26, 2007,
110-32	“The Direction and Viability of the Federal Protective Service.” Full Committee	May 1, 2007,
110-33	“Assessing the Capabilities and Coordination of Federal Emergency Response Teams.” Subcommittee on Emergency Communications, Preparedness, and Response	May 9, 2007,
110-34	“Fixing the Homeland Security Information Network: Finding the Way Forward For Better Information Sharing.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	May 10, 2007,
110-35	“The 2007, Hurricane Season: Are We Prepared?” Full Committee	May 15, 2007,
110-36	“The Impact of Foreign Ownership and Foreign Investment on the Security of Our Nation’s Critical Infrastructure.” Subcommittee on Transportation Security and Infrastructure Protection	May 16, 2007,
110-37	“Protecting our Schools: Federal Efforts to Strengthen Community Preparedness and Response.” Full Committee	May 17, 2007,



Number	Title	Date
110-38	“Deepwater: Charting a Course for Safer Waters.” Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations and Oversight	May 17, 2007,
110-39	“The Role of the Department of Homeland Security in Gulf Coast Rebuilding and Recovery Efforts.” Full Committee	May 22, 2007,
110-40	“Reducing Threats to Our Nation’s Agriculture: Authorizing a National Bio and Agro-Defense Facility.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	May 23, 2007,
110-41	“Examining the Impact of Equipment Shortages on the National Guard’s Readiness for Homeland Security Missions.” Subcommittee on Management, Investigations, and Oversight	May 24, 2007,
110-42	“Building a Partnership Strategy: Improving Information Sharing with State & Local Law Enforcement and the Private Sector.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	May 25, 2007, (Bellevue, WA)
110-43	“Empowering State and Local Officials Through Enhanced FEMA Regional Offices.” Subcommittee on Management, Investigations, and Oversight and the Subcommittee on Emergency Communications, Preparedness, and Response	June 4, 2007, (Bay St. Louis, MS)
110-44	“The XDR Tuberculosis Incident: A Poorly Coordinated Federal Response to an Incident with Homeland Security Implications.” Full Committee	June 6, 2007,
110-45	“Project 28: The Future of SBInet.” Subcommittee on Border, Maritime, and Global Counterterrorism	June 7, 2007,
110-46	“National Flood Insurance Program: Issues Exposed by the 2005 Hurricanes.” Committee on Homeland Security’s Subcommittee on Management, Investigations, and Oversight and the Committee on Financial Services Subcommittee on Oversight and Investigations	June 12, 2007,
110-47	“Citizen Preparedness: Helping Our Communities Help Themselves.” Subcommittee on Emergency Communications, Preparedness, and Response	June 13, 2007,
110-48	“Assessing and Addressing the Threat: Defining the Role of a National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	June 14, 2007,
110-49	“Ensuring We Have Well-Trained Boots on the Ground At the Border.” Subcommittee on Management, Investigations, and Oversight	June 19, 2007,

Number	Title	Date
110-50	“Keeping the Border Secure: Examining Potential Threats Posed by Cross Border Trucking.” Subcommittee on Transportation Security and Infrastructure Protection	June 19, 2007,
110-51	“You Don’t Know What You Don’t Know: Has the Department of Homeland Security Improved Its Ability to Maintain Situational Awareness Since Hurricane Katrina?” Subcommittee on Management, investigations, and Oversight	June 20, 2007,
110-52	“Hacking the Homeland: Investigating Cybersecurity Vulnerabilities at the Department of Homeland Security.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	June 20, 2007,
110-53	“A Roadmap for Security? Examining the Science and Technology Directorate’s Strategic Plan.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	June 27, 2007,
110-54	“US-VISIT Exit: Closing Gaps in Our Security.” Subcommittee on Border, Maritime, and Global Counterterrorism	June 28, 2007,
110-55	“Farm to Fork: Partnerships to Protect the Food You Eat.” Subcommittee on Management, Investigations, and Oversight	July 9, 2007, (Tunkhannock, PA)
110-56	“Challenges Facing First Responders in Border Communities.” Subcommittee on Emergency Communications, Preparedness, and Response	July 12, 2007,
110-57	“Leveraging the Private Sector to Strengthen Emergency Preparedness and Response.” Subcommittee on Emergency Communications, Preparedness, and Response	July 19, 2007,
110-58	“The Western Hemisphere Travel Initiative: Perspectives of a Community on the U.S.-Canada Border.” Full Committee	July 20, 2007 (Buffalo, NY)
110-59	“Federal Efforts to Mitigate Vulnerabilities in the Food Supply Chain” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	July 24, 2007,
110-60	“Chemical Security-A Rising Concern for America: Examination of the Department’s Chemical Security Regulations and its Effect on the Public and Private Sector.” Subcommittee on Transportation Security and Infrastructure Protection	July 24, 2007,
110-61	“An Overview of Department of Homeland Security Federal Advisory Committees.” Full Committee	July 25, 2007,
110-62	“Private Sector Information Sharing: What Is It, Who Does It, and What’s Working at DHS?” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	July 26, 2007,
110-63	“Frequent Traveler Programs: Balancing Security and Commerce at our Land Borders.” Subcommittee on Border, Maritime, and Global Counterterrorism	July 26, 2007,

Number	Title	Date
110-64	“Managing Risk and Increasing Efficiency: An Examination of the Implementation of the Registered Traveler Program.” Subcommittee on Transportation Security and Infrastructure Protection	July 31, 2007,
110-65	“Playing by Its Own Rules: TSA’s Exemption from the Federal Acquisition Regulation, and How it Impacts Partnerships with the Private Sector.” Subcommittee on Management, Investigations, and Oversight	August 1, 2007,
110-66	“Information Sharing and National Special Security Events: Preparing for the 2008 Presidential Conventions.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	August 10, 2007, (Aurora, CO)
110-67	“Holding the Department of Homeland Security accountable for Security Gaps.” Full Committee	September 5, 2007,
110-68	“Turning Spy Satellites on the Homeland: the Privacy and Civil Liberties Implications of the National Applications Office.” Full Committee	September 6, 2007,
110-69	“Federal, State, and Local Coordination: How Prepared is Pennsylvania to Respond to a Terrorist Attack or Natural Disaster?” Subcommittee on Emergency Communications, Preparedness, and Response	September 10, 2007, (Bethlehem, PA)
110-70	“The Grades are In! — Is the Department of Homeland Security Measuring Up?” Full Committee	September 18, 2007,
110-71	“Protecting the Protectors: Ensuring the Health and Safety of our First Responders in the Wake of Catastrophic Disasters.” Full Committee	September 18, 2007,
110-72	“Beyond the Checklist: Addressing Shortfalls in National Pandemic Influenza Preparedness.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	September 26, 2007,
110-73	“The Way Forward with Fusion Centers: Challenges and Strategies for Change.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	September 27, 2007,
110-74	“Practicing Like We Play: Examining Homeland Security Exercises.” Subcommittee on Emergency Communications, Preparedness, and Response	October 3, 2007,
110-75	“Homeland Security Beyond Our Borders: Examining the Status of Counterterrorism Coordination Overseas.” Subcommittee on Border, Maritime, and Global Counterterrorism	October 4, 2007,
110-76	H.R. 2631, the “Nuclear Forensics and Attribution Act.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	October 10, 2007,

