Union Calendar No. 443

109TH CONGRESS *2d Session*	HOUSE OF REPRESENTATIVES	REPORT 109–741

REPORT ON LEGISLATIVE AND OVERSIGHT ACTIVITIES

of the

HOUSE COMMITTEE ON HOMELAND SECURITY

together with

ADDITIONAL VIEWS

ONE HUNDRED NINTH CONGRESS

SECOND SESSION
2006

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

JANUARY 2, 2007.—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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, January 2, 2007.

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

DEAR MS. HAAS: Pursuant to clause 1(d)(1) of Rule XI and Rule X of the Rules of the House of Representatives, here is a report of the legislative and oversight activities of the Committee on Homeland Security during the 109th Congress.

Sincerely,

PETER T. KING,
Chairman.

Union Calendar No. 443

109TH CONGRESS, 2d Session } HOUSE OF REPRESENTATIVES { REPORT 109–741

LEGISLATIVE AND OVERSIGHT ACTIVITIES OF THE COMMITTEE ON HOMELAND SECURITY 109TH CONGRESS

JANUARY 2, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

together with

ADDITIONAL VIEWS

OVERVIEW

The Committee on Homeland Security met on February 9, 2005, for an organizational meeting for the 109th Congress under the direction of Chairman Christopher Cox of California. The Committee Membership, was set at 34 Members with 19 Republicans and 15 Democrats.

The Committee established 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 his nomination to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2009, on July 29, 2005. 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 on Homeland Security revised the Rules of the Committee creating a sixth Subcommittee, the Subcommittee on Investigations.

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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 bills, resolutions, and other matters relating to subjects within the jurisdiction

of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

(I) Committee on Homeland Security

(1) Overall homeland security policy.

(2) Organization and administration of the Department of Homeland Security.

(3) Functions of the Department of Homeland Security relating to the following:

(A) Border and port security (except immigration policy and non-border enforcement).

(B) Customs (except customs revenue).

(C) Integration, analysis, and dissemination of homeland security information.

(D) Domestic preparedness for and collective response to terrorism.

(E) Research and development.

(F) Transportation security.

General oversight responsibilities

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

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

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

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

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

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

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

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

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

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

(2) Each committee to which subparagraph (1) applies sight subcommittee, or require its subcommittees to conduct oversight in their respective jurisdictions, to assist in carrying out its respon-

sibilities under this clause. The establishment of an oversight subcommittee does not limit the responsibility of a subcommittee with legislative jurisdiction in carrying out its oversight responsibilities.

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

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

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

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

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

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

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

(2) Not later than March 31 in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Government Reform shall report to the House the oversight plans submitted by committees together with any recommendations that it, or the House leadership group described above, may make to ensure the most effective coordination of oversight plans and otherwise to achieve the objectives of this clause.

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

Special oversight functions

3. (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.

LEGISLATIVE HISTORY TO ACCOMPANY CHANGES TO RULE X

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

Rule X and the Committee on Homeland Security

Legislative History

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

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

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

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

sponse to terrorism, pursuant to section 876 of the Homeland Security Act of 2002.

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

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

Government Reform—The Committee on Homeland Security shall have jurisdiction over "the organization and administration of the Department of Homeland Security." The Committee on Government Reform shall retain jurisdiction over federal civil service, the overall economy, efficiency, and management of government operations and activities, including Federal procurement, and federal paperwork reduction. The Committee on Government Reform shall retain jurisdiction over government-wide information management efforts including the Federal Information Security Management Act. The Committee on Homeland Security shall have jurisdiction over integration, analysis, and dissemination of homeland security information by the Department of Homeland Security, and the Committee on Government Reform shall retain jurisdiction over measures addressing public information and records generally including the Privacy Act and the Freedom of Information Act. The Committee on Government Reform shall have jurisdiction over the policy coordination responsibilities of the Office of Counternarcotics Enforcement.

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

Judiciary—The Committee on the Judiciary shall retain jurisdiction over immigration policy and non-border enforcement of the immigration laws. Its jurisdiction over immigration policy shall include matters such as the immigration and naturalization process, numbers of aliens (including immigrants and non-immigrants) allowed, classifications and lengths of allowable stay, the adjudication of immigration petitions and the requirements for the same, the domestic adjudication of immigration petitions and applications

submitted to the Department of Labor or the Department of Homeland Security and setting policy with regard to visa issuance and acceptance. Its jurisdiction over non-border enforcement shall be limited to those aspects of immigration enforcement not associated with the immediate entry of individuals into the country, including those aspects of the Bureau of Immigration and Customs Enforcement. The Committee on Homeland Security shall have jurisdiction over border and port security including the immigration responsibilities of inspectors at ports of entry and the border patrol. As used in the new Rule X(1)(l)(9) and this legislative history, the word "immigration" shall be construed to include "naturalization" and no substantive change is intended by the new rule's not containing the word "naturalization."

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

Transportation and Infrastructure—The Committee on Transportation and Infrastructure shall retain jurisdiction over the Coast Guard. However, the Committee on Homeland Security has jurisdiction over port security, and some Coast Guard responsibilities in that area will fall within the jurisdiction of both committees. Jurisdiction over emergency preparedness will be split between the Committee on Transportation and Infrastructure and the Committee on Homeland Security. The Committee on Transportation and Infrastructure shall retain its jurisdiction under clause 1(r)(2) over "federal management of emergencies and natural disasters." This means that the committee retains its general jurisdiction over the emergency preparedness and response operations of the Federal Emergency Management Agency (FEMA). Bills addressing FEMA's general preparation for disaster from any cause shall be referred to the Committee on Transportation and Infrastructure. The Committee on Homeland Security shall have jurisdiction over the Department of Homeland Security's responsibilities with regard to emergency preparedness only as they relate to acts of terrorism. Thus, the Committee on Homeland Security shall have jurisdiction over the responsibilities of the Office for Domestic Preparedness, in accordance with section 430 of the Homeland Security Act of 2002.

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

The Committee on Homeland Security shall have jurisdiction over the functions of the Department of Homeland Security relating to transportation security, while the Committee on Transportation and Infrastructure shall retain its jurisdiction over transportation safety. In general, the Committee on Homeland Security would have jurisdiction over bills addressing the Transportation Security Administration and the Committee on Transportation and Infrastructure would have jurisdiction over bills addressing the various entities within the Department of Transportation having responsibility for transportation safety, such as the Federal Avia-

tion Administration and the Federal Motor Carrier Safety Administration. The jurisdiction of the Committee on Homeland Security does not include expenditures from trust funds under the jurisdiction of other committees, including but not limited to the Highway Trust Fund, the Airport and Airway Trust Fund, the Harbor Maintenance Trust Fund, the Federal Buildings Fund, and the Inland Waterways Trust Fund.

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

MEMBERSHIP AND ORGANIZATION OF THE COMMITTEE ON HOMELAND SECURITY

(19–15)

PETER T. KING, New York, *Chairman*

DON YOUNG, Alaska
LAMAR S. SMITH, Texas
CURT WELDON, Pennsylvania, *Vice Chairman*
CHRISTOPHER SHAYS, Connecticut
JOHN LINDER, Georgia
MARK E. SOUDER, Indiana
TOM DAVIS, Virginia
DANIEL E. LUNGREN, California
JIM GIBBONS, Nevada
ROB SIMMONS, Connecticut
MIKE ROGERS, Alabama
STEVAN PEARCE, New Mexico
KATHERINE HARRIS, Florida
BOBBY JINDAL, Louisiana
DAVID G. REICHERT, Washington
MICHAEL T. MCCAUL, Texas
CHARLES W. DENT, Pennsylvania
GINNY BROWN-WAITE, Florida

BENNIE G. THOMPSON, Mississippi
LORETTA SANCHEZ, California
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
1JANE HARMAN, California
PETER A. DEFAZIO, Oregon
NITA M. LOWEY, New York
ELEANOR HOLMES NORTON, District of Columbia
ZOE LOFGREN, California
SHEILA JACKSON-LEE, Texas
BILL PASCRELL, Jr., New Jersey
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BOB ETHERIDGE, North Carolina
JAMES R. LANGEVIN, Rhode Island
KENDRICK B. MEEK, Florida

January 4, 2005—Establishment of the Committee on Homeland Security, pursuant to the provisions of H. Res. 5. Congressional Record H7.

January 6, 2005 Appointment of Mr. Christopher Cox of California as Chairman and Mr. Bennie G. Thompson of Mississippi as Ranking Member pursuant to H. Res. 32 and H. Res. 33. Congressional Record H81–83.

January 25, 2005 Appointment of Mr. Daniel E. Lungren of California; Mr. Bobby Jindal of Louisiana; Mr. Dave Reichert of Washington; Mr. Michael McCaul of Texas; and Mr. Charlie Dent of Pennsylvania to the Committee pursuant to H. Res. 48. Congressional Record H200.

February 9, 2005 Appointment of Majority Members to the Committee pursuant to H. Res. 73. Congressional Record H419.

February 9, 2005 Appointment of Minority Members to the Committee pursuant to H. Res. 74. Congressional Record H422.

August 2, 2005 Mr. Christopher Cox of California, Chairman of the Committee, resigned as a Member of the House of Representatives after the Senate, on July 29, 2005, confirmed his nomination to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2009.

September 15, 2005 Mr. Peter T. King of New York was appointed Chairman of the Committee on Homeland Security, and Ms. Ginny Brown-Waite of Florida was appointed to the Committee to rank after Mr. Dent pursuant to H. Res. 445. Congressional Record H8061.

December 8, 2006—Mr. Jim Gibbons of Nevada resigned as a Member of the from the U.S. House of Representatives.

SUBCOMMITTEE ON PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK

(8–6)

JOHN LINDER, Georgia, *Chairman*

DON YOUNG, Alaska
CHRISTOPHER SHAYS, Connecticut
DANIEL E. LUNGREN, California
JIM GIBBONS, Nevada
ROB SIMMONS, Connecticut
BOBBY JINDAL, Louisiana
CHARLES W. DENT, Pennsylvania
PETER T. KING, New York (Ex Officio)

JAMES R. LANGEVIN, Rhode Island
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
JANE HARMAN, California
ELEANOR HOLMES NORTON, District of Columbia
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BENNIE G. THOMPSON, Mississippi (Ex Officio)

Jurisdiction: Prevention of terrorist attacks on the United States involving nuclear and biological weapons, including the Department of Homeland Security's role in nuclear and biological counter-proliferation and detection of fissile materials, biological weapons, precursors, and production equipment; the Department of Homeland Security's role in detecting and interdicting commerce in and transit of nuclear and biological weapons, components, precursors, delivery systems, and production equipment; development and deployment of sensors to detect nuclear and biological weapons, components, precursors, and production equipment; inspections conducted domestically and abroad to detect and interdict nuclear and biological weapons, components, precursors, delivery systems, and production equipment; nuclear and biological threat certification and characterization; preventative use of technology, including forensic analytic techniques, to attribute nuclear and biological weapons-related samples to their sources; border, port, and transportation security designed to prevent nuclear and biological attacks on the United States; integration of federal, state, and local efforts to prevent nuclear and biological attacks, including coordination of border security initiatives for this purpose; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

(9–7)

ROB SIMMONS, Connecticut, *Chairman*

CURT WELDON, Pennsylvania
MARK E. SOUDER, Indiana
DANIEL E. LUNGREN, California
JIM GIBBONS, Nevada
STEVAN PEARCE, New Mexico
BOBBY JINDAL, Louisiana
CHARLES W. DENT, Pennsylvania
GINNY BROWN-WAITE, Florida
PETER T. KING, New York (Ex Officio)

ZOE LOFGREN, California
LORETTA SANCHEZ, California
JANE HARMAN, California
NITA M. LOWEY, New York
SHEILA JACKSON-LEE, Texas
JAMES R. LANGEVIN, Rhode Island
KENDRICK B. MEEK, Florida
BENNIE G. THOMPSON, Mississippi (Ex Officio)

Jurisdiction: Intelligence and information sharing for the purpose of preventing, preparing for, and responding to potential terrorist attacks on the United States; the responsibility of the Department of Homeland Security for comprehensive, nationwide, terrorism-related threat, vulnerability, and risk analyses; the integration, analysis, and dissemination of homeland security information, including the Department of Homeland Security's participation in, and interaction with, other public and private sector entities for any of those purposes; communications of terrorism-related information by the federal government to State, local, and private sector entities; issuance of terrorism threat advisories and warnings (including administration of the Homeland Security Advisory System); liaison of the Department of Homeland Security with U.S. intelligence and law enforcement agencies; information gathering, analysis, and sharing by Department of Homeland Security entities; the role of intelligence in terrorism threat prioritization; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

SUBCOMMITTEE ON ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY

(9–7)

DANIEL E. LUNGREN, California, *Chairman*

DON YOUNG, Alaska
LAMAR S. SMITH, Texas
JOHN LINDER, Georgia
MARK E. SOUDER, Indiana
MIKE ROGERS, Alabama
STEVAN PEARCE, New Mexico
KATHERINE HARRIS, Florida
BOBBY JINDAL, Louisiana
PETER T. KING, New York (Ex Officio)

LORETTA SANCHEZ, California
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
PETER A. DEFAZIO, Oregon
ZOE LOFGREN, California
SHEILA JACKSON-LEE, Texas
JAMES R. LANGEVIN, Rhode Island
BENNIE G. THOMPSON, Mississippi (Ex Officio)

Jurisdiction: Development of strategies to protect against terrorist attack against the United States; prioritizing risks through analytical tools and cost/benefit analyses; prioritizing investment in critical infrastructure protection across all sectors, including transportation (air, land, sea, and intermodal, both domestic and international); defeating terrorist efforts to inflict economic costs through threats and violence; mitigation of potential consequences of terrorist attacks on critical infrastructure, and related target hardening strategies; border, port, and transportation security; in the wake of an attack on one sector, ensuring the continuity of other sectors including critical government, business, health, financial, commercial, and social service functions; security of computer, telecommunications, information technology, industrial control systems, electronic infrastructure, and data systems; protecting government and private networks and computer systems from domestic and foreign attack; preventing potential injury to civilian populations and physical infrastructure resulting, directly or indirectly, from cyber attacks; with respect to each of the foregoing, assessing the impact of potential protective measures on the free flow of commerce and the promotion of economic growth; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

SUBCOMMITTEE ON MANAGEMENT, INTEGRATION AND OVERSIGHT

(7–5)

MIKE ROGERS, Alabama, *Chairman*

JOHN LINDER, Georgia
MARK E. SOUDER, Indiana
TOM DAVIS, Virginia
KATHERINE HARRIS, Florida
DAVID G. REICHERT, Washington
MICHAEL T. MCCAUL, Texas

PETER T. KING, New York (Ex Officio)
KENDRICK B. MEEK, Florida
EDWARD J. MARKEY, Massachusetts
ZOE LOFGREN, California
SHEILA JACKSON-LEE, Texas
BILL PASCRELL, Jr., New Jersey
BENNIE G. THOMPSON, Mississippi (Ex Officio)

Jurisdiction: Oversight of Department of Homeland Security progress in implementing the management and organizational directives of the Homeland Security Act and other homeland security-related mandates; Department of Homeland Security offices responsible for the provision of department-wide services, including the Under Secretary for Management, the Chief Information Officer, and the Chief Financial Officer; cross-directorate, Department-wide standardization and programmatic initiatives; investigations and reports by the Inspector General of the Department of Homeland Security; standardization and security of Department of Homeland Security communications systems and information technology infrastructure; harmonization and effectiveness of Department of Homeland Security budgeting, acquisition, procurement, personnel, and financial management systems; incentives and barriers to hiring that affect Department components; Department of Homeland Security-initiated internal reorganizations; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, SCIENCE, AND TECHNOLOGY