Number	Title	Date
110-77	“Aviation Security” “Part I: Are We Truly Protected?” “Part II: A Frontline Perspective on the Need for Enhanced Human Resources and Equipment.” Subcommittee on Transportation Security and Infrastructure Protection	October 16, 2007, November 1, 2007,
110-78	“The Cyber Threat to Control Systems: Stronger Regulations are Necessary to Secure the Electric Grid.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	October 17, 2007,
110-79	“The Future of Border Security: Can SBInet Succeed?” Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight	October 24, 2007,
110-80	“The SAFE Port Act: Status of Implementation One Year Later.” Subcommittee on Border, Maritime, and Global Counterterrorism	October 30, 2007,
110-81	“Homeland Security Failures: TWIC Examined.” Full Committee	October 31, 2007,
110-82	“Enhancing and Implementing the Cybersecurity Elements of the Sector Specific Plans.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Transportation Security and Infrastructure Protection	October 31, 2007,
110-83	“Using the Web as a Weapon: the Internet as a Tool for Violent Radicalization and Homegrown Terrorism.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	November 6, 2007.
110-84	“The Progress and Pitfalls of the Terrorist Watch List.” Full Committee	November 8, 2007,
110-85	“Examining the Department of Homeland Security’s Efforts to Recruit, Hire, and Promote Veterans.” Subcommittee on Management, Investigations, and Oversight	November 13, 2007,
110-86	“Cover Blown — Did TSA Tip Off Airport Screeners about Covert Testing?” Full Committee	November 14, 2007,
110-87	“Leveraging Mutual Aid for Effective Emergency Response.” Subcommittee on Emergency Communications, Preparedness, and Response	November 15, 2007,
110-88	“Homeland Security in the Maritime Environment: Maritime Domain Awareness and Vessel Tracking.” Subcommittee on Border, Maritime, and Global Counterterrorism	November 26, 2007, (Miami, FL)
110-89	“H.R. _____, the Chemical Facility Anti-Terrorism Act of 2008.” Subcommittee on Transportation Security and Infrastructure Protection	December 12, 2007,

Number	Title	Date
110-90	“Ensuring Homeland Security While Facilitating Legitimate Travel: The Challenge at America’s Ports of Entry.” Full Committee	January 3, 2008 (El Paso, TX)
110-91	“Ensuring Safe and Effective Housing Programs in the Wake of Disasters.” Full Committee	January 29, 2008
110-92	“Other Transaction Authority: Flexibility at the Expense of Accountability?” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	February 7, 2008
110-93	“The President’s FY 2009 Budget Request for the Department of Homeland Security.” Full Committee	February 13, 2008
110-94	“The State of Interoperable Emergency Communications Along the Texas Border.” Subcommittee on Emergency Communications, Preparedness, and Response	February 19, 2007, (Laredo, Texas)
110-95	Committee Print “Chemical Facility Anti-Terrorism Act of 2008.” Full Committee	February 26, 2008
110-96	“Homeland Security Intelligence at a Crossroads: the Office of Intelligence and Analysis’ Vision for 2008.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	February 26, 2008
110-97	“Project 28: Lessons Learned and the Future of SBI.net.” Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight	February 27, 2008
110-98	“The Cyber Initiative.” Full Committee	February 28, 2008
110-99	“Nuclear Smuggling Detection: Recent Tests of Advanced Spectroscopic Portal Monitors.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	March 5, 2008
110-100	“Partnerships in Securing Critical Infrastructure.” Subcommittee on Transportation Security and Infrastructure Protection	March 12, 2008
110-101	“Making Homeland Security Intelligence Work for State, Local, and Tribal Partners: An Interagency Threat Assessment Coordination Group (ITACG) Progress Report.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	March 13, 2008
110-102	“The Future of Science and Technology at the Department of Homeland Security.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	April 1, 2008
110-103	“Moving Beyond the First Five Years: Ensuring FEMA’s Ability to Respond and Recover in the Wake of a National Catastrophe.” Subcommittee on Emergency Communications, Preparedness, and Response	April 9, 2008

Number	Title	Date
110-104	“Moving Beyond the First Five Years: Solving the Department of Homeland Security’s Management Challenges.” Subcommittee on Management, Investigations, and Oversight	April 9, 2008
110-105	“Moving Beyond the First Five Years: How the Transportation Security Administration (TSA) will Continue to Enhance Security for All Modes of Transportation.” Subcommittee on Transportation Security and Infrastructure Protection	April 15, 2008
110-106	“Moving Beyond the First Five Years: Ensuring Successful Implementation of the Western Hemisphere Travel Initiative.” Subcommittee on Border, Maritime, and Global Counterterrorism	April 15, 2008
110-107	“Moving Beyond the First Five Years: Improving the Functionality, Governance, and Accountability of the Department of Homeland Security.” Full Committee	April 23, 2008
110-108	“Moving Beyond the First Five Years: Evolving the Office of Intelligence and Analysis to Better Serve State, Local and Tribal Needs.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	April 24, 2008
110-109	“Protecting the Mass Transit Critical Infrastructure in New York City and in the Nation.” Subcommittee in Transportation Security and Infrastructure Protection New York City, NY	April 25, 2008
110-110	“The Resilient Homeland — Broadening the Homeland Security Strategy.” Full Committee	May 6, 2008
110-111	“Assessing the Resiliency of the Nation’s Supply Chain.” Subcommittee on Border, Maritime, and Global Counterterrorism	May 7, 2008
110-112	“Performance Based Acquisitions: Creating Solutions or Causing Problems?” Full Committee	May 8, 2008
110-113	“Advancing Public Alert and Warning Systems to Build a More Resilient Nation.” Subcommittee on Emergency Communications, Preparedness, and Response	May 14, 2008
110-114	“Partnering with the Private Sector to Secure Critical Infrastructure: Has the Department of Homeland Security Abandoned the Resilience-Based Approach?” Subcommittee on Transportation Security and Infrastructure Protection	May 14, 2008
110-115	“The Resilient Homeland: How DHS Intelligence Should Empower America to Prepare for, Prevent, and Withstand Terrorist Attacks.” Subcommittee on Intelligence, information Sharing, and Terrorism Risk Assessment	May 15, 2008
110-116	“Diversity at DHS: Keeping Pace or Missing the Mark?” Full Committee	May 21, 2008

Number	Title	Date
110-117	“Implications of Cyber Vulnerabilities on the Resiliency and Security of the Electric Grid.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	May 21, 2008
110-118	“The Border Security Challenge: Recent Developments and Legislative Proposals.” Subcommittee on Border, Maritime, and Global Counterterrorism.	May 22, 2008
110-119	“Examining the Roles and Responsibilities of HUD and FEMA in Responding to the Affordable Housing Needs of Gulf Coast States following Emergencies and Natural Disasters.” Subcommittee on Emergency Communications, Preparedness and Response and the Committee on Financial Services’ Subcommittee on Housing and Community Opportunity	June 4, 2008
110-120	“The Merida Initiative: Examining U.S. Efforts to Combat Transnational Criminal Organizations.” Subcommittee on Border, Maritime, and Global Counterterrorism	June 5, 2008
110-121	H.R. 6193, the “Improving Public Access to Documents Act of 2008.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	June 11, 2008
110-122	“Ready to Lead? DHS and the Next Major Catastrophe.” Subcommittee on Management, Investigations, and Oversight	June 11, 2008
110-123	“The Goodyear Explosion: Ensuring Our Nation is Secure by Developing a Risk Management Framework for Homeland Security.” Subcommittee on Transportation Security and Infrastructure Protection	June 25, 2008
110-124	“The Challenges of Protecting Mass Gatherings in a Post-9/11 World.” Full Committee	July 9, 2008
110-125	“Assessing the Framework and Coordination of the National Emergency Communications Plan.” Subcommittee on Emergency Communications, Preparedness, and Response	July 15, 2008
110-126	“The Next Step in Aviation Security-Cargo Security: Is DHS Implementing the Requirements of the 9/11 Law Effectively?” Subcommittee on Transportation Security and Infrastructure Protection	July 15, 2008
110-127	“Implementing the 9/11 Act Mandates for Enhancing the Visa Waiver Program.” Subcommittee on Border, Maritime, and Global Counterterrorism	July 16, 2008
110-128	“One Year Later-Implementing the Biosurveillance Requirements of the ‘9/11 Act’” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	July 16, 2008
110-129	“The Challenge of Aligning Programs, Personnel, and Resources to Achieve Border Security.” Full Committee	July 17, 2008 (Washington, DC)

Number	Title	Date
110-130	“Examining the Training of First Responders in Rural Communities.” Subcommittee on Management, Investigations, and Oversight	July 22, 2008 (McClellan, AL)
110-131	“Emerging Biological Threats and Public Health Preparedness: Getting Beyond Getting Ready.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	July 22, 2008 (Providence, RI)
110-132	“Reassessing the Threat: the Future of Al Qaeda and Its Implications for Homeland Security.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	July 30, 2008
110-133	“The Quadrennial Homeland Security Review.” Subcommittee on Management, Investigations, and Oversight	July 30, 2008
110-134	“Lessons Learned: Ensuring the Delivery of Donated Goods to Survivors of Catastrophes.” Subcommittee on Emergency Communications, Preparedness and Response joint with the Senate Committee on Homeland Security and Governmental Affairs ad hoc Subcommittee on Disaster Response	July 31, 2008
110-135	“Ensuring America’s Security: Cleaning Up the Nation’s Watchlists.” Subcommittee on Transportation Security and Infrastructure Protection	September 9, 2008
110-136	“Mismanagement, Missteps, and Missed Benchmarks: Why the Virtual Fence Has Not Become a Reality.” Full Committee	September 10, 2008 September 18, 2008
110-137	“Interoperability in the Next Administration: Assessing the Derailed 700 MHz D-block Public Safety Spectrum Auction.” Subcommittee on Emergency Communications, Preparedness and Response	September 16, 2008
110-138	“Cybersecurity Recommendations for the Next Administration.” Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology	September 16, 2008
110-139	“Transportation Worker Identification Credential: A Status Update.” Subcommittee on Border, Maritime, and Global Counterterrorism	September 17, 2008
110-140	“Waste, Abuse & Mismanagement: Calculating the Cost of DHS Failed Contracts.” Subcommittee on Management, Investigations, and Oversight	September 17, 2008
110-141	“A Report Card on Homeland Security Information Sharing.” Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	September 24, 2008





## APPENDIX X-COMMITTEE PRINTS

Number	Title
110-A .....	Rules and Appendix for the Committee on Homeland Security Adopted, January 23, 2007.
110-B .....	Compilation of Homeland Security Presidential Directives (HSPD). Updated through December 31, 2007.
110-C .....	Homeland Security Act of 2005. Updated with amendments through October 2008.



## APPENDIX XI-SUMMARY OF COMMITTEE ACTIVITIES

### COMMITTEE ON HOMELAND SECURITY

Total Bills Referred to Committee .....	159
Public Laws .....	5
Bills Reported to the House .....	26
Hearings Held:	
Days of Hearings .....	148
Full Committee .....	35
Subcommittee on Border, Maritime, and Global Counterterrorism .....	20
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment .....	20
Subcommittee on Transportation Security and Infrastructure Protec- tion .....	20
Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology .....	21
Subcommittee on Emergency Communications, Preparedness, and Response .....	18
Subcommittee on Management, Investigations, and Oversight .....	19
Hours of Sitting:	
Full Committee .....	76:36
Subcommittee on Border, Maritime, and Global Counterterrorism .....	34:32
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment .....	41:54
Subcommittee on Transportation Security and Infrastructure Protec- tion .....	30:43
Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology .....	30:44
Subcommittee on Emergency Communications, Preparedness, and Response .....	19:24
Subcommittee on Management, Investigations, and Oversight .....	30:40
Witnesses:	
Full Committee .....	110
Subcommittee on Border, Maritime, and Global Counterterrorism .....	96
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment .....	85
Subcommittee on Transportation Security and Infrastructure Protec- tion .....	91
Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology .....	93
Subcommittee on Emergency Communications, Preparedness, and Response .....	87
Subcommittee on Management, Investigations, and Oversight .....	82
Total Persons Testifying .....	476
Markups and Business Meetings Held :	
Full Committee .....	26
Subcommittee on Border, Maritime, and Global Counterterrorism .....	0
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment .....	5
Subcommittee on Transportation Security and Infrastructure Protec- tion .....	7
Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology .....	3

Subcommittee on Emergency Communications, Preparedness, and Response .....	3
Subcommittee on Management, Investigations, and Oversight .....	0
Hours of Sitting:	
Full Committee .....	14:46
Subcommittee on Border, Maritime, and Global Counterterrorism .....	0:00
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment .....	0:28
Subcommittee on Transportation Security and Infrastructure Protection .....	3:27
Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology .....	0:42
Subcommittee on Emergency Communications, Preparedness, and Response .....	0:25
Subcommittee on Management, Investigations, and Oversight .....	0:00

## ADDITIONAL VIEWS OF THE REPUBLICAN MEMBERS OF THE COMMITTEE ON HOMELAND SECURITY

### INTRODUCTION

Republican Members of the Committee on Homeland Security continued to play an active roll in overseeing the activities of the Department of Homeland Security throughout the 110th Congress, introducing more than 20 pieces of legislation, sending oversight letters, conducting site visits, and participating in hearings and briefings.

Republican Members had expected the spirit of bipartisanship from the 109th Congress to continue in conducting oversight, but instead were presented with major legislation (H.R. 1) without opportunity for Republican input and numerous investigations conducted and over 200 oversight letters sent by the Majority without consultation with Republican Members. The Majority also organized and held a number of roundtables and forums without Republican input.

In addition, despite the Majority's adoption of many priorities from the Republican Oversight Plan from the 109th Congress, Republican Members are concerned that the Committee failed to meet many of its own goals in overseeing the Department's activities as represented in the Oversight Plan adopted by the Committee for the 110th Congress. These missed opportunities are outlined below.

### IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Republican Members of the Committee were extremely disappointed that the Committee failed to exercise its authority and jurisdiction with respect to House action on H.R. 1, the Implementing Recommendations of the 9/11 Commission Act of 2007, failing to consider the bill in Committee under regular order.