(10–8)

DAVID G. REICHERT, Washington, *Chairman*

LAMAR S. SMITH, Texas
CURT WELDON, Pennsylvania
ROB SIMMONS, Connecticut
MIKE ROGERS, Alabama
STEVAN PEARCE, New Mexico
KATHERINE HARRIS, Florida
MICHAEL T. MCCAUL, Texas
CHARLES W. DENT, Pennsylvania
GINNY BROWN-WAITE, Florida
PETER T. KING, New York (Ex Officio)

BILL PASCRELL, Jr., New Jersey
LORETTA SANCHEZ, California
NORMAN D. DICKS, Washington
JANE HARMAN, California
NITA M. LOWEY, New York
ELEANOR HOLMES NORTON, District of Columbia
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BOB ETHERIDGE, North Carolina
BENNIE G. THOMPSON, Mississippi (Ex Officio)

Jurisdiction: Preparedness for and collective response to terrorism, including federal support to first responders; terrorism-related incident management and response; consequence mitigation; Department of Homeland Security-administered homeland security grants to first responders; conduct and coordination of exercises and training relating to mitigating the effects of and responding to terrorist attacks (including nuclear, biological, radiological, and chemical attacks on civilian populations); federal government coordination of terrorism-related emergency preparedness and response with and among state and local governments, the private sector, and the public; research, development and deployment of technology for combating terrorism; adaptation of existing technologies to homeland security prevention priorities; coordination and enhancement of Department of Homeland Security interaction on science and technology matters with the private sector, federally funded research and development centers, educational institutions, the National Laboratories, and other scientific resources; Department of Homeland Security-based science and technology entities and initiatives; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

SUBCOMMITTEE ON INVESTIGATIONS

(5–3)

MICHAEL T. MCCAUL, Texas, *Chairman*

CHRISTOPHER SHAYS, Connecticut
DANIEL E. LUNGREN, California
DAVID G. REICHERT, Washington
GINNY BROWN-WAITE, Florida
PETER T. KING, New York (Ex Officio)

BOB ETHERIDGE, North Carolina (Acting)
BILL PASCRELL, Jr., New Jersey
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BENNIE G. THOMPSON, Mississippi (Ex Officio)

Jurisdiction: Conduct of investigations into matters within the jurisdiction of the full Committee and referred to the subcommittee by the Chairman.

HISTORY OF THE COMMITTEE ON HOMELAND SECURITY

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

STANDING COMMITTEE ON HOMELAND SECURITY

109th Congress

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

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

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

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. Armey, 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 bill establishing the Department of Homeland Security, by unanimous consent, and cleared H.R. 5005 for the President. The bill was presented to the President on November 22,

2002, and was signed on November 25, 2002, becoming Public Law 107–296.

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

108th Congress

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

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

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

FULL COMMITTEE

PETER T. KING, New York, *Chairman*

DON YOUNG, Alaska
LAMAR S. SMITH, Texas
CURT WELDON, Pennsylvania, *Vice Chairman*
CHRISTOPHER SHAYS, Connecticut
JOHN LINDER, Georgia
MARK E. SOUDER, Indiana
TOM DAVIS, Virginia
DANIEL E. LUNGREN, California
JIM GIBBONS, Nevada
ROB SIMMONS, Connecticut
MIKE ROGERS, Alabama
STEVAN PEARCE, New Mexico
KATHERINE HARRIS, Florida
BOBBY JINDAL, Louisiana
DAVID G. REICHERT, Washington
MICHAEL T. MCCAUL, Texas
CHARLES W. DENT, Pennsylvania
GINNY BROWN-WAITE, Florida

BENNIE G. THOMPSON, Mississippi
LORETTA SANCHEZ, California
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
JANE HARMAN, California
PETER A. DEFAZIO, Oregon
NITA M. LOWEY, New York
ELEANOR HOLMES NORTON, District of Columbia
ZOE LOFGREN, California
SHEILA JACKSON-LEE, Texas
BILL PASCRELL, Jr., New Jersey
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BOB ETHERIDGE, North Carolina
JAMES R. LANGEVIN, Rhode Island
KENDRICK B. MEEK, Florida

During the 109th Congress, the Committee on Homeland Security held a total of 12 hearings and received testimony from 38 witnesses on numerous topics and measures. Oversight activities focused on a variety of subjects, including an examination of Department of Homeland Security (DHS or "the Department") restructuring efforts, risk-based allocation of resources, first responder grant funding, reforming the disaster response capabilities of the Federal Emergency Management Agency (FEMA), securing the Nation's international borders and ports, and monitoring the homeland security implications of foreign investment in the United States. In addition to these oversight efforts, the Committee on Homeland Security worked on a number of important legislative initiatives, including enactment of public laws relating to port security, chemical facility security, border security, and emergency management reform. The Committee also secured House consideration and passage of other legislation reforming the Department's terrorism grant programs to require risk-based allocation of those resources, and comprehensively reauthorizing the Department's activities related to terrorism prevention, preparedness and response. The legislative and oversight record of the Committee is discussed more fully below.

ORGANIZATIONAL MEETINGS OF THE COMMITTEE

The Committee on Homeland Security was established as a standing Committee of the House of Representatives with the passage of H. Res. 5, the Rules of the House adopted on the first day of the session, January 4, 2005.

On February 9, 2005, the Committee on Homeland Security adopted its Rules, which provided for the establishment of five Sub-

committees: the Subcommittee on Prevention of Nuclear and Biological Attack; the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment; the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity; the Subcommittee on Management, Integration, and Oversight; and the Subcommittee on Emergency Preparedness, Science, and Technology.

On October 7, 2005, the Committee on Homeland Security met to modify the Rules of the Committee to include an additional Subcommittee on Investigations, and conduct additional Committee business.

LEGISLATIVE ACTIVITIES OF THE COMMITTEE

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Public Law 109–13 H.R. 1268 (H.R. 418)

Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

Summary

The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act of 2005 incorporates provisions of H.R. 418, the Real ID Act of 2005, a bill which contains several provisions to improve homeland security and address general immigration matters. The Committee on Homeland Security was consulted during the House-Senate Conference on H.R. 1268 on provisions relating to secure identification cards and physical barriers at the border.

Title I of the REAL ID Act amends the Immigration and Nationality Act (INA) (P.L. 82–414, amended) to provide for the inadmissibility and expeditious removal of persons with connections to terrorists or terrorist activity, and waives certain legal requirements for the improvement of certain physical barriers at the Nation's border.

Title II requires that any State-issued documentation used by citizens for Federal purposes, such as accessing Federal facilities, boarding commercial airliners, entering nuclear power plants, and any other purpose that the Secretary of Homeland Security determines appropriate, must meet certain minimum standards to be accepted by the Federal government. The Secretary of Homeland Security, in consultation with the Department of Transportation and individual States, is required to establish minimum standards for a driver's license or identification card issued to a person by a State. States have three years to comply with those standards, and the Secretary is authorized to issue grants to States to assist in this effort.

Title III of the REAL ID Act directs the Under Secretary of Homeland Security for Border and Transportation Security to study and report on the technology, equipment, and personnel needed to address security vulnerabilities at United States December 9, 2006 borders with Canada and the United Mexican States and to develop and implement a plan to improve communications

and information sharing among Federal, State and local government agencies, as well as Tribal Governments on border security matters.

Legislative History

H.R. 418 was introduced in the House January 26, 2005, by Mr. Sensenbrenner and 115 original cosponsors. The bill was referred to the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Government Reform. Within the Committee on Homeland Security, H.R. 418 was held at the Full Committee.

On February 8, 2005, the Committee on Rules met and granted a Rule providing for the consideration of H.R. 418. The Rule was filed in the House as H. Res. 71 (H. Rpt. 109–3). The House agreed to H. Res. 71 by voice vote on February 9, 2005. The House began consideration of H.R. 418 on February 9, 2005, but did not complete consideration. On February 9, 2005, the Committee on Rules met and granted a second Rule providing for the continued consideration of H.R. 418. The Rule was filed in the House as H. Res. 75 (H. Rpt. 109–3). The House agreed to H. Res. 75 by a recorded vote of 228 yeas and 198 nays. The House continued consideration of H.R. 418 on February 10, 2005, and passed the bill, amended, by a recorded vote of 261 yeas and 161 nays.

H.R. 418 was received in the Senate and referred to the Senate Committee on the Judiciary on February 14, 2005.

The Committee on Appropriations reported an original measure, H.R. 1268 making emergency supplemental appropriations on March 11, 2005. (H. Rpt. 109–16). On March 14, 2005, the Committee on Rules met and granted a Rule providing for the consideration of H.R. 1268, the Rule was filed in the House as H. Res. 151 (H. Rpt. 109–18). The Rule provided for the consideration of H.R. 1268, and stated that, upon engrossment of H.R. 1268, the Clerk shall add the text of H.R. 418, as passed by the House, as a new matter at the end of H.R. 1268, and to conform the title of H.R. 1268 to reflect the addition. The House agreed to H. Res. 151 by voice vote on March 15, 2005, and proceeded to the consideration of H.R. 1268. The House continued consideration of H.R. 1268 on March 16, 2005, and on that date, passed the bill by a recorded vote of 338 yeas and 43 nays.

H.R. 1268, as amended with the text of H.R. 418, as passed by the House, was received in the Senate on March 16, 2005 and referred to the Senate Committee on Appropriations.

On April 5, 2005, the Chairman of the Committee on Homeland Security sent a letter to the Speaker of the House requesting the appointment of Members of the Committee on Homeland Security to a House-Senate Conference on H.R. 418. The letter further indicated that sections 102, 103, 104, and sections 202 through 207 of the House passed version of H.R. 418 fall within the jurisdictional interests of the Committee on Homeland Security. On April 6, 2005, the Chairman of the Committee on Homeland Security sent a second letter to the Speaker of the House requesting the appointment of conferees to a House-Senate Conference on H.R. 1268.

On April 6, 2005, the Senate Committee on Appropriations reported H.R. 1268 to the Senate (S. Rpt. 109–52). The Senate, on

that date, reached a unanimous consent agreement to provide for the consideration of H.R. 1268 on April 11, 2005. On April 11, 12, 13, 14, and 15, 2005, the Senate considered H.R. 1268. A cloture motion was presented in the Senate on April 15, 2005. The Senate continued consideration of H.R. 1268 on April 18, and 19, 2005. On April 19, 2005, cloture was invoked by a vote of 100 yeas and 0 nays. The Senate continued consideration of H.R. 1268 on April 20 and 21, 2005. On April 21, 2005, the Senate passed H.R. 1268, amended, by a recorded vote of 99 yeas and 0 nays.

On April 21, 2005, the Senate insisted upon its amendment; requested a Conference with the House thereon; and appointed Conferees: Senators Cochran, Stevens, Specter, Domenici, Bond, McConnell, Burn, Shelby, Gregg, Bennett, Craig, Hutchinson, DeWine, Brownback, Allard, Byrd, Inouye, Leahy, Harkin, Mikulski, Reid, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, and Landrieu.

On April 26, 2005, the House disagreed to the Senate amendments to H.R. 1268 and agreed to a Conference with the Senate thereon. The Speaker then appointed Conferees on the part of the House: Mr. Lewis of California, Mr. Young of Florida, Mr. Regula, Mr. Rogers of Kentucky, Mr. Wolf, Mr. Kolbe, Mr. Walsh, Mr. Taylor of North Carolina, Mr. Hobson, Mr. Bonilla, Mr. Knollenberg, Mr. Obey, Mr. Murtha, Mr. Dicks, Mr. Sabo, Mr. Mollohan, Mr. Visclosky, Ms. Lowey, and Mr. Edwards.

The Committee of Conference met on April 27, 2005, and filed the Conference Report to accompany H.R. 1268 in the House on May 3, 2005, as H. Rpt. 109–72.

On May 4, 2005, the Committee on Rules met and granted a Rule providing for the consideration of the Conference Report to accompany H.R. 1268. The Rule was filed in the House as H. Res. 258 (H. Rpt. 109–73). On May 5, 2005, the House agreed to H. Res. 258 by voice vote. The House subsequently considered the Conference Report to accompany H.R. 1268 under the provisions of H. Res. 258, and agreed to the Conference Report by a recorded vote of 368 yeas, 48 nays, and 1 voting "present."

The Senate agreed to the Conference Report to accompany H.R. 1268 by a recorded vote of 100 yeas and 0 nays on May 10, 2006. On that date, the Senate also considered S. Con. Res. 31, correcting the enrollment of H.R. 1268, and agreed to the resolution without amendment by unanimous consent. On May 11, 2005, the House considered S. Con. Res. 31 under the Suspension of the Rules and agreed to the resolution by voice vote. Pursuant to the provisions of S. Con. Res. 31, the enrollment corrections on H.R. 1268 having been made, H.R. 1268 was cleared for the President.

H.R. 1268 was presented to the President on May 11, 2005. The President signed H.R. 1268 into Law on May 11, 2005. (Public Law 109–13).

SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Public Law 109–59 H.R. 3

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Summary

As passed by the House, H.R. 3 included provisions relating to requirements under the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (P.L. 107–56) regarding hazardous materials Endorsement Credentialing handled by the Transportation Security Administration. Members of the Committee on Homeland Security were appointed as conferees during the House-Senate Conference on H.R. 3 to sections 1834, 6027, 7324, and 7325 of the Senate amendment.

Section 1834, "Comprehensive Coastal Evacuation Plan," requires the Secretary of Transportation and the Secretary of Homeland Security to jointly develop a written comprehensive plan for evacuation of the coastal areas of the United States to be used during any natural or man-made disaster that affects coastal populations. The plan was required to consider all modes of transportation and methods of communicating available for evacuations.

Section 6027, "Investigations of Safety And Security Risk," amends 49 U.S.C. § 5329 to permit the Secretary of Transportation to conduct investigations into safety hazards and security risks associated with a condition in applicable public transportation equipment, facilities, or operations to establish the nature and extent of the condition and how to eliminate, mitigate, or correct it.

Section 7324, "Limitation on Issuance of Hazmat Licenses," amends 49 U.S.C. § 5301a, to designate the Secretary of Homeland Security, instead of the Secretary of Transportation, as the individual responsibility for determining whether an applicant poses a security risk warranting denial of the a license to operate a motor vehicle transporting in commerce a hazardous material.

Section 7325, "Background Checks for Drivers Hauling Hazardous Materials," requires commercial motor vehicle operator registered to operate in Mexico or Canada who transport a hazardous material in commerce in the United States to undergo a background records check similar to the background records check required for commercial motor vehicle operators licensed in the United States to transport hazardous materials in commerce. The provision further directed the Assistant Secretary of Homeland Security for Transportation Security to develop a process for notifying hazardous materials employer if a threat assessment determines that an applicant does not meet the applicable standards; to eliminate redundant background checks; to provide an appeal process; and to report on the implementation of fingerprint-based security threat assessments.

Legislative History

H.R. 3 was introduced in the House by Mr. Don Young of Alaska and 74 original co-sponsors on February 9, 2005, and referred solely to the Committee on Transportation and Infrastructure.

On March 4, 2005, the Chairman of the Committee on Homeland Security sent letters to the Speaker of the House and the Chairman of the Committee on Transportation and Infrastructure indicating a request for a sequential referral of H.R. 3. The letter further indicated that section 7005, relating to Chemical or Biological

Materials, falls within the jurisdiction of the Committee on Homeland Security.