Despite Speaker Pelosi's pledge at the beginning of the 110th Congress that the House would be run in an open and bipartisan manner, the Committee on Homeland Security did not hold a single hearing or markup on this sweeping bill. Instead, the bill was brought to the floor under a closed rule. Republican Members of the Committee were shut out of the process and prevented from making contributions and improvements to the bill prior to its passage in the House.

Republican Members of the Committee were also disappointed that despite the Majority's claims that the bill enacted the remaining recommendations of the 9/11 Commission into law, the bill did not include the recommendation that the 9/11 Commission identified as "among the most difficult and important" of all its recommendations—consolidation of congressional oversight of the De-

partment of Homeland Security. This issue is discussed further below.

CONGRESSIONAL OVERSIGHT OF THE DEPARTMENT OF HOMELAND  
SECURITY

Five years after the creation of the Department of Homeland Security, there are currently more than 100 congressional committees and subcommittees overseeing its activities, a number which rose from 86 only a year ago. This is despite the recommendation by the 9/11 Commission in 2004 that Congress “create a single principal point of oversight and review for homeland security.”

In early 2005, the 109th Congress, under Republican leadership, took the initial steps and made significant progress in consolidating oversight jurisdiction through the establishment of the Committee on Homeland Security as a standing committee. At that time, Members stated that while this was an important first step, more consolidation would be necessary, and practice has shown that to be the case.

Republican Members of the Committee are disappointed in the several missed opportunities to further consolidate congressional oversight of the Department of Homeland Security in the 110th Congress. Congress had an excellent opportunity to further consolidate this committee’s jurisdiction over the Department of Homeland Security at the beginning of the 110th Congress, but failed to do so. Although the Congress considered and passed H.R. 1, the Implementing Recommendations of the 9/11 Commission Act of 2007, Congress again failed to include the 9/11 Commission’s recommendation to consolidate homeland security jurisdiction.

The lack of consolidated jurisdiction over the Department of Homeland Security has resulted in the inability to pass some important pieces of legislation during the 110th Congress. Important bipartisan provisions were stripped from the Fiscal Year 2008 Department of Homeland Security Authorization Act (H.R. 1684) in the Manager’s Amendment on the House floor as a result of the jurisdictional concerns of other committees. Legislation authorizing the development of the National Bio- and Agro-defense Facility (H.R. 1717) was not considered by the House as a result of jurisdictional concerns. Important pieces of legislation authorizing community and citizen preparedness programs, a more robust public alert and warning system, and urban search and rescue teams were also not considered due to jurisdictional disputes.

As a result of their continued concern about the fragmented jurisdiction over the Department of Homeland Security, Ranking Member King, along with Border, Maritime, and Global Counterterrorism Subcommittee Ranking Member Souder; Emergency Communications Preparedness and Response Subcommittee Ranking Member Dent; Emerging Threats, Cybersecurity, and Science and Technology Subcommittee Ranking Member McCaul; Intelligence, Information Sharing, and Terrorism Risk Assessment Subcommittee Ranking Member Reichert; Management, Investigations, and Oversight Subcommittee Ranking Member Rogers; and Transportation Security and Infrastructure Protection Subcommittee Ranking Member Lungren sent a letter to Speaker Nancy Pelosi on November 12, 2008 urging her to begin the process to amend

House Rule X to streamline Congressional oversight of the Department of Homeland Security.

The Secretary and Deputy Secretary of the Department of Homeland Security, the Homeland Security Advisory Council, the 9/11 Commission, the National Homeland Security Consortium, the National Academy of Public Administration, the Governors Homeland Security Advisors Council, the Center for Strategic and International Studies, the Heritage Foundation, and the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism have called on Congress to consolidate oversight of the Department of Homeland Security.

The convening of the 111th Congress marks the next opportunity for the Congressional Leadership to consolidate jurisdiction over the Department of Homeland Security. Republican Members of the Committee stand ready to work in a bipartisan manner with the House Leadership to ensure this is accomplished.

#### DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION BILL

After repeated requests at hearings and markups throughout 2008, Republican Members of the Committee continue to be disappointed that the Committee failed to consider or approve a comprehensive authorization bill for the Department of Homeland Security for Fiscal Year 2009. This year marked the first year since the Committee's establishment that a homeland security authorization bill was not considered and reported by the Committee.

Republican Members repeatedly raised this issue of concern with the Chairman and were informed that the Committee would wait for the Senate to pass an authorization bill and would then conference the Committee's Fiscal Year 2008 bill (H.R. 1684) with the measure passed by the Senate. Unfortunately, the Senate did not act on an authorization bill prior to adjournment sine die of the 110th Congress.

The Committee cannot defer to other committees or the Senate to move critical authorizing legislation for the Department of Homeland Security. There are many issues facing the Department of Homeland Security that are ripe for an authorization bill, such as enhancing border security; reforming the hazmat endorsement (HME) process; ensuring proper research and development funding levels; enhancing citizen preparedness; authorizing urban search and rescue teams; reauthorizing the Homeland Security Institute; authorizing the U.S. Secret Service; and strengthening our maritime alien smuggling laws.

Republican Members continue to urge the Majority to begin work on a Department of Homeland Security authorization bill for Fiscal Year 2010 early in the 111th Congress. Republican Members stand ready to work in a bipartisan basis on an authorization bill to ensure the Department of Homeland Security has the tools and authorities it needs to fulfill its mission.

#### FISCAL YEAR 2009 DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT

In addition to an annual authorization bill, it is critical that Congress pass an annual homeland security appropriations bill. If, at



the end of a fiscal year, the Department of Homeland Security is funded under a Continuing Resolution—even for a short period of time—critical programs would be delayed and key security initiatives would be put on hold.

Republican Members of the Committee were concerned with reports during the summer of 2008 that Congress would not pass an appropriations bill for the Department of Homeland Security, and instead would fund the Department under a long term continuing resolution. Such an occurrence would be unprecedented as the Department of Homeland Security has been funded by a stand alone appropriations bill prior to, or shortly after, the beginning of the fiscal year every year since the Department's establishment.

As a result, on July 16, 2008, all Republican Members of the Committee sent a letter to House Speaker Nancy Pelosi urging her to bring the Fiscal Year 2009 Department of Homeland Security Appropriations Act to the House floor without delay, and prior to the beginning of the new fiscal year, to ensure the Department is able to meet its vital mission. Republican Members of the Committee were pleased that Congress passed and the President signed into law the national security appropriations package that included Fiscal Year 2009 funding for the Department of Homeland Security at the beginning of the fiscal year. Republican Members will continue to work in the 111th Congress on a bipartisan basis to help ensure Congress acts on the Fiscal Year 2010 Department of Homeland Security Appropriations bill prior to the beginning of that fiscal year.

#### BORDER SECURITY

Republican Members agree that it is extremely critical to promote legislation, policy, reforms, and funding necessary to gain operational control over the land borders of the United States. While progress has been made in construction of the border fence, hiring Border Patrol agents, and other border security measures, significant work remains. In fiscal year 2008, the Border Patrol still apprehended over one million individuals seeking to illegally enter the United States with an unknown number above that having successfully joined the growing ranks of illegal aliens in U.S. communities. Equally as troubling are the growing levels of narcotics seized along the border, reaching nearly three million pounds this year.