The Committee on Transportation and Infrastructure reported H.R. 3 to the House on March 7, 2005 (H. Rpt. 109–12).

On March 8, 2005, the Committee on Rules met and granted a Rule providing for the consideration of H.R. 3. The Rule was filed in the House as H. Res. 140. (H. Rpt. 109–14). On March 9, 2005, the House agreed to the Rule by voice vote. The House began consideration of H.R. 3, but did not complete consideration thereon. The Committee on Rules met and granted a second Rule providing for the continued consideration of H.R. 3. The Rule was filed in the House as H. Res. 144 (H. Rpt. 109–15), the House agreed to the second Rule by voice vote on March 10, 2005. The House then continued consideration of H.R. 3, and passed the bill by a recorded vote of 417 yeas and 9 nays.

H.R. 3 was received in the Senate on March 20, 2005, and on April 6, 2005, was read twice and placed on the Senate Calendar. A motion to proceed to the consideration of H.R. 3 was made in the Senate on April 22, 2005, and a cloture motion on the motion to proceed to the consideration was made on that same date.

On April 25, 2005, a unanimous consent request was made in the Senate to proceed to the consideration of H.R. 3. The Senate considered H.R. 3 on April 25, and 26, 2005. A cloture motion was invoked in the Senate on April 26, 2005 by a recorded vote of 94 yeas and 6 nays. The Senate continued consideration of H.R. 3 on April 27 and 28, and May 9 and 10, 2005. A cloture motion was presented in the Senate on May 10, 2005. The Senate continued consideration of H.R. 3 on May 11, 12, 14, 16, and 17, 2005, whereupon the Senate passed H.R. 3 by a recorded vote of 89 yeas and 11 nays.

The Chairman of the Committee on Homeland Security sent a letter to the Speaker of the House on May 18, 2005, requesting the appointment of conferees on the House-Senate Conference on H.R. 3. The letter further indicated that sections 7324, 7235, and 7370 fall within the jurisdiction of the Committee on Homeland Security.

The Chairman of the Committee on Homeland Security sent a second letter to the Speaker of the House on May 25, 2005, requesting the appointment of Members of the Committee on Homeland Security to a House-Senate Conference on H.R. 3 that indicated section 324 of the Senate passed version falls within the jurisdiction of the Committee. The letter further indicated that sections of the Senate passed version relating to the Hazmat drivers fall within the jurisdiction of the Committee on Homeland Security.

The Senate insisted upon its amendment to H.R. 3 on May 26, 2006, and agreed to a Conference with the House. The Senate appointed the following conferees on the part of the Senate: Senators Inhofe, Warner, Bond, Voinovich, Chafee, Murkowski, Thune, DeMint, Isakson, Vitter, Grassley, Hatch, Shelby, Allard, Stevens, Lott, Jeffords, Baucus, Lieberman, Boxer, Carper, Clinton, Lautenberg, Obama, Conrad, Inouye, Rockefeller, Sarbanes, Reed, and Johnson.

On May 26, 2005, the House disagreed to the Senate amendment to H.R. 3, and requested a Conference with the Senate thereon. The House appointed Conferees from the Committee on Transpor-

tation and Infrastructure, the Committee on the Budget, the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Government Reform, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Resources, the Committee on Rules, the Committee on Science, and the Committee on Ways and Means. Conferees from the Committee on Homeland Security, included Mr. Cox, Mr. Daniel E. Lungren, and Mr. Thompson of Mississippi.

On June 9, 2005, a House-Senate Conference was held. The Committee of Conference filed the Conference Report to accompany H.R. 3 in the House on July 28, 2005 as H. Rpt. 109–203.

The Committee on Rules met on July 29, 2005, and granted a Rule providing for the consideration of the Conference Report to accompany H.R. 3, which was filed in the House as H. Res. 399 (H. Rpt. 109–212). The House considered H. Res. 399, and agreed to the Rule without objection, on July 29, 2005, after agreeing to H.Con. Res. 226, correcting the enrollment of H.R. 3. The House agreed to the Conference Report to accompany H.R. 3 on July 29, 2005, by a recorded vote of 412 yeas and 8 nays .

On July 29, 2005, the Senate considered and agreed to H.Con. Res. 226 by unanimous consent. The Senate then proceeded to the immediate consideration of the Conference Report to accompany H.R. 3 and agreed to the Conference Report by a recorded vote of 91 yeas and 4 nays, clearing the measure for the President.

H.R. 3 was presented to the President on August 10, 2005. The President signed H.R. 3 into Law on August 10, 2005. (Public Law 109–59).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Public Law 109–163 H.R. 1815 (S. 1042)

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Summary

H.R. 1815 authorizes funding for the activities of the Department of Defense for Fiscal Year 2006, including pay and benefits of military personnel, operation and maintenance of weapons and facilities, procurement, and research and development.

Members of the Committee on Homeland Security were appointed as Conferrees to three sections of the House passed version: section 1032, which pertains to the testing of preparedness for emergencies involving nuclear, radiological, chemical, biological, and high-yield explosives weapons; section 1033, addressing Department of Defense chemical, biological, radiological, nuclear, and high-yield explosives response team; and section 1035, involving the assignment of members of the Armed Forces to assist Bureau of Border Security and Bureau of Citizenship and Immigration Services of the Department of Homeland Security. Those sections on which Members of the Committee were appointed as Conferees were removed during the House-Senate Conference on H.R. 1815.

Legislative History

H.R. 1815 was introduced on April 16, 2005, by Mr. Hunter and Mr. Skelton and referred to the Committee on Armed Services. On May 20, 2005, the Committee on Armed Services reported H.R. 1815 to the House (H. Rpt. 109–89).

On May 20, 2005, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Armed Services indicating that, in order to expedite consideration of the measure on the House Floor, the Committee would not seek a sequential referral of the measure. The letter indicated that sections 347, 4032, 1033, and 1034 each contain provisions within the jurisdiction of the Committee on Homeland Security. The letter further requested the appointment of conferees from the Committee on Homeland Security 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 the Committee on Homeland Security agreeing to the jurisdictional claims of the Committee on Homeland Security.

The Committee on Rules met on May 25, 2006 and filed a Rule providing for the consideration of H.R. 1815 as H. Res. 293 (H. Rpt. 109–96). The House considered H. Res. 293 on May 25, 2005, and agreed to the Rule by a recorded vote of 225 yeas and 200 nays.

On May 25, 2005, the House considered and passed H.R. 1815 by a recorded vote of 390 yeas and 39 nays. H.R. 1815 was received in the Senate on June 6, 2005, read twice, and referred to the Senate Committee on Armed Services.

On May 17, 2005, the Senate Committee on Armed Services reported, a Senate companion measure, as S. 1042 (S. Rpt. 109–69). The Senate considered S. 1042 on July 20, 21, 22, 25, and 26, November 4, 7, 8, 9, 10, 14, and 15, 2005. On November 15, 2005, the Senate passed S. 1042 by a recorded vote of 98 yeas and 0 nays. The Senate then proceeded to the consideration of H.R. 1815, struck all after the enacting clause and inserted in lieu thereof the text of S. 1042, as passed by the Senate. The Senate then passed H.R. 1815, as so amended, by unanimous consent. The Senate then insisted upon its amendment, requested a Conference with the House thereon, and appointed the following Conferees on the part of the Senate: Senators Warner; McCain; Inhofe; Roberts; Sessions; Collins; Ensign; Talent; Chambliss; Graham; Dole; Cornyn; Thune; Levin; Kennedy; Byrd; Lieberman; Reed; Akaka; Nelson of Florida; Nelson of Nebraska; Dayton; Bayh; and Clinton.

On December 1, 2005, the Chairman of the Committee on Homeland Security sent a letter to the Speaker of the House requesting the appointment of conferees to the House-Senate Conference on H.R. 1815. The letter further indicated that the following sections fall within the jurisdiction of the Committee on Homeland Security: Sections 356, 529, 1032, 1033, 1034, and 1035 of H.R. 1815, as passed by the House; and Section 907, 1031, and 3113, as passed by the Senate.

The House disagreed to the Senate amendment, on December 12, 2005, and agreed to a Conference with the Senate thereon. The Speaker appointed Conferees from the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Education and the Workforce, the Committee on Energy

and Commerce, the Committee on Financial Services, the Committee on Government Reform, the Committee on Homeland Security, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Science, the Committee on Small Business, the Committee on Transportation and Infrastructure, the Committee on Veterans' Affairs, and the Committee on Ways and Means. Members from the Committee on Homeland Security were appointed as Conferees for consideration of sections 1032, 1033, and 1035 of the House bill, and section 907 of the Senate amendment, and modifications committed to conference, including Mr. Linder, Mr. Daniel E. Lungren, and Mr. Thompson of Mississippi.

On December 16, 2005, a Conference was held. Conferees filed a Conference Report to accompany H.R. 1815 in the House on December 18, 2005, as H. Rpt. 109–360. On that same date, the House began consideration of the Conference Report to accompany H.R. 1815. The House agreed to the Conference Report on December 19 (Legislative Day of December 18), 2005 by a recorded vote of 374 yeas and 41 nays. The Senate considered the Conference Report to accompany H.R. 1815 on December 19 (Legislative Day of December 18), 2005, and on December 21, 2005, agreed to the Conference Report by voice vote.

H.R. 1815 was presented to the President on January 3, 2006. The President signed H.R. 1815 into law on January 6, 2006. (Public Law 109–163).

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Public Law 109–177 H.R. 3199

To extend and modify authorities needed to combat terrorism, and for other purposes.

Summary

H.R. 3199 extends and further modifies the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (P.L. 107–56).

Section 127 of H.R. 3199 would have repealed Section 1014 of the USA PATRIOT Act. That provision of the USA PATRIOT Act authorized any necessary appropriations for Fiscal Years 2002 through 2007 for a grant program administered by the Department of Justice that would make funds available to State and local units of Government in order to train and equip first responders in their capacity to respond to terrorist attacks.

Section 128 proposed authorizing Faster and Smarter Funding for First Responders Act, which would codify in the Homeland Security Act of 2002 (P.L. 107–296) a grant funding program for first responders pursuant to the State Homeland Security Grant Program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program.

Section 129 would direct the Secretary of Homeland Security to establish within the Office for Domestic Preparedness an Office of the Comptroller to oversee that office's grants distribution process and the financial management.

During the House-Senate Conference, Sections 127 to 129 were struck and not included in the final measure submitted to the President.

Legislative History

H.R. 3199 was introduced in the House on July 11, 2005, by Mr. Sensenbrenner, and referred to the Committee on the Judiciary, and the Permanent Select Committee on Intelligence. On July 13, 2005, the Committee on the Judiciary ordered H.R. 3199 reported to the House. On July 18, 2005, the Committee on the Judiciary and the Permanent Select Committee on Intelligence reported H.R. 3199 to the House (H. Rpt. 109–174, Pt. I and II).

On July 20, 2005, the Committee on Rules met and filed a Rule providing for the consideration of H.R. 3199, H. Res. 369 (H. Rpt. 109–178). The House considered and agreed to H. Res. 369 on the following day by a recorded vote of 224 yeas, 196 nays, and 3 voting "present."

During consideration of H.R. 3199 on July 21, 2005, the text of H.R. 1544 was offered as an amendment to section 128 on the House Floor. The House passed H.R. 3199 by a recorded vote of 257 yeas and 171 nays on July 21, 2005.

H.R. 3199 was received in the Senate on July 25, 2005. On July 29, 2005, the Senate considered H.R. 3199 by unanimous consent. During consideration, the Senate struck all after the enacting clause and inserted in lieu there of the text of the committee reported substitute to S. 1389, and passed H.R. 3199 as so amended, by unanimous consent. The Senate insisted upon its amendment, requested a Conference with the House thereon, and appointed conferees: Senators Specter; Hatch; Kyl; DeWine; Sessions; Roberts; Leahy; Kennedy; Rockefeller; Levin.

On October 12, 2005, the Chairman of the Committee on Homeland Security sent a letter to the Speaker of the House requesting Members of the Committee be appointed as Conferees to the House-Senate Conference, for sections 128–131, consisting of the text of H.R. 1544 as passed by the House.

On November 9, 2005, the House disagreed to the Senate amendment to H.R. 3199, and agreed to a Conference with the Senate thereon. The Chair appointed conferees from Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Financial Services, and the Committee on Homeland Security. The following Members of the Committee on Homeland Security were appointed a Conferees on sections 127–129 of the House bill, and modifications committed to conference: Mr. King of New York, Mr. Weldon of Pennsylvania, and Ms. Zoe Lofgren. During the House-Senate Conference on H.R. 3199, section 128 was removed, see legislative history on H.R. 1544 listed below. Conferees filed a Conference Report to accompany H.R. 3199 on December 8, 2005, as H. Rpt. 109–333.

The Committee on Rules met on December 13, 2005, and filed a Rule providing for the consideration of the Conference Report to accompany H.R. 3199 as H. Res. 569 (H. Rpt. 109–343).

The House considered H. Res. 596 on December 14, 2005, and agreed to the Rule by voice vote.

On that same day, the House considered and agreed the Conference Report to accompany H.R. 3199 by a recorded vote of 251 yeas and 174 nays. The Senate considered the Conference Report to accompany H.R. 3199 on December 14, 15, and 16, 2005. A cloture motion was agreed to in the Senate on March 1, 2006 by a recorded vote of 84 yeas and 15 nays. The Senate continued consideration of the Conference Report to accompany H.R. 3199 on March 2, 2006, and agreed to the measure by a recorded vote of 89 yeas and 10 nays, clearing the measure for the President.

H.R. 3199 was presented to the President on March 8, 2006. The President signed H.R. 3199 into law on March 9, 2006 (Public Law 109–177).

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

Public Law 109–241 H.R. 889 (S.1280)

To authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

Summary

H.R. 889, the Coast Guard and Maritime Transportation Act of 2006, makes technical corrections to various laws administered by the United States Coast Guard, and authorizes appropriations for Fiscal Year 2006 for the Coast Guard relating to: operation and maintenance; acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft; research, development, test, and evaluation; retired pay and payments for medical care of retired personnel; alteration or removal of bridges over navigable waters constituting obstructions to navigation; environmental compliance and restoration at Coast Guard facilities; and the Coast Guard Reserve program. The Committee on Homeland Security received a sequential referral of the bill for consideration of funding levels for Coast Guard programs related to port security and research and development.

Legislative History

H.R. 889 was introduced in the House on February 17, 2005, by Mr. Young of Alaska, Mr. Oberstar, Mr. LoBiondo, Mr. Filner. H.R. 889 was referred to the Committee on Transportation and Infrastructure.

On July 28, 2005, the Committee on Transportation and Infrastructure reported H.R. 889 to the House, (H. Rpt. 109–204, Pt. 1). On that date, H.R. 889 was referred sequentially to the Committee on Homeland Security for a period ending not later than July 29, 2005. The Committee on Homeland Security was discharged from further consideration of H.R. 889 on July 29, 2005.

On September 14, 2005, the Committee on Rules met and granted a Rule providing for the consideration of H.R. 889, the Rule was filed in the House as H. Res. 440 (H. Rpt. 109–222). On September 15, 2005, the House considered the H. Res. 440 and agreed to the Rule by voice vote. The House considered H.R. 889 under the provisions of H. Res. 440 on September 15, 2005, and passed the bill by a recorded vote of 415 yeas and none voting nay.

H.R. 889 was received in the Senate on September 19, 2005, and referred to the Senate Committee on Commerce, Science, and Transportation.

The Chairman of the Committee on Homeland Security sent a letter to the Speaker of the House on October 12, 2005, requesting appointment of Members of the Committee on Homeland Security should a House-Senate Conference on H.R. 889 be requested.

On July 28, 2005, the Senate Committee on Commerce, Science, and Transportation reported S. 1280, the Senate companion bill, to the Senate (S. Rpt. 109–114). The Senate agreed to S. 1280 by unanimous consent on October 27, 2005. On that same date, the Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 889, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 1280, Senate companion measure, amended. Subsequently, S. 1280 was returned to the Senate Calendar. The Senate then insisted upon its amendment, requested a Conference with the House thereon, and appointed the following Conferees on the part of the Senate: Senators Stevens, Snowe, Lott, Smith, Inouye, Cantwell, and Lautenberg.

On November 3, 2005, the House disagreed to the Senate amendment and agreed to a conference with the Senate thereon. The House also agreed to a motion to instruct conferees by voice vote. The Speaker appointed Members from the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, the Committee on Homeland Security, and the Committee on Resources, as conferees on the part of the House. The Speaker appointed the following Members as Conferees from the Committee on Homeland Security for consideration of sections 101, 404, 413, and 424 of the House bill, and sections 202, 207, 215, and 302 of the Senate amendment, and modifications committed to conference: Mr. Daniel E. Lungren, Mr. Reichert, and Mr. Thompson of Mississippi.

A House-Senate Conference was held on November 16, 2005. On April 6, 2006, the Committee of Conference filed a Conference Report to accompany H.R. 889 in the House as H. Rpt. 109–413.

On June 22, 2006, S. Con. Res. 103, a resolution correcting the enrollment of the Conference Report to accompany H.R. 889, was considered in the Senate, and agreed to by unanimous consent. Subsequently, a unanimous consent request was reached in the Senate that, when the Senate receives from the House a message that the House agrees to S. Con. Res. 103, and the Conference Report to accompany H.R. 889 is received from the House, the Conference Report would be considered agreed to and the motion to reconsider be laid upon the table. S. Con. Res. 103 was received in the House and held at the Desk.

On June 26, 2006, the House agreed to suspend the Rules and pass S. Con. Res. 103 by voice vote. The House then agreed suspend the Rules and agreed to the Conference Report to accompany H.R. 889, by a 2/3 vote of 413 yeas with none voting "nay." Pursuant to the order of June 22, 2006, the Senate on June 27, 2006, agreed to the Conference Report to accompany H.R. 889, clearing the measure for the President.

H.R. 889 was presented to the President on June 30, 2006. The President signed H.R. 889 into Law on June 11, 2005. (Public Law 109–241).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Public Law 109–295 H.R. 5441(H.R. 4284, H.R. 6061, H.R. 6162, H.R. 5438, H.R. 5695, H.R. 5852, H.R. 5943)

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

Summary

H.R. 5441 provides funding for the activities of the Department of Homeland Security for Fiscal Year 2007, including Departmental management and operations, emergency response, Departmental enforcement activities, and research and development. While the Committee on Homeland Security did not receive a referral of this legislation, the Committee provided guidance to the Appropriations Subcommittee on Homeland Security and authored or participated in the development of many of the various legislative provisions of the bill.

As reported in the Senate, H.R. 5441 included provisions of H.R. 4284 and H.R. 6062, which require the Inspector General of the Department of Homeland Security to review contracts related to the Secure Border Initiative. This language is included in the Conference Report accompanying H.R. 5441. In addition, H.R. 5441, as reported in the Senate, also contained provisions of H.R. 5438, which transfers the National Disaster Medical System from the Department of Homeland Security to the Department of Health and Human Services effective January 1, 2007. This language was retained in the Conference Report accompanying H.R. 5441. As passed by the Senate, H.R. 5441 contained provisions similar to those in H.R. 5351, which reforms the Federal Emergency Management Agency (FEMA). A compromise was reached during the Conference Committee to include FEMA reform in Title VI. As reported in the House, H.R. 5441 contained provisions providing authority to the Secretary of Homeland Security to regulate the security of chemical facilities in the United States, but this provision was struck as a result of a point of order. The Senate bill included this provision. A compromise was reached by the Conference Committee that is similar to H.R. 5695, a chemical facilities security bill authored by the Committee. H.R. 5441, as agreed to by the Conference Committee, contains provisions in Title VI similar to H.R. 5852, which enhances emergency communications capabilities. In addition, H.R. 5441, as agreed to by the Conference Committee, contains provisions in Title VI similar to H.R. 5943, which addresses waste, fraud, and abuse in Federal disaster assistance programs.

Legislative History

The Committee on Appropriations reported an original measure, H.R. 5441, to the House on May 22, 2006, H. Rpt. 109–476.

On May 23, 2006, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Rules indicating that section 536 as reported by the Committee on Appro-

priations falls within the jurisdiction of the Committee on Homeland Security and requested that since it is a legislative provision, it not be protected from a point of order on the House Floor.

The Committee on Rules met on May 23 and 24, 2006, to consider a Rule providing for the consideration of H.R. 5441, and on May 24, 2006, the Rule was filed in the House as H. Res. 836 (H. Rpt. 109–481). The House considered and agreed to the Rule on May 25, 2006, by voice vote.

On May 25, 26, and June 6, 2006, the House considered H.R. 5441 under the provisions of H. Res. 836. On June 6, 2006, the House passed H.R. 5441 by a recorded vote of 389 yeas and 9 nays. (Roll Call Vote No. 226.)

H.R. 5441 was received in the Senate and referred to the Senate Committee on Appropriations on June 7, 2006. On June 29, 2006, the Senate Committee on Appropriations ordered H.R. 5441 favorably reported to the Senate, amended, and reported the measure. (S. Rpt. 109–273.)

The Senate considered H.R. 5441 on July 10, 12, and 13, 2006, and on July 13, 2006, passed it by a vote of 100 yeas and 0 nays. The Senate insisted upon its amendment and appointed Conferees: Senators Gregg, Cochran, Stevens, Specter, Domenici, Shelby, Craig, Bennett, Allard, Byrd, Inouye, Leahy, Mikulski, Kohl, Murray, Reid, and Feinstein. On July 17, 2006, the Senate agreed, by unanimous consent, to further modify amendments already agreed to in the Senate.

On September 21, 2006, the House disagreed to the Senate amendment to H.R. 5441, and agreed to a Conference with the Senate thereon. The House appointed Conferees: Mr. Rogers of Kentucky, Mr. Wamp, Mr. Latham, Mrs. Emerson, Mr. Sweeney, Mr. Kolbe, Mr. Istook, Mr. Crenshaw, Mr. Carter, Mr. Lewis of California, Me. Sabo, Mr. Price of North Carolina, Mr. Serrano, Ms. Roybal-Allard, Mr. Bishop of Georgia, Mr. Berry, Mr. Edwards, and Mr. Obey.

Conferees agreed to file a Conference Report to accompany H.R. 5441 on September 25, 2006, and filed the report on September 28, 2006, as H. Rpt. 109–699.

On September 28, 2006, the Committee on Rules met and granted a Rule providing for the consideration of the Conference Report to accompany H.R. 5441, the Rule was filed in the House as H. Res. 1054 (H. Rpt. 109–701). The House considered H. Res. 1054, and agreed to the Rule by a recorded vote of 218 yeas and 188 nays. The House considered the Conference Report to accompany H.R. 5441 under the provisions of H. Res. 1054, and agreed to the Conference Report by a recorded vote of 412 yeas and 6 nays.

The Senate agreed to the Conference Report to accompany H.R. 5441 by voice vote on September 29, 2006, clearing the measure for the President.

The President signed H.R. 5441 into Law on October 4, 2006, as Public Law 109–295.

SECURE FENCE ACT OF 2006

Public Law 109–367 H.R. 6061

To establish operational control over the international land and maritime borders of the United States.

Summary

H.R. 6061, the "Secure Fence Act of 2006," requires the Secretary of Homeland Security to take all actions the Secretary determines necessary to achieve and maintain operational control over the entire international land and maritime borders of the United States within 18 months of enactment.

This includes systematic surveillance of the international land and maritime borders and physical infrastructure enhancements to prevent unlawful entry by aliens. The bill also amends the Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note) to require the construction of at least two layers of reinforced fencing, and the installation of additional physical barriers, roads, lighting, cameras, and sensors along specified sections of the southern border with the United Mexican States.

Legislative History

H.R. 6061 was introduced in the House by Mr. King of New York and 21 original cosponsors on September 13, 2006. The measure was referred solely to the Committee on Homeland Security and retained at the Full Committee.

The Committee on Rules met, granted a Rule providing for the consideration of H.R. 6061 on September 13, 2006, and filed the Rule as H. Res. 1002 (H. Rpt. 109–653). The House considered the Rule on September 14, 2006, and agreed to the resolution by voice vote.

The House considered H.R. 6061 on September 14, 2006, and passed the measure by a recorded vote of 283 ayes and 138 noes with 1 voting "present." H.R. 6061 was received in the Senate on the same day.

The Senate considered H.R. 6061 on September 18, 19, 20, 21, 25, 26, 27, 28, and 29, 2006. On September 29, 2006, the Senate passed H.R. 6061 by 80 yeas and 19 nays, without amendment, clearing the measure for the President.

H.R. 6061 was presented to the President on October 23, 2006. The President signed H.R. 6061 into Law on October 26, 2006. (Public Law 109–367).

SAFE PORT ACT OF 2006

Public Law 109–347 H.R. 4954 (H.R. 4880, H.R. 58)

To improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Summary

H.R. 4954, the "Security and Accountability For Every Port Act of 2006" provides an international, layered, and risk-based approach to improving maritime security. The law provides additional resources, grants, and training programs for port personnel. The H.R. 4954 also requires radiation scanning of all containers at the top 22 U.S. seaports covering 98 percent of containers entering the U.S. and requires the Department of Homeland Security (DHS) to develop clear response and recovery plans in the event of a terrorist attack in a seaport. Additionally, firm deadlines are set for

the implementation of the Transportation Worker Identification Credential (TWIC) and a pilot program is required to ensure that card readers installed at port facilities and vessels are reliable and effective.

The measure also seeks to improve maritime security through strengthening the supply chain. Additional advanced data on cargo entering the U.S. is required prior to loading at foreign seaports to allow for more accurate security targeting. Three pilot projects are required to evaluate the feasibility of conducting 100 percent scanning of containers at foreign seaports for nuclear and radiological material. Another provision authorizes the Customs-Trade Partnership Against Terrorism (C–TPAT) and requires on-site validations of all participants, and a pilot program to test the use of third party validators. To ensure that Departmental programs and policies on cargo and maritime security are coordinated and accountable, the legislation establishes an Office of Cargo Security Policy and designates a Director of International Trade to serve as a senior advisor to the Secretary to ensure that policies balance the need to facilitate legitimate commerce.

Public Law 109–347 also establishes the Domestic Nuclear Detection Office (DNDO) within the Department, authorizing it to develop and maintain a global nuclear detection architecture, of which the domestic portion will be implemented by the DNDO. In addition, it modernizes the Nation's Emergency Alert System (EAS) by permitting commercial mobile service providers to transmit geographically-targeted emergency alerts and warnings to the American public through cell phones, pagers, and other mobile technologies.

Legislative History

H.R. 4954 was introduced by Mr. Daniel E. Lungren of California, Ms. Harman, and 44 original cosponsors on March 14, 2006. The measure was referred solely to the Committee on Homeland Security, and within the Committee it was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

On March 16, 2006, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on H.R. 4954. The Subcommittee received testimony from Mr. Jayson Ahern, Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Captain Brian Salerno, Deputy Director, Inspections and Compliance, United States Coast Guard, Department of Homeland Security; Mr. Eugene Pentimonti, Senior Vice President, Government Relations, Maersk, Inc; and Mr. Noel Cunningham, Principal, Maresec Group, LLC.

On March 30, 2006, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity met to consider H.R. 4954, and ordered the measure forwarded with a favorable recommendation to the Full Committee for consideration, as amended, by voice vote.

On April 4, 2006, the Committee on Homeland Security held a hearing on H.R. 4954. The Committee received testimony from Hon. Michael P. Jackson, Deputy Secretary, Department of Home-

land Security; Ms. Bethann Rooney, Manager of Port Security, Port Authority of New York and New Jersey; Mr. Christopher L. Koch, President and Chief Executive Officer, World Shipping Council; Mr. Jonathan E. Gold, Vice President, Global Supply Chain Policy, Retail Industry Leaders Association; and Mr. Clark Kent Ervin, private citizen, Former Inspector General of the Department of Homeland Security.

On April 26, 2006, the Committee on Homeland Security met, pursuant to notice, in open markup session, with a quorum being present, and favorably ordered H.R. 4954 to be reported to the House, amended, by voice vote.

The Chairman of the Committee on Energy and Commerce sent a letter, on April 28, 2006, to the Chairman of the Committee on Homeland Security indicating that in order to expedite consideration on the House Floor, the Committee on Energy and Commerce would waive its right to seek a sequential referral on H.R. 4954. The letter further indicated that such waiver would not prejudice the jurisdictional interests of the Committee on Energy and Commerce. That same day, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Energy and Commerce agreeing to the jurisdictional interests of the Committee on Energy and Commerce, and agreeing to an appropriate appointment of Conferees.

The Chairman of the Committee on Science sent a letter on April 28, 2006, to the Chairman of the Committee on Homeland Security indicating jurisdictional interests in sections 112; 201; 1803; 1804; 1831; 1832; 1833; 202; 206; Title III; and Title IV. The letter further indicated that in order to expedite consideration on the House Floor, the Committee on Science would waive its right to seek a sequential referral on H.R. 4954. On that same day the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Science agreeing to the jurisdictional interests of the Committee on Science and agreeing to an appropriate appointment of Conferees.

The Committee on Homeland Security reported H.R. 4954 to the House on April 28, 2006, as H.Rpt. 109–447, Pt. I. H.R. 4954 was, subsequently, sequentially referred to the Committee on Transportation and Infrastructure for a period ending not later than May 1, 2006. On May 1, 2006, the Committee on Transportation and Infrastructure was discharged from further consideration of H.R. 4954.

The Committee on Rules met on May 2, 2006, and filed a Rule providing for the consideration of H.R. 4954 as H. Res. 789 (H. Rpt. 109–450).

On May 3, 2006, the Chairman of the Committee on Government Reform sent a letter to the Chairman of the Committee on Homeland Security indicating that in order to expedite consideration on the House Floor, the Committee on the Government Reform would waive its right to seek a sequential referral of H.R. 4954. On that same day, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Government Reform agreeing to the jurisdictional interests of the Committee on Government Reform, and agreeing to an appropriate appointment of Conferees.

On May 3, 2006, the Chairman of the Committee on Ways and Means sent a letter to the Chairman of the Committee on Homeland Security indicating that in order to expedite consideration on the House Floor, the Committee on Ways and Means would waive its right to seek a sequential referral of H.R. 4954. In addition, the letter indicated an agreement on language included within the Managers' amendment. On that same day, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Ways and Means agreeing to the jurisdictional interests of the Committee on Ways and Means and agreeing to an appropriate appointment of Conferees.

On May 3, 2006, the Chairman of the Committee on the Judiciary sent a letter to the Chairman of the Committee on Homeland Security indicating that in order to expedite consideration on the House Floor, the Committee on the Judiciary would waive its right to seek a sequential referral on H.R. 4954. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on the Judiciary agreeing to the jurisdictional interests of the Committee on the Judiciary and agreeing to an appropriate appointment of Conferees.