Building on the oversight and legislative accomplishments during the 109th Congress, Republican Members maintained a heavy focus on efforts needed to secure the borders through oversight letters, briefings, site visits, participation in hearings, and introduction of legislation.

Republican Members repeatedly requested that the Committee consider border security legislation, and are disappointed that the Committee failed to act on any of the more than 40 border security related bills that were referred to the Committee. Even Democratic Members expressed concern about the lack of action by the Committee on border security legislation. During a Border, Maritime, and Global Counterterrorism Subcommittee hearing entitled "The Border Security Challenge: Recent Developments and Legislative Proposals," held on May 21, 2008, Congresswoman Gabrielle Gif-

fords, a witness at the hearing, stated, “We can’t just wring our hands. We have to get to work. And if this 110th Congress does not move forward on meaningful legislation coming out of your Subcommittees, I think that this 110th Congress will be a failure.”

Republican Members introduced a number of border security bills, including the following:

- H.R. 2954, Secure Borders FIRST Act of 2007, sponsored by Ranking Member Peter King.
- H. Res. 499, expressing the sense of the House that the Administration should enforce U.S. immigration laws to reduce illegal immigration and improve border security, sponsored by Representative Lamar Smith.
- H.R. 2413, the Border Security and Immigration Reform Act of 2007, sponsored by Representative Daniel Lungren.
- H.R. 3916, to provide for the next generation of border and maritime security technologies, sponsored by Representative Ralph Hall and Representative Michael McCaul.
- H.R. 2561, Fast and Secure Travel at the Borders Act of 2007, sponsored by Representative Charles Dent.
- H.R. 3496, Border Control and Contractor Accountability Act of 2007, sponsored by Representative Ginny Brown-Waite.
- H.R. 2490, to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the U.S., sponsored by Representative Gus Bilirakis.
- H.R. 4577, Student Visa Security Improvement Act, sponsored by Representative Gus Bilirakis.

In addition to introducing legislation, Republican Members conducted close oversight over the hiring of additional Border Patrol agents and construction of the border fence as mandated in the Secure Fence Act of 2006 (P.L. 109–367), which called for approximately 700 miles of fencing along the southwest border. While the Department of Homeland Security continues to work to meet this goal, to date there is over 370 miles of infrastructure composed of fencing and vehicle barriers with over 200 additional miles under contract. As part of this oversight, Republican Members sent a letter to the Chairman on February 19, 2008, requesting the Committee schedule a Member site visit to Sasabe, Arizona, to inspect the initial deployment of the “virtual fence” as part of the Secure Border Initiative Network (SBInet, also referred to as Project 28), and to see the construction of new physical border fencing. Republican Members appreciate that a one-day Member trip was arranged, and participated in the site visit on May 9, 2008.

Republican Members also continued their oversight of the deployment of the National Guard to support border security efforts along the southwest border under Operation Jump Start. The National Guard support resulted in the construction of hundreds of miles of fencing and roads, narcotics and bulk cash seizures, as well as surveillance activities that closed multiple border corridors to smugglers. Due to the success of the operation and continued border vulnerabilities, Republican Members sent a letter to the Chairman on June 11, 2008, requesting that the Committee hold a hearing to review the activities of the National Guard and consider the need for an extension of their service along the border. Unfortu-

nately, Operation Jump Start concluded in July 2008, without Committee review.

After an infant from American Samoa died while in the custody of Customs and Border Protection, on February 15, 2008, Ranking Member King sent a letter to the Department of Homeland Security Inspector General requesting a review of the agency's entry processing for individuals with medical needs at ports of entry.

Republican Members remain concerned about the smuggling of contraband across the borders, including cigarettes. After hearing multiple reports of possible terrorist financing based on the proceeds from illegal cigarette sales, Ranking Member King called for an investigation and a report on the findings. On April 29, 2008, a Republican Committee staff report was released entitled, "Tobacco and Terror: How Cigarette Smuggling is Funding our Enemies Abroad." That same day, as a result of the report, Ranking Member King sent a letter to the Chairman requesting a hearing on this important topic. The Committee did not act on the report or its findings prior to adjournment sine die of the 110th Congress.

#### MARITIME SECURITY

Republican Members continued their oversight on efforts to secure United States seaports and the global supply chain. In addition to attending hearings and multiple foreign and domestic site visits, Republican Members participated in a number of conferences and panels focused on port security, including those sponsored by the American Bar Association, the 2007 and 2008 Maritime Expos, and the National Customs Brokers and Forwarders Association of America. Prior to and throughout the 110th Congress, Republican Members advocated the importance of risk based security measures and investments.

During the 109th Congress, under the leadership of then Chairman King and then Subcommittee Chairman Lungren, the Security and Accountability for Every (SAFE) Port Act (P.L. 109-347) was signed into law. This bipartisan bill included numerous authorization provisions for hardening domestic seaports, improving security measures throughout the supply chain, and enhancing the deployment of scanning and security technology. One important provision was the requirement that the Department of Homeland Security conduct pilots at three foreign seaports to evaluate the feasibility and value of conducting 100 percent radiation and imaging scans for all U.S. bound maritime containers. The SAFE Port Act required the pilots to operate from October 2007 to April 2008 and for a report to be provided to Congress. Given the importance of fast and secure trade to the U.S. economy, Republican Members supported the completion and evaluation of the pilot programs prior to a further mandate for 100 percent scanning.

Republican Members were frustrated when the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) was enacted on August 3, 2007, without any hearings or mark-ups by this Committee, and included language mandating that all maritime containers bound for the United States be scanned at a foreign port by July 1, 2012. Despite the fact that the pilot programs mandated in the SAFE Port Act had not officially become operational, this new, hastily crafted statutory mandate included a

firm deadline requiring 12 million-plus containers to be scanned in foreign countries by 2012.

Since then, Republican Members have continued oversight of the SAFE Port Act pilot programs, including holding a series of Member and staff meetings with key public and private stakeholders. As part of this oversight, Ranking Member King initiated a review of the implementation of all of the SAFE Port Act mandates. After a year-long analysis of the Department of Homeland Security's efforts to implement the law and enhance maritime security, a Republican Committee staff report entitled, "The SAFE Port Act: One Year Later", was released on October 31, 2007. The report found that the Department of Homeland Security was making significant progress in implementing the mandates of the SAFE Port Act, and included a series of recommendations to further improve security in this area.

Republican Members will continue their oversight in the 111th Congress of maritime security generally and the Department's implementation of the requirements of the SAFE Port Act specifically, including the negative impact of the 100% scanning requirement.

#### NATIONAL RESPONSE FRAMEWORK AND NATIONAL INCIDENT MANAGEMENT SYSTEM

Republican Members are disappointed with the lack of bipartisan oversight of several aspects of the Department of Homeland Security's efforts to strengthen the Nation's preparedness and response capabilities. Most notably, while the Committee's Oversight Plan for the 110th Congress proposed to review the implementation of the National Response Framework (NRF) and the National Incident Management System (NIMS), the Committee did not hold a bipartisan Member briefing or hearing directly addressing the critically important response doctrines put forward by the NRF and NIMS. For example, the NRF outlines the roles and responsibilities of various Federal officials during the response to an event, including the Federal Coordinating Officer (FCO) and the Principal Federal Official (PFO). After action reviews found that during the response to Hurricane Katrina, the roles and responsibilities of these two Federal officials were not sufficiently clear. Therefore, the NRF, which the Department of Homeland Security released in January 2008, sought to clarify the relationship between the FCO and the PFO. Despite this effort, some Members of Congress have raised issues regarding the roles of these officials, and advocated that the PFO position be eliminated. On May 20, 2008, Emergency Communications, Preparedness, and Response Subcommittee Ranking Member Dent sent a letter to the Subcommittee Chairman requesting that the Subcommittee examine the roles and responsibilities of the PFO and the FCO. However, no hearings or briefings were held.