The House considered and agreed to H. Res. 789, the Rule providing for consideration of H.R. 4954 by a recorded vote of 230 yeas and 196 nays on May 3, 2006. The House then proceeded to the consideration of H.R. 4954 and passed the bill by a recorded vote of 421 yeas to 2 nays.

H.R. 4954 was received in the Senate on May 8, 2006, and read for the first and second times on May 15 and 16, 2006, respectively. The Senate considered H.R. 4954 on September 7, 8, 11, 12, 13, and 14, 2006, and passed the measure on September 14, 2006, by a vote of 98 yeas.

On September 18, 2006, the Senate, by unanimous consent, modified Senate Amendment No. 4997, to standardize the risk-based funding of port security grants, which was previously agreed to on September 14, 2006. The Senate, on September 19, 2006, insisted upon its amendment to H.R. 4954, requested a Conference with the House thereon, and appointed Conferees: from the Committee on Homeland Security and Governmental Affairs; the Committee on Commerce, Science, and Transportation; the Committee on Finance; the Committee on Banking, Housing, and Urban Affairs, and an additional Conferee.

The House disagreed to the Senate amendment to H.R. 4954 on September 28, 2006, and agreed to a Conference with the Senate thereon. The Speaker appointed Conferees from the Committee on Homeland Security; the Committee on Energy and Commerce; the Committee on Science; the Committee on Transportation and Infrastructure; and the Committee on Ways and Means. Conferees from the Committee on Homeland Security for consideration of the House bill and the Senate amendment, and modifications committed to Conference were: Mr. King of New York, Mr. Young of Alaska, Mr. Daniel E. Lungren of California, Mr. Linder, Mr. Simmons, Mr. McCaul of Texas, Mr. Reichert, Mr. Thompson of Mississippi, Ms. Loretta Sanchez of California, Mr. Markey, Ms. Harman, and Mr. Pascrell.

The Committee of Conference met on September 28, 2006. On September 29, 2006 the Committee of Conference filed a Conference Report to accompany H.R. 4954 in the House as H. Rpt. 109–711.

A modified version of H.R. 58, requiring establishment of a Border Patrol unit for the Virgin Islands of the United States, was included in section 126 of the Conference Report to accompany H.R. 4954. Additionally, provisions of H.R. 4880 were included in section 102 of the Conference Report accompanying H.R. 4954.

The Committee on Rules met on September 29, 2006, and filed a Rule providing for the consideration of the Conference Report to accompany H.R. 4954 as H. Res. 1064. The House considered and agreed to the Rule on September 29, 2006 by voice vote. The House proceeded to the consideration of the Conference Report to accompany H.R. 4954 on September 29, 2006. On September 30 (Legislative Day of September 29), 2006, the House agreed to the Conference Report by a recorded vote of 409 yeas and 2 nays.

The Senate agreed to the Conference Report to accompany H.R. 4954 on September 30, 2006, by unanimous consent, clearing the measure for the President.

The President signed H.R. 4954 into Law on October 13, 2006, as Public Law 109–347.

JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Public Law 109–364 H.R. 5122 (S. 2766)

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes.

Summary

H.R. 5122 authorizes funding for the activities of the Department of Defense (DOD) for Fiscal Year 2007, including pay and benefits of military personnel, operation and maintenance of weapons and facilities, procurement, and research and development. Members of the Committee on Homeland Security were appointed as Conferees to Section 1026, Assignment of Members of the Armed Forces to assist Bureau of Customs and Border Protection and United States Immigration and Customs Enforcement, of the House passed version of H.R. 5122. In addition, Members of the Committee on Homeland Security were appointed as Conferrees to Section 1044, Temporary National Guard support for securing the southern land borders of the United States, of the Senate passed version of H.R. 5122. Sections 1026 and 1044 were removed during the House-Senate Conference on H.R. 5122.

Legislative History

The Committee on Armed Services reported an original measure to the House as H.R. 5122 (H. Rpt. 109–452). The Committee on Rules met on May 9, 2006, and filed a Rule providing for the consideration of H.R. 5122 as H. Res. 806 (H. Rpt. 109–459). The House considered and agreed to the Rule by a recorded vote of 351 yeas and 70 nays on May 10, 2006.

On May 10, 2006, the House considered H.R. 5122 but did not complete consideration of the measure. The Committee on Rules met on May 10, 2006, and filed a Rule providing for the continued consideration of H.R. 5122 as H. Res. 811 (H. Rpt. 109–461). The House considered and agreed to the Rule by a recorded vote of 226 yeas and 195 nays on May 11, 2006. The House continued consideration of H.R. 5122 on May 11, 2006, and passed the bill by a recorded vote of 396 yeas and 31 nays.

H.R. 5122 was received in the Senate on May 15, 2006 and held at the Desk.

In the Senate, the Senate Committee on Armed Services reported a Senate companion measure, S. 2766, to the Senate on May 4, 2006, H. Rpt. 109–254. The Senate considered S. 2766 on June 13, 14, 15, 16, 19, 20, 21, and 22, 2006. A cloture motion was agreed to in the Senate on June 22, 2006, by a recorded vote of 98 yeas and 1 nay. The Senate then passed S. 2766 by a recorded vote of 96 yeas and 0 nays. The Senate, on June 22, 2006, by unanimous consent, proceeded to the consideration of H.R. 5122 and struck all after the enacting clause and inserted in lieu thereof the text of S. 2766, as previously passed. The Senate then passed H.R. 5122, as so amended, by unanimous consent. The Senate insisted upon its amendment, requested a Conference with the House thereon and appointed as Conferees: Senators Warner; McCain; Inhofe; Roberts; Sessions; Collins; Ensign; Talent; Chambliss; Graham; Dole; Cornyn; Thune; Levin; Kennedy; Byrd; Lieberman; Reed; Akaka; Nelson of Florida; Nelson of Nebraska; Dayton; Bayh; and Clinton.

On July 11, 2006, the Chairman of the Committee on Homeland Security sent a letter to the Speaker of the House requesting the appointment of Conferees to the House-Senate Conference on H.R. 5122. The letter indicated that sections of H.R. 5122, as passed by the House, fall within the jurisdictional prerogatives of the Committee on Homeland Security, specifically section 823, relating to supply schedules to facilitate recovery from disasters; section 1026, relating to assignment of armed forces to assist in border enforcement; section 1403, authorizing the establishment of the "Homeland Defense-Homeland Security Technology Transfer Consortium." In addition, sections of H.R. 5122, as passed by the Senate, also fall within the jurisdictional prerogatives of the Committee on Homeland Security, specifically section 1044, authorizing the use of National Guard troops to assist in border enforcement and section 1066, requiring the Secretaries of Homeland Security and Defense to submit a report to Congress on encouraging former members of the Armed Forces to serve in the Bureau of Customs and Border Protection.

On September 7, 2006, the House disagreed to the Senate amendment to H.R. 5122, and agreed to a Conference with the Senate thereon. The Chair appointed Conferees from the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Government Reform, the Committee on Homeland Security, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Science, the Committee on Small Business, the Committee on Transportation and Infrastructure, and the

Committee on Veterans' Affairs. From the Committee on Homeland Security, Mr. King of New York, Mr. Reichert, and Mr. Thompson of Mississippi were appointed as Conferees for consideration of section 1026 of the House bill, and section 1044 of the Senate amendment, and modifications committed to Conference.

On September 12, 2006, the Committee of Conference met. The Committee of Conference on September 29, 2006, filed a Conference Report to accompany H.R. 5122 in the House as H. Rpt. 109–702.

The Committee on Rules met on September 29, 2006, and filed a Rule providing for the consideration of the Conference Report to accompany H.R. 5122 as H. Res. 1062 (H. Rpt. 109–703). The House considered and agreed to the Rule on September 29, 2006, by voice vote.

The House considered the Conference Report to accompany H.R. 5122 on September 29, 2006, and agreed to Report by a recorded vote of 398 yeas and 23 nays. The Senate, on September 30, (Legislative Day of September 29), agreed to Conference Report to accompany H.R. 5122 by unanimous consent, clearing the measure for the President.

H.R. 5122 was presented to the President on October 5, 2006. The President signed H.R. 5122 into Law on October 17, 2006, as Public Law 109–364.

FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT OF 2005

H.R. 1544

To provide faster and smarter funding for first responders, and for other purposes.

Summary

H.R. 1544, the "Faster and Smarter Funding for First Responders Act of 2005," reforms the manner in which the Department of Homeland Security issues Federal grants to enhance the ability of States, local governments, regions, Indian tribes, and first responders to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism. H.R. 1544 does not create a new grant program. Rather, it establishes a common set of rules for three of the Department's existing terrorism preparedness grant programs—the State Homeland Security Grant Program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program.

At its most fundamental level, H.R. 1544 is designed to expedite the delivery of Federal terrorism preparedness assistance to first responders where it is needed most and, at the same time, end undisciplined homeland security spending. It does so by: (1) requiring States, territories, regions, localities, Indian tribes, and first responders to decide how to spend their terrorism preparedness grant funding before they submit their applications; (2) allocating grant awards to States, territories, regions, and directly eligible tribes based on an assessment of risk and need; (3) ensuring that grant recipients use their awards to achieve, maintain, and enhance clear and measurable essential capabilities, and providing a substantial role for State and local governments and first responders in determining such capabilities; (4) requiring and providing incentives to States to pass through their awarded funds to localities within

tight time-frames and penalizing States that fail to do so; (5) requiring States to prioritize their allocation of Federal anti-terrorism grants to address their greatest threats, vulnerabilities, and consequences; and (6) holding grant recipients accountable for how they spend their Federal terrorism preparedness funds.

Legislative History

H.R. 1544 was introduced on April 12, 2005, by Mr. Cox, Mr. Thompson of Mississippi, and all 34 Members of the Committee on Homeland Security. The bill was referred solely to the Committee on Homeland Security.

Prior to introduction, on April 12, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held an oversight hearing entitled "The Need for Grant Reform and the Faster and Smarter Funding for First Responders Act of 2005." The Subcommittee received testimony from Mr. J. Richard Berman, Assistant Inspector General for Audits, Office of Inspector General, Department of Homeland Security; William O. Jenkins, Jr., Ph.D., Director, Homeland Security and Justice Issues, Government Accountability Office; Veronique de Rugy, Ph.D., Fellow, American Enterprise Institute; Hon. Bryan E. Beatty, Secretary, North Carolina Department of Crime Control and Public Safety; Mr. Michael Chapman, Director, Missouri Office of Homeland Security; and Mr. David L. Miller, Administrator, Iowa Homeland Security and Emergency Management Division.

On April 14, 2005, the Committee on Homeland Security held an oversight hearing entitled "Grant Reform: The Faster and Smarter Funding for First Responders Act of 2005." The Committee received testimony from Hon. Lee H. Hamilton, Vice Chair, National Commission on Terrorist Attacks Upon the United States; Ms. Mary Fetchet, Founding Director, Voices of September 11; Inspector Louis P. Cannon, testifying on behalf of the National Fraternal Order of Police; Chief Gregg Lord, Director, National Association of Emergency Medial Technicians, Division Chief—EMS, Cherokee County Fire-Emergency Services; and Mr. Kevin B. O'Connor, Associate to the General President, International Association of Fire Fighters.

On April 19, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology considered H.R. 1544, and ordered the measure favorably reported to the Full Committee for consideration, amended, by voice vote.

The Chairman of the Committee on the Judiciary sent a letter to the Speaker of the House on April 19, 2005, requesting a sequential referral of H.R. 1544 to the Committee on the Judiciary.

On April 21, 2005, the Full Committee considered H.R. 1544 and ordered the bill be reported to the House, favorably, amended, by voice vote.

The Chairman of the Committee on Transportation and Infrastructure sent a letter to the Chairman of the Committee on Homeland Security on April 25, 2005, agreeing to not seek a sequential referral of H.R. 1544. That same day, the Chairman of the Committee on Science sent a letter to the Chairman of the Committee on Homeland Security indicating that although section 1807 of the bill as reported falls within the jurisdiction of the Committee on

Science, the Committee would waive its right to consider the bill in order to expedite consideration on the House Floor.

On April 28, 2005, the Committee on Homeland Security reported H.R. 1544 to the House as H. Rpt. 109–65.

The Chairman of the Committee on Homeland Security sent letters to the Chairman of the Committee on Energy and Commerce and the Chairman of the Committee on Science on April 29, 2005, agreeing to support the appointment of Conferees from the Committee should a House-Senate Conference arise.

On May 10, 2005, the Committee on Rules met and granted a Rule providing for the consideration of H.R. 1544, the Rule was filed in the House as H. Res. 269 (H. Rpt. 109–77). The House considered H. Res. 269 on May 12, 2005, and agreed to the Rule by voice vote. The House then considered H.R. 1544 on May 12, 2005, and passed the bill, amended, by a recorded vote of 409 yeas and 10 nays.

H.R. 1544 was received in the Senate, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs on May 12, 2005.

On July 21, 2005, the text of H.R. 1544 was offered as an amendment on the House Floor during consideration of H.R. 3199 and included as section 128 of the House-passed bill. During the House-Senate Conference on H.R. 3199, section 128 was removed. See discussion of H.R. 3199 listed above.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2006

H.R. 1817

To authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes.

Summary

H.R. 1817, the Department of Homeland Security Authorization Act for Fiscal Year (FY) 2006, is the first bill to pass the House reauthorizing the activities of the Department of Homeland Security since the Department was established. This bill provides Congressional policy guidance to DHS as it carries out its homeland security activities. The bill contains the key provisions described below.

Title I authorizes the overall appropriations for the Department of Homeland Security for FY 2006, consistent with the President's proposed FY 2006 budget for the Department and the House-passed budget resolution (approximately $34.1 billion). This Title includes specific sums for the United States Customs and Border Protection (CBP), Departmental management and operations, critical infrastructure grants, research and development, border and transportation security, and amounts for other immigration programs.

Title II, Terrorism Prevention, Information Sharing, and Risk Assessment, contains provisions: mandating the establishment of a single process that will meet the security requirements for conducting all Department screening and background checks for voluntary and mandatory credentialing or registered traveler programs (Section 201); requiring the creation and routine dissemina-

tion of analytical reports and products that provide specific information to private sector officials responsible for protecting their institutions from terrorist attacks (Section 212); directing the Secretary to ensure that the Office of Information Analysis acquires sufficient expertise to create, on an ongoing basis, products regarding terrorism involving the use of nuclear weapons and biological agents (Section 213); directing the Secretary to establish an alternative analysis process and assign an individual to ensure that the Department conducts alternative or "red-team" analysis of homeland security information that relates to terrorism involving the use of nuclear weapons and biological agents (Section 214); allocating the mission elements in section 201(d) of the Homeland Security Act of 2002 (P.L. 107–296) between the Office of Information Analysis and the Office of Infrastructure Protection (Section 215); making the Secretary responsible for disseminating homeland security-related information to State and local government officials and the private sector, and limiting other Federal Officials from issuing homeland security-related information or alert without the Secretary's approval, except when it is essential that the information is communicated immediately or when such information is for the purpose of assisting State or local officials in any aspect of the administration of criminal justice (Section 216); establishing a fellowship program for the purpose of bringing State, local, tribal, and private sector officials to participate in the work of the Homeland Security Operations Center (Section 217); ensuring the Assistant Secretary for Information Analysis (ASIA) receives all information obtained by the Department relating to a threat of terrorism involving the potential use of nuclear weapons, and that such information is analyzed and disseminated in a timely manner to State, local, tribal, and private sector officials who have appropriate security clearances (Section 218); ensuring that the ASIA is given prompt access to all terrorism-related information collected by or in the possession of the Department (Section 219); authorizing the Homeland Security Information Network and making the Secretary responsible for developing and administering the network (Section 220); allowing the Secretary to pay a bonus to recruit an individual for a position with the Information Analysis and Infrastructure Protection Directorate (IAIP), and permitting the hiring of individuals receiving an annuity from the Civil Service Retirement and Disability Fund for positions within the IAIP without requiring those individuals to forfeit his or her annuity (Section 221); making the Secretary of Homeland Security a member of any Director of National Intelligence-established interagency collection and requirements management board that develops and reviews national intelligence collection requirements in response to Presidential intelligence guidelines (Section 222); requiring the Under Secretary for IAIP to administer the Homeland Security Advisory System and provide advisories and alerts regarding threats to homeland security, including national, regional, local, and economic sector advisories and alerts (Section 223); ensuring that the ASIA produces and disseminates reports and analytical products based on open-source information that does not require national security classification, and that such unclassified reports are produced and disseminated contemporaneously with classified reports containing

the same or similar information (Section 224); and directing the Under Secretary for IAIP to ensure that the ASIA and the Assistant Secretary of Infrastructure Protection make full and efficient use of open-source information (Section 206).

Title III, Domestic Preparedness and Protection, contains provisions assigning the Office for Domestic Preparedness (ODP) with primary responsibility for designing, developing, performing, and evaluating terrorism preparedness exercises, including a National Terrorism Exercise Program to enhance coordination for terrorism preparedness across a broad cross-section of governmental entities, first responders, the private sector, and foreign entities (Section 301); directing the Secretary to complete the creation of the Technology Clearinghouse within the Science and Technology (S&T) Directorate and establish a homeland security technology and equipment transfer program to facilitate the identification, modification, and commercialization of technology and equipment for use by Federal, State, and local government agencies, first responders, and the private sector, to prevent, prepare for, and respond to acts of terrorism (Section 302); requiring the Secretary to conduct a study of all Department procurements to identify those that involve any technology that may be used to prevent, identify, detect, or deter acts of terrorism, and determine whether the technology is an appropriate candidate for the litigation and risk management protections of subtitle G of Title VIII of the Homeland Security Act of 2002 (P.L. 107–296) (Section 303); establishing a university-based Center of Excellence for Border Security to address the most significant threats, vulnerabilities, and consequences posed by the Nation's borders and border control systems (Section 304); authorizing the Secretary to expand the Container Security Initiative (CSI) to additional ports and assist in the purchasing and deployment of non-intrusive inspection equipment at new CSI ports (Section 305); requiring the Secretary to establish standards and procedures for securing maritime cargo containers including entering into agreements with foreign countries and international organizations to establish standards for the security of maritime cargo containers moving within the intermodal transportation system (Section 306); requiring the Secretary to issue a security plan for the resumption of general aviation at Ronald Reagan Washington National Airport (Section 307); encouraging the Department to implement as soon as possible a comprehensive national approach to achieving public safety interoperable communications (Section 308); requiring the Secretary of Homeland Security to report on how the Department will implement the applicable Government Accountability Office recommendations regarding the protection of agriculture from terrorist attack (Section 309); establishing passenger seating requirements for commercial flights arriving and departing from Ronald Reagan Washington National Airport (Section 310); adjusting the training and qualifications of Federal Flight Deck Officers (Section 310A); establishing a National Cybersecurity Office, headed by an Assistant Secretary for Cybersecurity with primary authority within the Department for all cybersecurity-related critical infrastructure programs, including policy formation and program management (Section 312); authorizing a grant program for cybersecurity training and equipment (Section 313); supporting cybersecurity re-

search and development to improve the ability of the United States to prevent, protect against, detect, respond to, and recover from cyber attacks (Section 314); requiring the Secretary, in coordination with the Secretary of Transportation, to issue a report containing best practices for the security of public transportation systems (Section 321); requiring the Secretary of Transportation, after consulting with the Secretary of Homeland Security, to develop a national plan to increase awareness of measures the general public, public transportation passengers, and public transportation employees can take to increase public transportation system security related to threats of terrorism (Section 322); directing the Secretary to complete prioritization of the Nation's critical infrastructure according to enumerated criteria (Section 331); providing for the review of plans for securing critical infrastructure (Section 332); and protecting from disclosure certain critical infrastructure information generated, compiled, or disseminated by the Department (Section 334).

Title IV, Customs and Border Protection and Immigration and Customs Enforcement, contains provisions requiring the Commissioner of Customs and Border Protection (CBP) and the Assistant Secretary for Immigration and Customs Enforcement (ICE) to establish and implement cost accounting systems for their respective entities (Section 401); directing the Commissioner of CBP to submit reports to Congress on the "One Face at the Border" Initiative, a program to unify customs, immigration, and agricultural inspection functions by cross-training CBP personnel (Section 402); providing for the payment of overtime for CBP employees performing customs border patrol services by charter air carriers where the services are requested by such carriers for charter flights arriving after normal operating hours (Section 403); encouraging CBP to broadly interpret, implement, and enforce specified textile and apparel provisions of the African Growth and Opportunity Act, Andean Trade Preference Act, and Caribbean Basin Economic Recovery Act in order to expand trade by maximizing opportunities for imports from eligible beneficiary countries (Section 404); and directing the Secretary to create at least four enrollment centers not located at the border for the Free and Secure Trade (FAST), Secure Electronic Network for Travelers Rapid Inspection (SENTRI), and NEXUS programs (Section 405).

Title V contains miscellaneous provisions requiring the Secretary to evaluate the organizational structure of the Department and report on the current division of immigration functions (Section 501); directing the Comptroller General to submit reports assessing the effectiveness of Departmental organizational structure and recommending improvements, and efforts by the Assistant Secretary for Cybersecurity to fulfill the statutory responsibilities of that office (Section 502); directing the Secretary to develop a plan to improve operational efficiency of security screening checkpoints at commercial airports and ensure that there are no significant disparities in immigration and customs processing times among airports serving as international gateways (Section 503); specifying that required appeal hearings for persons found ineligible for transportation security cards are to be conducted before an administrative law judge and that, with regard to the terrorism security risk ground of ineli-

gibility, felony convictions occurring more than seven years prior to the Secretary's determination of ineligibility that were not related to terrorism will not be considered (Section 504); transferring to ICE all functions of the Customs Patrol Officers unit of CBP operating on the Tohono O'odham Indian reservation (known as the Shadow Wolves unit) (Section 505); requiring the Secretary to establish procedures to recorded information on the use of immigration consultants by aliens (Section 506); changing the name of the Office for State and Local Government Coordination to the Office of State, Local, and Tribal Government Coordination (Section 507); directing the Secretary to study and report on the feasibility and desirability of modifying the area of jurisdiction of the Office of National Capital Region Coordination (Section 508); authorizing the participation of a Department of Energy laboratory in university-based centers for homeland security (Section 510); requiring a report on Department of Homeland Security efforts to curtail production and increase public awareness of imitation homeland security identification (Section 511); requiring a plan for systematic surveillance of the Northern border by remotely piloted aircraft (Section 512); requiring the Secretary to carry out a pilot program testing the use of advanced technology to improve border security between ports of entry along the northern border (Section 513); requiring the Comptroller General to study and report to Congress on the consequences of increasing the registration fee for temporary protected status under the Immigration and Nationality Act (INA), and the Department's proposal to expand the use of premium fees for employment-based petitions and applications under the INA (P.L. 82–414) (Sections 514, 515); requiring that more than 50 percent of the components in any end product procured by the Department contains components mined, produced, or manufactured inside the United States (Section 516); requiring the development of criteria and guidelines for determining if a death is disaster-related and therefore eligible for disaster assistance (Section 517); authorizing appropriations for the Office of Counternarcotics Enforcement (Section 518); prohibiting funds authorized under this Act from being derived from increases in civil aviation security service fees (Section 519); affirming the existing general authority of law enforcement personnel of a State or a political subdivision of a State to apprehend, detain, or remove aliens in the United States for the purposes of assisting in the enforcement of the immigration laws of the United States in the course of carrying out routine duties (Section 520); and establishing training for state and local law enforcement personnel of any State or political subdivision to apprehend, detain, or remove aliens in the United States for purposes of assisting with immigration enforcement (Section 521).

Legislative History

H.R. 1817 was introduced in the House on April 26, 2005 by Mr. Cox and referred solely to the Committee on Homeland Security, and held at the Full Committee.

On April 27, 2005, the Full Committee considered H.R. 1817 and ordered the bill favorably reported to the House, amended, by voice vote.

The Chairman of the Committee on Agriculture sent a letter to the Chairman of the Committee on Homeland Security on May 2, 2005, indicating that although the Committee has a jurisdictional interest in provisions of H.R. 1817, the Committee on Agriculture, the Committee would not seek a sequential referral in order to expedite consideration of the measure on the House Floor. On May 16, 2005 the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Agriculture acknowledging the Committee's jurisdictional interests in H.R. 1817.

The Chairman of the Committee on Armed Services sent a letter to the Chairman of the Committee on Homeland Security on May 2, 2005 indicating that although the Committee has a jurisdictional interest in provisions of H.R. 1817, the Committee on Armed Services would not seek a sequential referral in order to expedite consideration of the measure on the House floor. On the same day, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Armed Services acknowledging the Committee's jurisdictional interests in H.R. 1817.

The Chairman of the Committee on Ways and Means sent a letter to the Chairman of the Committee on Homeland Security on May 13, 2005 agreeing to forgo action on H.R. 1817 in order to expedite consideration of the measure on the House floor. On the same day, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Ways and Means acknowledging the Committee's jurisdictional interests in H.R. 1817.

The Chairman of the Permanent Select Committee on Intelligence sent a letter to the Chairman of the Committee on Homeland Security on May 16, 2005 indicating that although certain provisions of H.R. 1817 fall within the jurisdiction of the Permanent Select Committee on Intelligence, the Committee would not seek a sequential referral in order to expedite consideration of the measure on the House floor. On the same day, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Permanent Select Committee on Intelligence acknowledging the Committee's jurisdictional interests in H.R. 1817.

The Chairman of the Committee on Government Reform sent a letter to the Chairman of the Committee on Homeland Security on May 18, 2005 indicating that, although certain provisions of H.R. 1817 fall within the jurisdiction of the Committee on Government Reform, the Committee would not seek a sequential referral in order to expedite consideration of the measure on the House floor. On the same day, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Government Reform acknowledging the Committee's jurisdictional interests in H.R. 1817.

The Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Rules on May 16, 2005 requesting that the Committee on Rules craft a structured Rule providing for an hour of general debate and an appropriate number of amendments.

On May 2, 2005, the Committee on Homeland Security reported H.R. 1817 to the House as H. Rpt. 109–71, Pt. 1. H.R. 1817 was subsequently, and sequentially, referred to the Committee on En-

ergy and Commerce, the Committee on Government Reform, the Committee on the Judiciary, the Committee on Science, the Committee on Transportation and Infrastructure, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence, for a period, in each case, ending not later than May 13, 2005.

On May 13, 2005, the Committee on Energy and Commerce and the Committee on the Judiciary reported H.R. 1817 to the House as H. Rpt. 109–71, Pt. 2 and Pt. 3, respectively. On that same day the Committee on Government Reform, the Committee on Science, the Committee on Transportation and Infrastructure, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence, were discharged from further consideration of H.R. 1817.

The Committee on Rules met on May 17, 2005, and granted a Rule providing for the consideration of H.R. 1817. The Rule was filed in the House as H. Res. 283 (H. Rpt. 109–84). The House considered H. Res. 283 on May 18, 2005, and agreed to the Rule by a recorded vote of 284 yeas and 124 nays. The House considered H.R. 1817 under the provisions of H. Res. 283 on May 18, 2005, and passed the bill by a recorded vote of 424 yeas and 4 nays.

H.R. 1817 was received in the Senate on May 19, 2005, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

H.R. 4437 (H.R. 4312, S. 2611, H.R. 4238, H.R. 4253, H.R. 4283, H.R. 4284, H.R. 4285, and H.R. 5589)

Summary

H.R. 4437 is a comprehensive package of border security legislation developed jointly by the Committee on Homeland Security and the Committee on the Judiciary. Provisions within the Committee on Homeland Security's jurisdiction require and provide the resources necessary to gain operational control over the border; expand cooperation and information sharing between Federal, State, and local agencies; require mandatory detention of illegal aliens; enhance organizational structures within the Department of Homeland Security to better address border security; and mandate additional physical infrastructure along the border. Additional provisions included by the Committee on the Judiciary address penalties for illegal activity along the border and require a mandatory employer verification system.

Legislative History

H.R. 4312, Border Security and Terrorism Prevention Act of 2005

H.R. 4312 was introduced in the House on November 14, 2005, by Mr. King of New York, Mr. Daniel E. Lungren of California, and Ms. Loretta Sanchez of California. H.R. 4312 was referred to the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Armed Services.

As introduced, H.R. 4312 incorporated provisions from H.R. 4238, H.R. 4253, H.R. 4283, H.R. 4284, H.R. 4285, and H.R. 5589. These provisions were ultimately included in H.R. 4437 in sections 401, 403, 110, 109, 108, and 503 respectively.

The Committee on Homeland Security met, on November 16 and 17, 2005, to consider H.R. 4312, and ordered H.R. 4312 favorably reported to the House, amended, by voice vote.

On December 6, 2005, the Committee on Homeland Security reported H.R. 4312 to the House as H. Rpt. 109–329, Pt. 1. Subsequently, the Committee on the Judiciary, and the Committee on Armed Services were discharged from further consideration of H.R. 4312.

H.R. 4437, Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005

On December 6, 2005, the Committee on Homeland Security and the Committee on the Judiciary reached a compromise on legislative language relating to border security. A new measure, consisting of this compromise, was introduced in the House as H.R. 4437 on December 6, 2005, by Mr. Sensenbrenner, Mr. King of New York, Mr. Smith of Texas, Ms. Foxx, Mr. Daniel E. Lungren of California, Mr. Issa, and Mr. Gary G. Miller of California. H.R. 4437 was referred to the Committee on the Judiciary and the Committee on Homeland Security.

On December 8, 2005, the Committee on the Judiciary met and ordered H.R. 4437 reported to the House, amended, by a recorded vote of 23 yeas and 15 nays.

The Committee on the Judiciary reported H.R. 4437 to the House on December 13, 2005, as H. Rpt. 109–345, Pt. 1. The Committee on Homeland Security was subsequently discharged from further consideration of H.R. 4437. On that same date, H.R. 4437 was jointly and sequentially referred to the Committee on Education and the Workforce, and the Committee on Ways and Means for a period in both cases ending not later than December 14, 2005. Subsequently, both the Committee on Education and the Workforce and the Committee on Ways and Means were discharged from further consideration of H.R. 4437.

On December 15, 2005, the Committee on Rules met and granted a Rule providing for the consideration of H.R. 4437, the Rule was filed in the House as H. Res. 610. The House agreed to the Rule on December 15, 2005, by a recorded vote of 220 yeas and 206 nays.

The House considered H.R. 4437 on December 15, 2005, under the provisions of H. Res. 610. On December 16, 2005, the Committee on Rules met and granted a second Rule providing for the continued consideration of H.R. 4437, the Rule was filed in the House as H. Res. 621. The House agreed to H. Res. 621 on December 16, 2005. The House continued consideration of H.R. 4437 under the provisions of H. Res. 621, and passed the bill by a recorded vote of 239 yeas and 182 nays.