#### CONTINUITY OF OPERATIONS

In addition to its inadequate examination of the revisions made to the NRF, the Committee also did not address in great depth the status of other Federal agencies' planning to ensure the continuity of operations (COOP) and the continuity of government (COG)

should a terrorist attack, natural disaster, or other catastrophic event occur that disrupts governmental operations. At the request of Republican Members, officials representing the Federal Emergency Management Agency (FEMA) provided a tour and briefing of a COOP site for Committee staff on August 6, 2008. However, this briefing did not provide a great deal of information regarding the preparations of other Federal agencies upon which FEMA and the Department of Homeland Security must rely during the response to an emergency. More work remains to be done by the Committee in this area in the 111th Congress.

#### MILITARY SUPPORT DURING DISASTERS

On February 13, 2008, Ranking Member King sent a letter to the Chairman requesting that the Committee examine the findings of the congressionally chartered Commission on the National Guard and Reserves regarding the Nation's preparedness for catastrophic events, such as a terrorist attack utilizing a weapon of mass destruction. The Commission report recommended changes to current law, policy, and practice to ensure that the National Guard and military Reserve forces are properly organized, trained, and equipped to meet current and emerging threats facing the United States. While the Committee held several hearings addressing the homeland security needs of state and local governments and efforts to strengthen their preparedness for a catastrophic event, it did not examine efforts underway to improve the support provided to these authorities by the military and how such support is coordinated with other Federal, state, and local emergency response providers.

#### URBAN SEARCH AND RESCUE RESPONSE SYSTEM

Majority and Republican Members of the Committee proposed several legislative initiatives to strengthen the Nation's preparedness and response capabilities on which the Committee did not act. For example, H.R. 4183, the National Urban Search and Rescue Response System Act of 2007, sought to strengthen the Nation's urban search and rescue task forces that are deployed to assist in life saving operations after a terrorist attack or natural disaster. This legislation would have addressed funding shortfalls, as well as liability and recruitment concerns. Despite the bipartisan nature of this legislation and the unanimous support of the Subcommittee on Emergency Communications, Preparedness, and Response, the bill was not scheduled for consideration by the full Committee. Republican Members urge the Committee to act on this bill in the 111th Congress.

#### CITIZEN AND COMMUNITY PREPAREDNESS AND PUBLIC ALERTS AND WARNINGS

H.R. 5890, the Citizen and Community Preparedness Act of 2008, and H.R. 6392, the Alerting Lives through Effective and Reliable Technological Systems Act of 2008, are two additional examples of bipartisan legislation that were not considered by the full Committee. In particular, H.R. 5890 sought to leverage the growth and interest in citizen and community preparedness by strengthening the Citizen Corps Program and the Department's Ready Initiative.

These programs encourage individuals to prepare themselves and their families for a natural disaster or other catastrophic event by providing important information, training, and outreach. Republican Members of the Committee urge the Committee to act on these important bills in the 111th Congress.

#### THE SECURING THE CITIES INITIATIVE

In the 110th Congress, Republican Members of the Committee remained concerned about the possibility of a radiological attack in a U.S. city and were pleased the Department of Homeland Security established the Securing the Cities Initiative. This pilot program in the New York Metropolitan Area is dedicated to design and implement an architecture for coordinated and integrated detection and interdiction of illicit radiological materials that may be used as a weapon within the region.

To ensure adequate funding for this Initiative, Ranking Member King offered an amendment to the Fiscal Year 2008 Department of Homeland Security Appropriations Act to fully fund the Securing the Cities Initiative at \$40 million. This amendment passed the House by a vote of 282–137 and the \$40 million funding level was included in the Fiscal Year 2008 Consolidated Appropriations Act, which was signed into law on December 26, 2007 (P.L. 110–161).

Republican Members of the Committee continued their oversight of this Initiative during the second session of the 110th Congress. On April 9, 2008, Republican Committee staff attended a briefing on the Initiative provided by representatives of the Department of Homeland Security's Domestic Nuclear Detection Office and the New York City Police Department. The briefing covered the goals and objectives of the program including ongoing activities.

On April 14, 2008, Ranking Member King received a letter from the 19 members of the New York Regional Joint Working Group on Securing the Cities requesting full funding of \$40 million for the Initiative in the Fiscal Year 2009 Department of Homeland Security Appropriations Act.

On May 8, 2008, Ranking Member King sent a letter to Appropriations Subcommittee on Homeland Security Chairman Price and Ranking Member Rogers urging them to include \$40 million for the Securing the Cities Initiative in the Fiscal Year 2009 Department of Homeland Security Appropriations Act.

On June 26, 2008, the Committee on Homeland Security considered H.R. 5531, the Next Generation Screening Act, introduced by Ranking Member King. The measure was reported favorably to the House, amended, on July 22, 2008. H.R. 5531 includes an authorization of \$40 million for the Securing the Cities Initiative for Fiscal Year 2009 and such sums as are necessary thereafter. The House passed H.R. 5531 by voice vote on July 30, 2008.

On July 10, 2008, Ranking Member King and other Members of Congress met with Appropriations Subcommittee on Homeland Security Chairman Price and New York City Police Department Commissioner Raymond Kelly to discuss the Initiative and the need to provide full funding.

To conduct additional oversight of this vital program, on August 14 and 15, 2008, Republican Committee staff traveled to New York City with representatives of the Department of Homeland Secu-

rity's Domestic Nuclear Detection Office to meet with New York City Police Department officials and other Securing the Cities partners to observe the program at work.

On September 19, 2008, Ranking Member King sent a letter to Appropriations Committee Chairman Obey and Ranking Member Lewis also requesting full funding for the Securing the Cities Initiative. Republican Members of the Committee, however, were disappointed that Congress ultimately provided only \$30 million for the Securing the Cities Initiative in the Fiscal Year 2009 Department of Homeland Security Appropriations Act. Republican Members will continue their oversight of and support for this vital security program in the 111th Congress.

#### CONSOLIDATION OF REDUNDANT BACKGROUND CHECKS

The Committee's Oversight Plan for the 110th Congress included a commitment to reducing the number of redundant background checks for transportation workers. Unfortunately, the Majority missed an opportunity to provide relief to truck drivers by failing to consider H.R. 5915, the SAFE Truckers Act of 2008, introduced by Subcommittee on Transportation Security and Infrastructure Protection Ranking Member Lungren.

Currently, some truck drivers across the United States are required to undergo two identical background checks by the Transportation Security Administration (TSA). Under the Hazardous Materials Endorsement (HME) Threat Assessment Program, TSA conducts security assessments on all truck drivers who seek to haul hazardous materials by truck. The fees for such an assessment range from \$94 up to \$134 per driver. Additionally, for truck drivers who are required to enter secure areas of ports, they must also obtain a Transportation Worker Identification Credential (TWIC)—the same background check at a cost of at least \$102.25.