H.R. 4437 was received in the Senate on December 17, 2005, and on January 27, 2006, read twice and referred to the Senate Committee on the Judiciary.

On April 27, 2006, S. 2611, the Senate companion measure, was introduced in the Senate by Mr. Specter, Mr. Hagel, Mr. Martinez, Mr. McCain, Mr. Kennedy, Mr. Graham, and Mr. Brownback. S. 2611 was read a first time and placed on the Senate Legislative Calendar. On April 24, 2006, S. 2611 was read a second time.

The Senate considered S. 2611 by unanimous consent on May 15, 16, 17, 18, 19, and 22, 2006. On May 22, 2006, a cloture motion on the bill was presented in the Senate. The Senate continued consideration of S. 2611 on May 23 and 24, 2006. A cloture motion on the bill was invoked in Senate on May 24, 2006, by a recorded vote of 73 yeas and 25 nays. The Senate continued consideration of S. 2611 on May 25, 2006, and on that date, passed the measure by a recorded vote of 62 yeas and 36 nays.

PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION ACT

H.R. 4942

To establish a capability and office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments.

Summary

H.R. 4942, the "Promoting Antiterrorism Capabilities Through International Cooperation Act," is intended to stimulate, promote, and support cooperation between the United States and its allies in the Global War on Terrorism on research, development, testing, and evaluation of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism. Specifically, H.R. 4942 directs the Under Secretary for Science and Technology of the Department of Homeland Security to establish a Science and Technology Homeland Security International Cooperative Programs Office to facilitate international cooperative activities, such as international homeland security technology workshops and conferences and joint ventures between public and private sector entities within the United States and those of our allies with technological expertise in combating terrorism. At its most fundamental level, H.R. 4942 is designed to expedite the deployment of safe and effective homeland security technologies to first responders and others in need.

Legislative History

H.R. 4942 was introduced on March 14, 2006, by Mr. King of New York, Mr. Thompson of Mississippi, Mr. Reichert, and Mr. Pascrell, and referred solely to the Committee on Homeland Security. Within the Committee the bill was referred to the Subcommittee on Emergency Preparedness, Science, and Technology.

On March 15, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology considered H.R. 4942 and ordered the measure favorably forwarded to the Full Committee for consid-

eration, without amendment, by voice vote. The Full Committee considered H.R. 4942 on June 14, 2006, and ordered H.R. 4942 reported to the House, amended, by voice vote.

The Chairman of the Committee on Science sent a letter to the Chairman of the Committee on Homeland Security on September 21, 2006, agreeing that, in order to expedite consideration of H.R. 4942 on the House floor, the Committee on Science would not seek a sequential referral of the measure.

The Chairman of the Committee on Homeland Security acknowledges this agreement with the Chairman of the Committee on Science on September 22, 2006.

The Committee on Homeland Security reported H.R. 4942 to the House on September 25, 2005 (H. Rpt. 109–674).

The House agreed to suspend the Rules and pass H.R. 4942 on September 26, 2006, by voice vote. H.R. 4942 was received in the Senate on September 27, 2006, and on November 13, 2006, was referred to the Senate Committee on Homeland Security and Governmental Affairs.

SHADOW WOLVES TRANSFER

H.R. 5589

To direct the Secretary of Homeland Security to transfer to United States Immigration and Customs Enforcement all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation.

Summary

The "Shadow Wolves" are a specialized unit of Customs Patrol Officers (CPO) created by Congress in 1972 to patrol the international land border within the Tohono O'odham Nation, a sovereign Indian Nation, located in the State of Arizona. After the creation of the Department of Homeland Security, the Shadow Wolves unit was transferred to the United States Customs and Border Protection and placed under the administrative control of the Tucson Sector of the Border Patrol. This reorganization has produced uncertainty and a lack of clear direction for the unit, negatively impacting operations and retention of personnel. H.R. 5589 transfers the Shadow Wolves to Immigration and Customs Enforcement (ICE), as the unit's work most closely resembles that of ICE Special Agents who investigate and attempt to close down large drug smuggling operations. In addition, this bill sets the pay scale of the Shadow Wolves at the same rate as ICE Special Agents and specifies that the Chief Customs Patrol Officer will have a rank that is equivalent to a resident agent-in-charge of the Office of Investigations with ICE.

Legislative History

H.R. 5589 was introduced in the House on June 12, 2006, by Mr. Souder, Mr. Shadegg, and Mr. King of Iowa, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 5589 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

On July 10, 2006, the House agreed to suspend the Rules and passed H.R. 5589 by voice vote.

H.R. 5589 was received in the Senate on July 11, 2006, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

The provisions of H.R. 5589 were included in H.R. 4312 and H.R. 4437, as introduced. See discussion of H.R. 4437 listed above.

21ST CENTURY EMERGENCY COMMUNICATIONS ACT OF 2006

H.R. 5852 (H.R. 5441, H.R. 5351)

To amend the Homeland Security Act of 2002 to enhance emergency communications at the Department of Homeland Security, and for other purposes.

Summary

H.R. 5852, the "21st Century Emergency Communications Act of 2006," enhances operable and interoperable emergency communications nationwide by ensuring that first responders, emergency managers, the military, and others to communicate more effectively with each other during acts of terrorism, natural disasters, and other emergencies. Specifically, H.R. 5852 consolidates the Department of Homeland Security's emergency communications activities and programs within a new Office of Emergency Communications and creates a new Assistant Secretary to oversee it; mandates the completion of a National Emergency Communications Report that recommends goals and time frames for the achievement of redundant, sustainable, and interoperable emergency communications systems; requires a baseline assessment of current emergency communications capabilities and periodic assessments on the Nation's progress in filling in existing gaps; accelerates the development of national standards for emergency communications equipment; requires State and local governments to establish effective Statewide Interoperable Communications Plans before being able to use Federal homeland security grant funds administered by the Department for emergency communications; and facilitates and enhances coordination on emergency communications by establishing regional working groups comprised of Federal, State, and local officials, first responders, the private sector, and other relevant stakeholders.

Legislative History

H.R. 5852 which was introduced on July 20, 2006, by Mr. Reichert, Mr. Pascrell, Mr. King of New York, Mr. Thompson of Mississippi, Mr. McCaul of Texas, Mrs. Lowey, Mr. Weldon of Pennsylvania, Mr. Etheridge, Mr. Simmons, Mrs. Christensen, and Mr. DeFazio, and referred to the Committee on Homeland Security and the Committee on Energy and Commerce. Within the Committee on Homeland Security, H.R. 5852 was held at the Full Committee.

The Chairman of the Committee on Science sent a letter to the Chairman of the Committee on Homeland Security on July 24, 2006, indicating that although the bill as introduced falls within the jurisdiction of the Committee on Science, the Committee would not seek a sequential referral of the bill in order to expedite consideration on the House floor. The Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee

on Science on July 24, 2006, acknowledging the jurisdictional interests of the Committee on Science.

On July 25, 2006, the House agreed to suspend the Rules and passed H.R. 5852 by a recorded vote of 414 yeas and 2 nays. H.R. 5589 was received in the Senate on July 26, 2006, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

As introduced, H.R. 5441 included the text of H.R. 5852. See discussion of H.R. 5441 listed above.

MORE BORDER PATROL AGENTS NOW ACT OF 2006

H.R. 6160

To recruit and retain Border Patrol agents.

Summary

H.R. 6160, the "More Border Patrol Agents Now Act," directs the Secretary of Homeland Security to submit to Congress a plan on recruiting and retaining skilled Border Patrol agents. Among other things, H.R. 6160 authorizes the Department of Homeland Security to offer recruitment and retention salary bonuses.

Legislative History

H.R. 6160 was introduced in the House on September 25, 2006, by Mr. Rogers of Alabama, Mr. Issa, Mr. McCotter, Ms. Harris, and Mr. Gary G. Miller of California, and referred to the Committee on Homeland Security and the Committee on Government Reform. Within the Committee on Homeland Security, H.R. 6160 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

On September 26, 2006, the House agreed to suspend the Rules and passed H.R. 6160 by voice vote.

H.R. 6160 was received in the Senate and held at the Desk on September 27, 2006.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

H.R. 5020 (S. 3237, H.R. 5178)

To authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Summary

As passed by the House, H.R. 5020 authorizes appropriations for Fiscal Year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. The Committee was engaged in sections 601 and 602, which direct the Secretary of Homeland Security to conduct a study to identify best practices for the communication of information concerning a terrorist threat.

Legislative History

H.R. 5020 was introduced by Mr. Hoekstra on March 28, 2006, and referred to the Permanent Select Committee on Intelligence. The Permanent Select Committee on Intelligence reported H.R. 5020 to the House on April 6, 2006 (H. Rpt. 109–411).

The Committee on Rules met on April 25, 2006 and filed a Rule providing for the consideration H.R. 5020 as H. Res. 774 (H. Rpt. 109–438). The House considered and agreed to the Rule by a recorded vote of 228 yeas and 194 nays on April 26, 2006.

The House considered H.R. 5020 on April 26, 2006, and passed the bill by a recorded vote of 327 yeas and 96 nays.

H.R. 5020 was received in the Senate on April 27, 2006, read twice, and held at the Desk.

SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY ACT OF 2006

H.R. 6162

To require financial accountability with respect to certain contract actions related to the Secure Border Initiative of the Department of Homeland Security.

Summary

The Secure Border Initiative (SBI) is the successor program to the Integrated Surveillance Intelligence System (ISIS) and the Remote Video Surveillance (RVS) program. SBI is a comprehensive, multi-year program composed of a mix of personnel, infrastructure, and technology to gain operational control of the Nation's borders. To ensure the financial integrity of the new border security contract, H.R. 6162 directs the Inspector General of the Department of Homeland Security to: (1) determine whether each contract action related to SBI with a value greater than $20 million complies with cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines; (2) submit findings to the Secretary of Homeland Security, including regarding cost overruns, delays in contract execution, lack of rigorous contract management, insufficient financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices; and (3) refer information regarding improper conduct or wrongdoing to the appropriate Departmental official for purposes of evaluating whether to suspend or debar a contractor. This bill also requires the Secretary to report to Congress any findings or processes in place to address any problems within SBI as identified by the Inspector General.

Legislative History

H.R. 6162 was introduced on September 25, 2006, by Mr. Rogers of Alabama, Mr. Thompson of Mississippi, and Mr. McCotter, and referred solely to the Committee on Homeland Security. Within the Committee on Homeland Security, H.R. 6162 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

On September 28, 2006, the House agreed to suspend the Rules and pass H.R. 6162 by voice vote. H.R. 6162 was received in the Senate and held at the Desk on that same date.

As introduced, H.R. 5441 included the text of H.R. 6162. See discussion of H.R. 5441 listed above.

RESOLUTION RELATING TO THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

H. Res. 427

Summary

H. Res. 427 is a resolution extending the deepest sympathies of the House of Representatives to the thousands of innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones.

Legislative History

H. Res. 427 was introduced in the House on September 7, 2005, by Mr. Hyde, Mr. Lantos, and Mr. Doolittle. H. Res. 427 was referred to the Committee on International Relations, and in addition to the Committee on Armed Services, the Committee on Transportation and Infrastructure, the Committee on the Judiciary, and the Committee on Homeland Security.

On September 8, 2005, the House considered H. Res. 427 under suspension of the Rules and agreed to the resolution by a recorded vote of 402 yeas and 6 nays.

RESOLUTION ON THE FIFTH ANNIVERSARY OF SEPTEMBER 11, 2001 ATTACKS

H. Res. 994

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

Summary

H. Res. 994 expresses the sense of the House of Representatives on the anniversary of the terrorist attacks of September 11, 2001, remembering and mourning the victims of those attacks; extending sympathies to family members and loved ones of the victims; honoring the heroism of those who risked their lives and health coming to the aid of others on that day; expressing gratitude to those now serving in the global war on terrorism and to foreign Nations who are assisting the United States in fighting the war on terrorism; vowing to remain vigilant in the fight against terrorism; and reaffirming the commitment of the American people to remember the tragedy of September 11, 2001, and to continue to fight the global War on Terrorism.

Legislative History

H. Res. 994 was introduced on September 12, 2006, by Mr. King of New York and four original cosponsors. The measure was referred to the Committee on Government Reform, and in addition to the Committee on International Relations, 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 Committee on Rules met on September 12, 2006, and filed a Rule providing for the consideration of H. Res. 994 as H. Res. 996 (H. Rpt. 109–646). The House agreed to the Rule by voice vote on September 13, 2006. The House then considered H.Res. 994 under the provisions of the Rule on September 13, 2006, and agreed to the resolution by a recorded vote of 395 yeas and 22 nays with 1 voting "present."

RESOLUTION ON THE U.S. BORDER PATROL

H. Res. 1030

Expressing the sense of the House of Representatives that the United States Border Patrol is performing an invaluable service to the United States, and that the House of Representatives fully supports the more than 12,000 Border Patrol agents.

Summary

This resolution expresses the sense of the House of Representatives that the men and women of the Border Patrol should be supported for their dedication to the United States and to their mission to secure our borders.

Legislative History

H. Res. 1030 was introduced by Mr. Jones of North Carolina on September 21, 2006, and referred solely to the Committee on Homeland Security.

On September 26, 2006, the House agreed to suspend the Rules and agreed to the resolution by voice vote.

BORDER SECURITY AND TERRORISM PREVENTION ACT OF 2005

H.R. 4312

To establish operational control over the international land and maritime borders of the United States, and for other purposes.

Summary

H.R. 4312 requires and provides for the resources necessary to gain operational control over the border, expand cooperation and information sharing between Federal, State, and local agencies, require mandatory detention of illegal aliens, enhance organizational structures within the Department to better address border security, and mandate additional physical infrastructure along the border.

Legislative History

H.R. 4312 was introduced in the House on November 14, 2005, by Mr. King of New York, Mr. Daniel E. Lungren of California, and Ms. Loretta Sanchez of California, and referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary and the Committee on Armed Services.

The Committee on Homeland Security met to consider H.R. 4312 on November 16 and 17, 2005. On November 17, 2005, the Committee on Homeland Security ordered H.R. 4312 reported to the House, amended, by voice vote.

The Committee on Homeland Security reported H.R. 4312 to the House on December 6, 2005, as H. Rpt. 109–329, Pt. 1. The Com-

mittee on the Judiciary and the Committee on Armed Services were subsequently discharged from further consideration of H.R. 4312.

The text of H.R. 4312, as reported to the House by the Committee on Homeland Security, was included within the text of H.R. 4437, as introduced. See discussion of H.R. 4437 listed above.

CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2006

H.R. 5695

To amend the Homeland Security Act of 2002 to provide for the regulation of certain chemical facilities, and for other purposes.

Summary

H.R. 5695 gives the Department of Homeland Security the authority to regulate security at chemical facilities. The bill further requires the Secretary to assess the risk of each of the 15,000 chemical facilities and place them into tiers. The bill requires that the Secretary implement regulations to require vulnerability assessments and security plans. The Secretary is directed to require security measures commensurate with the level of risk at each facility. The bill also requires that the regulations be performance-based, setting overall standards for security at each facility, but allowing individual facilities flexibility in how to meet those performance requirements. Additionally, H.R. 5695 establishes a submission and approval process for the assessments and plans, provides civil and criminal penalties for non-compliance, and provides protection of information developed under this bill.