Aside from the unnecessary and burdensome cost to the individual drivers, these duplicate background checks require hours of personal time necessary to apply for these checks and, in the case of TWIC, return by the drivers to the enrollment center to pick up the card. Even assuming that the process is smooth, this can mean entire days of time that workers are forced to be absent from work and wait idly.

These are problems that Republican Members of the Committee have recognized since the 109th Congress, which have only become worse as the TWIC program has been implemented and enforced at ports. Early in the 110th Congress, Subcommittee Ranking Member Lungren attempted to fix this problem by offering an amendment during Subcommittee consideration of H.R. 1401. The amendment would have established the TWIC card as the definitive background check for transportation workers, including those hauling "security sensitive materials," thereby eliminating the unnecessary HME background check. In so doing, the amendment would have eliminated the costly check required of drivers who haul materials that do not pose a security risk, including paint, soda syrup and hairspray. The Subcommittee rejected this amendment, but with a promise that this issue would be reconsidered later.

Unfortunately, the Committee did not schedule a hearing in the 110th Congress on this important issue of providing relief to the Nation's truck drivers despite commitments to do so in their Oversight Plan and during Subcommittee consideration of H.R. 1401. Nor did the Committee consider the subsequent legislation, H.R. 5915, introduced by Ranking Member Lungren, despite his repeated requests to do so.

#### SCREENING PARTNERSHIP PROGRAM

The Committee's Oversight Plan for the 110th Congress indicated that the Committee would examine the Transportation Security Administration's (TSA) staffing needs, resources, and the ability of airports to "opt-out" from the use of Federal Screeners. However, the Committee did not hold any hearings or conduct bipartisan oversight in this area. The Screening Partnership Program (SPP) was authorized in the Aviation and Transportation Security Act (P.L. 107-71) and is a program worthy of oversight. In fact, Subcommittee on Transportation Security and Infrastructure Protection Ranking Member Lungren requested that the Government Accountability Office (GAO) review TSA's implementation of the SPP program. This internal review by GAO prompted TSA to commission an analysis of the SPP program by a third party contractor. The GAO Report is expected by the end of 2008. Republican Members of the Committee support the SPP program, and encourage vigorous oversight of the program in the 111th Congress.

#### INFORMATION SHARING AMONG FEDERAL AGENCIES

The Committee's Oversight Plan clearly states that "[t]he Committee will examine whether the Department is receiving relevant intelligence and law enforcement information from other Federal agencies on a timely basis . . ." However, the Committee did not schedule a hearing in the 110th Congress on how the Department of Homeland Security and the Federal Bureau of Investigation (FBI), the primary provider of Federal law enforcement information, are cooperating. The Committee also missed the opportunity to examine whether and how the Department receives intelligence directly from Federal intelligence agencies, such as the Central Intelligence Agency (CIA). This lack of oversight is especially relevant given the fact that the Department's Office of Intelligence and Analysis currently relies on the reputation and strength of its leader, Under Secretary Charles Allen, for access to much of this information. The Committee missed the opportunity to consider whether these channels of communication have been formalized or if they continue to rely on the strength of the Under Secretary's leadership. Republican Members highlight this is an essential issue at the current stage of organizational development of the Department, when it is vital the Department receives timely information from its Federal partners.

#### INFORMATION SHARING WITHIN THE DEPARTMENT OF HOMELAND SECURITY

The Committee's Oversight Plan also included the goal to "oversee the efforts of the Department to coordinate and integrate the



activities of its various intelligence and analytic units and offices and to ensure that national-level terrorist threat intelligence is being disseminated to the operational entities within the Department.” Republican Members of the Committee are disappointed that with the exception of the Secret Service, the Committee did not hold a hearing or bipartisan briefing on intelligence in the Department’s operational components and missed the opportunity to examine how the Department is utilizing and sharing intelligence within the Department. Republican Members urge the Committee to address these vital issues in the 111th Congress.

#### THREAT AND WARNING ADVISORIES

Republican Members are disappointed that the Committee also did not implement the Committee’s Oversight Plan provision “to review the Department’s policies and procedures with respect to issuing threat and warning advisories, including the Homeland Security Advisory System, to ensure that they convey information in a timely and relevant manner to Federal, State, local and tribal government officials and other entities.” No hearing was devoted to the problem of how threat warnings are issued and the effectiveness of the much-maligned color-coded alert system. While the Committee passed Republican-authored legislation requiring better information sharing under the system, Republican Members are concerned that the Committee did not examine, how these changes are being implemented within the advisory system, and urge the Committee to consider this issue in the 111th Congress.

#### NATIONAL APPLICATIONS OFFICE

On August 15, 2007, the Wall Street Journal published an article entitled, “U.S. to Expand Domestic Use of Spy Satellites.” The Department of Homeland Security, after receiving authorization from the House and Senate Intelligence and Appropriations Committees, was moving forward with a plan to assume the duties of the Department of the Interior’s Civil Applications Committee (CAC) and establish a new National Applications Office (NAO) to adjudicate requests by civilian agencies for access to space-based collection systems. Neither Committee Members nor staff were briefed in advance by Department of Homeland Security officials on the creation of this new office, funded by the classified National Intelligence Program budget.

Subsequently, the Committee received a briefing on the anticipated stand-up of the NAO on August 17, 2007, and on August 22, 2007, the Chairman sent a letter to Secretary Chertoff requesting bi-weekly briefings on the stand-up of the NAO. While the Majority failed to schedule any follow-up briefings, a full Committee hearing was held on September 6, 2007, entitled, “Turning Spy Satellites on the Homeland: the Privacy and Civil Liberties Implications of the National Applications Office.” Ranking Member King submitted a written request to the Chairman to invite representatives from the Office of the Director of National Intelligence, who had been involved since the program’s inception, to participate in the hearing, but the request was denied.

Members of the House Appropriations Committee and the House Permanent Select Committee on Intelligence invited Committee on Homeland Security Members to attend a classified briefing on the NAO on October 6, 2007. Briefers included the Deputy Director of National Intelligence for Collection (whom Ranking Member King had requested be invited to testify during the Committee's September 6th hearing) and the Department's Under Secretary for Intelligence and Analysis. On December 26, 2007, the President signed the Consolidated Appropriations Act of 2008, P.L. 110-161, which included a provision, largely at the Majority's urging, that required the Comptroller General to review the Department's privacy and civil liberties assessments prior to full scale NAO operations.

On February 13, 2008, Secretary Chertoff and Under Secretary for Intelligence and Analysis Allen briefed the Chairman on the NAO charter and provided updated privacy and civil liberties impact assessments. Two months later, Departmental officials transmitted to the Committee on Homeland Security the Department's updated privacy impact assessments, civil liberties impact assessments, the NAO charter, NAO standard operating procedures, and a letter by the Department's Inspector General indicating all pending issues identified by the Inspector General had been resolved. The Comptroller General completed his review of these documents in September.

Since August 2007, officials from the Department of Homeland Security, the Director of National Intelligence, and the National Geospatial Intelligence Agency have offered multiple classified briefings and site visits to the Committee on the capabilities of the Nation's space-based collection systems. Committee Republican staff have benefitted from these briefings and off-site visits.

Republican Members urge the Committee to work in the 111th Congress to help ensure Federal, state, local, and tribal first responders and preventers have the tools they need within the law to detect, deter, mitigate, respond to, and recover from a terrorist attack or natural disaster. The full scale operation of the NAO will be an important turning point in homeland security operations by providing a strict, systematic process for appropriate entities to access these sophisticated overhead collection systems.

#### FUSION CENTER FUNDING

Republican Members of the Committee were concerned with provisions of the Fiscal Year 2008 Homeland Security Grant Program guidance, which restricted the use of grant funds for intelligence and counterterrorism personnel activities contrary to the letter and Congressional intent of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53). As a result of these restrictions and the Department's decision not to revise the guidance, Republican Members of the Committee supported the Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act, introduced by Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment Ranking Member Reichert, and were pleased the bill was signed into law on October 14, 2008, as P.L. 110-412.

Republican Members of the Committee will continue oversight of intelligence and information sharing along with grant funding in the 111th Congress to help ensure that state and local security partners have the funding they need to continue their vital intelligence and counterterrorism activities.

#### BORDER PATROL TRAINING COSTS

Republican Members of the Committee also continued their interest in, and oversight of, Border Patrol training costs in the 110th Congress and are disappointed that the Committee missed the opportunity to revisit this issue. On February 28, 2007, Subcommittee on Management, Investigations, and Oversight Ranking Member Rogers sent a letter to then-Comptroller General David M. Walker following up on his request from the 109th Congress relating to Border Patrol training costs. The Government Accountability Office's work in this area is ongoing, and a report is anticipated to be released in March 2009. Republican Members of the Committee will continue to examine this issue in the 111th Congress.

#### NATIONAL BIO- AND AGRO-DEFENSE FACILITY

Republican Members of the Committee are concerned that the lack of House passage of legislation to authorize the National Bio- and Agro-Defense Facility (NBAF), either as stand-alone legislation (H.R. 1717) or in the context of a homeland security authorization bill, has proven detrimental to the process of establishing the NBAF as a viable entity. Other Committees asserting jurisdiction over NBAF received multiple referral extensions and scheduled no votes on this bill. Some of the considerable controversy that has surrounded the entire site selection process for the NBAF may have been avoided had adequate statutory authority and direction been provided by the Congress and had the Leadership consolidated homeland security jurisdiction.

#### NATIONAL BIOSURVEILLANCE INTEGRATION CENTER

The National Biosurveillance Integration Center (NBIC), while operational, does not yet have other Federal agencies that are deemed necessary for the Center's full operational capacity as signatories. The obstacles to securing the support of the remaining agencies were discussed at a biosurveillance hearing in July 2008 during which representatives from the Departments of Homeland Security and the Health and Human Services were the only witnesses. Despite the Majority's stated intention to examine the Department's biosurveillance capabilities in the Oversight Plan, however, Republican Members were disappointed that no follow-up hearings were held with representatives from the other non-signatory departments. As the Department of Homeland Security's primary House authorizer, the Committee missed the opportunity to help ensure that the Department has the resources required to fulfill its Congressional mandates, including holding oversight hearings on the NBIC with the agencies involved beyond the Department of Homeland Security.

## CBRNE TERRORISM

Republican Members of the Committee are disappointed that despite the Committee's stated intention in its Oversight Plan to "examine the Department's efforts to develop and execute response and recovery efforts in the event of a CBRNE [chemical, biological, radiological, nuclear, explosive,] incident" the Committee failed to hold hearings on government efforts to recover from a successful radiological attack. Neither the Department of Homeland Security's Science and Technology Directorate nor the Domestic Nuclear Detection Office believes radiological recovery falls within its mission space. Therefore, without guidance from this Committee, Republican Members of the Committee are concerned that planning for recovery from a radiological attack will not be adequately conducted.

Similarly, the Committee missed a valuable opportunity to consider biosecurity, bioforensics, and the future role of the National Biological Countermeasures and Analysis Center. The Committee's jurisdiction over these issues could have been asserted throughout the 110th Congress, but especially in the wake of the FBI's determination that the anthrax attacks were perpetrated by an American scientist at an elite American biodefense laboratory.

## OTHER TRANSACTION AUTHORITY

Recognizing the need and importance of the Department of Homeland Security's Other Transaction Authority (OTA), Emerging Threats, Cybersecurity, Science, and Technology Ranking Member McCaul introduced the Homeland Security Technology Advancement Act (H.R. 4290) on December 5, 2007. The bill would have reauthorized OTA for five years to enable the Department to carry out certain basic, applied, and advanced research and development projects and other prototype projects.

Republican Members of the Committee are disappointed that, despite the Committee's stated intention in its Oversight Plan to examine the Department's OTA, the Committee did not reauthorize OTA during the 110th Congress. While the Committee held one hearing on OTA on February 7, 2008, and requested a Government Accountability Office review of the Department's use of OTA, additional bipartisan oversight was not conducted. If it were not for the provisions in the Fiscal Year 2008 Consolidated Appropriations Act and the Fiscal Year 2009 Department of Homeland Security Appropriations Act, each of which extended OTA for one year, the authority would have expired. Republican Members of the Committee stand ready to work in a bipartisan manner in the 111th Congress to oversee and reauthorize OTA.

## HOMELAND SECURITY INSTITUTE

The Committee's Oversight Plan states that the Committee would "examine the utilization and tasking of the [Homeland Security] Institute by the Department's S&T Directorate, and the Institute's efforts to provide strategic direction and build the scientific capabilities necessary to support the DHS S&T mission." Despite this statement, no such oversight or examination occurred in the 110th Congress.

Republican Members of the Committee are concerned that the Committee did not act during the 110th Congress to reauthorize the Homeland Security Institute (HSI), created by Section 312 of the Homeland Security Act of 2002. The Institute is a studies and analysis federally funded research and development center (FFRDC) for the Department of Homeland Security's science and technology missions. On September 18, 2008, Ranking Member King sent a letter to Appropriations Committee Chairman Obey and Ranking Member Lewis detailing a list of expiring homeland security authorizations, including the HSI, and urged the inclusion of those provisions in the Fiscal Year 2009 Department of Homeland Security Appropriations Act. Unfortunately, a provision reauthorizing the HSI was not included in the homeland security appropriations bill for Fiscal Year 2009. Without Committee action on legislation early in the 111th Congress, the HSI's authorization will expire on April 25, 2009. Republican Members are prepared to work in a bipartisan effort to reauthorize the Homeland Security Institute.

#### CONCLUSION

Republican Members of the Committee were proud to serve on the Committee on Homeland Security in the 110th Congress. As evidenced by the recent terrorist attacks in Mumbai, India, and the unusually high number of declared natural disasters in the United States in 2008, the threats of terrorism and natural disasters facing the Nation remain a top priority for the Department of Homeland Security and this Committee. Republican Members of the Committee hope to have a more bipartisan working environment in the 111th Congress to address these vital security issues facing our Nation.

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MARK E. SOUDER,  
*Ranking Member, Subcommittee on Border, Maritime, and Global Counterterrorism.*

DANIEL E. LUNGREN,  
*Ranking Member, Subcommittee on Transportation Security and Infrastructure Protection.*

MIKE ROGERS,  
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