Legislative History

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

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

On June 29, 2006, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on H.R.

5695. The Subcommittee received testimony from Hon. Michael A.L. Balboni, Senator, New York State Senate; Mr. P.J. Crowley, Senior Fellow and Director of National Defense and Homeland Security, Center for American Progress; Mr. Scott Berger, Director of the Center for Chemical Process Safety, American Institute of Chemical Engineers; and Mr. Marty Durbin, Director of Federal Affairs, American Chemistry Council.

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

The Committee on Homeland Security considered H.R. 5695 on July 27 and 28, 2006, and ordered the measure reported to the House, amended, by voice vote. The Committee on Homeland Security reported to the House on September 29, 2006 as H. Rpt. 109–707, Pt. I.

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

HOMELAND SECURITY SCIENCE AND TECHNOLOGY ENHANCEMENT ACT OF 2006

H.R. 4941 (H.R. 3270)

To reform the science and technology programs and activities of the Department of Homeland Security, and for other purposes.

Summary

H.R. 4941, the "Homeland Security Science and Technology Enhancement Act of 2006," is intended to enhance the ability of the Department of Homeland Security's Directorate of Science and Technology to develop and disseminate technologies that will help our Nation's emergency response providers and other "end-users" prevent, prepare for, respond to, recover from, and mitigate against acts of terrorism and other emergencies. Among other things, this bill directs the Secretary of Homeland Security, acting through the Under Secretary for Science and Technology, to: develop a strategic plan for the Department's science and technology activities; support the development, promulgation, and updating of national voluntary consensus standards for equipment and training for emergency response providers and components of the Department; establish a technology development and transfer program to facilitate the identification, modification, and commercialization of promising homeland security technologies and equipment; establish a regional technology integration program to facilitate the transition of innovative technologies and operational concepts to urban and other high risk areas; support research and development, including fundamental, long-term research, in cybersecurity; and report to Congress on how the Department will consider privacy and civil rights and civil liberties issues in conducting its activities. H.R. 4941 provides the Department with additional legislative guidance to support its mission of ensuring that our Nation possesses the technology necessary to handle catastrophic incidents, especially those

involving chemical, biological, radiological, nuclear, and explosive weapons.

Legislative History

H.R. 4941 was introduced on March 14, 2006, by Mr. Reichert and Mr. Pascrell and referred solely to the Committee on Homeland Security. Within the Committee on Homeland Security, H.R. 4941 was referred to the Subcommittee on Emergency Preparedness, Science, and Technology.

The Subcommittee on Emergency Preparedness, Science, and Technology considered H.R. 4941 on March 15, 2006, and forwarded the measure to the Full Committee, with a favorable recommendation, amended, by voice vote.

The Committee on Homeland Security met to consider H.R. 4941 on June 14, 2006, and ordered the measure reported to the House, amended, by voice vote.

Provisions of H.R. 3270 relating to rail security research and development were included in H.R. 4941 during the Full Committee consideration of that measure in section 14.

The Committee on Homeland Security reported H.R. 4941 to the House on December 8, 2006, as H. Rpt. 109–729, Pt. I.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2007

H.R. 5814 (H.R. 1544, H.R. 6162, H.R. 4958, H.R. 4285)

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

Summary

H.R. 5814, the Department of Homeland Security Authorization Act for Fiscal Year (FY) 2007, is the second annual bill to be favorably reported to the House by the Committee on Homeland Security reauthorizing the activities of the Department of Homeland Security. This bill provides Congressional policy guidance to the Department as it carries out its homeland security activities. The bill contains the key provisions described below.

Title I authorizes the overall appropriations for the Department of Homeland Security for FY 2007 in the amount of $34,698,270,000. This amount is consistent with H.R. 5441, the House-passed Department of Homeland Security Appropriations Act for Fiscal Year 2007.

Title II, Improving Management, Integration, and Oversight, contains provisions: eliminating the position of Under Secretary for Management (Section 201); granting each chief operating officer the authority to direct the budget, activities, planning, operations, and training of their counterparts within the component agencies of the Department (Section 202); specifying that the Officer for Civil Rights and Civil Liberties shall serve as the Secretary's coordinator for emergency planning and response for individuals with disabilities (Section 203); directing the Government Accountability Office to conduct a study of the accessibility of emergency shelters for individuals with disabilities (Section 204); directing the Secretary of Homeland Security, acting through the Assistant Secretary for Training and Exercises, to establish a graduate-level

Homeland Security Education Program in the National Capital Region (Section 205); authorizing the establishment of a Directorate for Policy, Planning, and International Affairs within the Department of Homeland Security (Section 221); transferring the Noble Training Center to the Center for Domestic Preparedness (CDP) and authorizing the Director of the CDP to obtain the transfer of the Army In-Processing Center and the Noncommissioned Officer Housing Dormitories (Section 222); requiring the Government Accountability Office (GAO) to conduct a review of the training provided to border security personnel who interdict, interview, and process asylum seekers at ports of entry, including airports (Section 223); directing the Secretary to inform both the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs of current Departmental activities (Section 231); directing the Chief Financial Officer to establish an Authorization Liaison Officer within the Department (Section 232); requiring a line item in the budget for the Office of Counternarcotics Enforcement (Section 233); and requiring the Inspector General to submit a report to the Secretary of Homeland Security containing findings of any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices within the procurement of Department contracts, after which the Secretary would then, not later than 30 days after the receipt of each required report, submit to the appropriate congressional committees (as defined in section 102(g)) a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the problems identified in the report (Section 234).

Title III, Procurement Reform, contains provisions: requiring the Chief Procurement Officer to provide procurement training to acquisition employees and establish a Council on Procurement Training to advise the Chief Procurement Officer regarding policy and curriculum recommendations (Section 301); requiring contract bidders to submit information regarding the contractor's past and current performance on Federal, State, local, and tribal governments, and private sector contracts (Section 302); requiring the Secretary of Homeland Security to take steps to streamline and improve implementation of the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act)(Title VIII, Subtitle G of Public Law 107–296) including ensuring coordination of Department activities, issuing a Departmental directive to implement the SAFETY Act regulations, providing SAFETY Act training for all acquisition employees, and reviewing ongoing and anticipated procurement to determine which may involve technologies that would be appropriate candidates for SAFETY Act protections; requiring the Government Accountability Office to examine the contracting procedures of the Department of Homeland Security, and submit a report to Congress not later than six months after the date of enactment of the Act (Section 304); requiring the Secretary of Homeland Security to require any offeror for any Department of Homeland Security contract to submit as part of the offeror's bid an attestation that affirmatively discloses any substantial role the offer-

or or the offeror's company or employees may have played in creating a solicitation, request for proposal, statement of work, or statement of objectives for the Department, after which the Secretary would be required for any offeror who submits an attestation disclosing that the offeror played a substantial role in creating a solicitation, request for proposal, statement of work, or statement of objectives for the Department, to submit a description of the safeguards used to ensure that precautions were in place to prevent the offeror from receiving information through such a role that could be used to provide the offeror an undue advantage in submitting an offer for a contract (Section 305); requiring enhanced certification requirements for offerors for Department of Homeland Security contracts (Section 306); requiring the Secretary to utilize small businesses when entering into contracts following terrorist attacks or other natural disasters (Section 307); and authorizing a total of $108,685,000 for the Office of Inspector General for Fiscal Year 2007 for increased oversight efforts (Section 309).

Title IV, Personnel Authorities, contains provisions: encouraging the Department to reduce the overall costs of hiring, training, and deploying new Border Patrol agents (Section 401); expanding current authority held by the Federal Law Enforcement Training Center (FLETC) to hire Federal retirees for training purposes (Section 402); directing the Secretary to coordinate the Department's canine training programs, including the research and development of new training methods, the optimum number and type of training aids, and measurements for efficiency and effectiveness (Section 403); providing Customs and Border Protection with temporary authority to rehire up to 500 annuitants to provide necessary surge capacity until the Border Patrol has a sufficient number of trained Border Patrol agents to maintain operational control of the Nation's borders (Section 404); directing the Secretary to establish a plan to increase the recruitment and retention of Border Patrol agents (Section 405); encouraging the Secretary, in coordination with the Director of the Office of Personnel Management, to review the previous work and training of these individuals in their former capacities with respect to the recognition of their prior law enforcement duties (Section 406); requiring the Secretary to conduct a Department-wide examination of the security clearance and suitability review procedures for Department employees and contractors, as well as individuals in State and local government agencies and private sector entities with a need to receive classified information (Section 411); and establishing a Chief Security Officer of the Department who shall have responsibility for personnel security, security awareness, and security training (Section 412).

Title V, Intelligence and Information Sharing, contains provisions: establishing an Office of Intelligence and Analysis and Under Secretary for Intelligence and Analysis (I&A), and amending Homeland Security Act to elevate the Assistant Secretary for Information Analysis to Under Secretary for Intelligence and Analysis (I&A) to reflect current Departmental structure (Section 501); assigning responsibility for Intelligence Components to coordinate and support I&A, and establishing training for Intelligence Components (Section 502); ensuring that the Homeland Security Advisory System includes information on appropriate protective measures and coun-

termeasures and is limited, when appropriate, to specific regions localities or sectors, and is not simply a color-coded alert system (Section 503); directing the Department to establish a Department-wide Information Sharing Environment consistent with the direction and authority of the Director of National Intelligence's Information Sharing Program Manager by designating "Information Sharing and Knowledge Management Officers" at each Intelligence Component to coordinate information sharing efforts, establishing Department-wide procedures and training for the review and analysis of homeland security information and mechanisms to provide feedback to State, Local, Tribal and private sector entities, and establishing a comprehensive information technology architecture for the Office of Intelligence and Analysis. (Section 504); directing the Secretary to establish an initiative to coordinate the Department's intelligence efforts with State, local, Tribal and regional Fusion Centers that will assist those Fusion Centers in carrying out their homeland security duties and facilitate information sharing efforts between Fusion Centers and the Department (Section 505); directing the Under Secretary for I&A to establish a fellowship program for State, local and Tribal officials to rotate into I&A in order to facilitate State, local and Tribal understanding of the Department's intelligence and information sharing process, assist the Department's I&A's understanding of the information needs of State, local and Tribal partners, and assist in dissemination of homeland security information to State, local and Tribal partners (Section 506); and directing the Under Secretary to make full and efficient use of Open Source Information (OSI) and use OSI to perform an analysis of critical infrastructure information available in the public domain, analyze the information from the perspective of terrorists that may have access to that information, and share that information with appropriate officials (Section 507).

Title VI, Prevention of Nuclear and Biological Terrorism, contains provisions: establishing an Office of Domestic Nuclear Detection to protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material against the United States, and authorizing $536,000,000 for that purpose for Fiscal Year 2007; authorizing the position of Chief Medical Officer to have the primary responsibility within the Department for medical issues related to acts of terrorism, natural disasters, and other emergencies (Section 602); authorizing the National Biosurveillance Integration System (NBIS) to enhance the capability of the Federal Government to rapidly identify, characterize, and localize a biological event by integrating and analyzing data from human health, animal, plant, food, and environmental monitoring systems (both National and international) into a single comprehensive system (Section 603); modifying the Department's material threat assessment responsibilities under Section 319F 2(c)(2)(A) of the Public Health Service Act (42 U.S.C. 247d 6b(c)(2)(A)), to provide for the use of existing risk assessments to expedite the development of material threat assessments, and conducting such assessments for groups of agents to facilitate the development of broad countermeasures that may address more than one agent (Section 604); requiring the Secretary of Homeland Security, in consultation with

the Secretary of Defense and the Secretary for Health and Human Services, to conduct a study to determine the staffing and training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level 3 and Biosafety Level 4, or to expand current biodefense laboratories to such biosafety levels (Section 605); and extending the termination date of the Science and Technology Advisory Committee to 10 years after the date it was established (Section 606).

Title VII, Infrastructure Protection and Cybersecurity, contains provisions: amending the Homeland Security Act of 2002 to establish the Office of Infrastructure Protection and the Office of Cybersecurity and Telecommunications (Section 701); and authorizing the award of grants to institutions of higher education to establish programs for cybersecurity professional development and advanced degrees, and to provide equipment for such training programs (Section 702).

Title VIII, Grants Administration, contains provisions: defining eligible and prohibited uses for and the risk-based allocation of first responder grant programs administered by the Department to prevent, prepare for, respond to, mitigate against, or recover from terrorist attacks (Section 801); authorizing $2.9 billion for such grants for Fiscal Year 2007 (Section 802); and authorizing $60 million for the Metropolitan Medical Response System to develop, maintain, and enhance medical preparedness systems that are capable of responding effectively during the initial hours of a public health crisis or mass-casualty event caused by an act of terrorism, natural disaster, or other emergency (Section 803).

Title IX, Transportation Security, contains provisions: providing requirements for rail and mass transit agencies security (Section 901); requiring rules promulgating those requirements to be issued immediately (Section 902); establishing a rail and mass transit security training program (Section 903); requiring interagency cooperation between the Department and the Department of Transportation (Section 904); establishing a rail and public transportation security grant program (Section 905); creating a rail and public transportation security exercise program at the Department (Section 906); authorizing appropriations for this Title, including $400 million in transit security grants (Section 907); reauthorizing aviation security funding (Section 911); expanding research and development of transportation security technology (Section 912); providing enforcement authority in non-aviation transportation sectors for the Transportation Security Administration (Section 913); relieving liability for security screening inspections (Section 914); providing for temporary private screener assistance in times of heightened alert (Section 915); requiring certain training to operate certain aircraft (Section 916); requiring the Department to provide an annual report on unclaimed money recovered at checkpoints (Section 917); expanding passenger identification documents (Section 921); establishing a program for international passenger prescreening (Section 922); encouraging international cooperative efforts (Section 923); providing further details for the computer assisted passenger prescreening system (Section 924); mandating certain requirements for Federal flight deck officers (Section 925); pro-

viding for enhanced perimeter security and access control through screening of airport workers (Section 926); establishing a minimum list of prohibited items which may not be carried on aircraft (Section 927); establishing requirements for secure areas of airports (Section 928); providing certain deadlines for security requirements for foreign repair stations (Section 929); repealing certain redundant reporting requirements (Section 931); consolidating remaining annual reports (Section 932); and amending aircraft charter customer and lessee prescreening requirements (Section 933).

Title X, Miscellaneous Provisions, contains provisions: providing the Department of Homeland Security with copyright protections over its seal, name, initials, and the titles of its officers (Section 1001); requiring the Secretary of Homeland Security to include United States military surplus vehicles that have demonstrated utility for responding to acts of terrorism, emergencies, and other disasters on the Standardized Equipment List in order to allow States and localities to purchase, modify, upgrade, and maintain such vehicles using homeland security assistance administered by the Department (Section 1002); authorizing the Secretary to use and make available to State and local agencies computerized training aids, such as the Advanced Conflict and Tactical Simulation, which is a Government-owned computer modeling program, in order to improve the abilities of municipalities to prepare for and respond to a chemical, biological, or other terrorist attack (Section 1003); requiring the Secretary to submit to Congress the final report on the nationwide emergency notification system study that was prescribed in section 7403 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) (Section 1004); requiring a report on the feasibility of devising an exercise program to test and evaluate the capabilities of Federal, State, local, and tribal governments to detect and prevent fraud, waste, and abuse in Federal assistance programs administered in response to acts of terrorism, natural disasters, and other emergencies (Section 1005); and limiting the amount of compensation for detailees (Section 1006).

Legislative History

Prior to introduction, on February 15, 2006, the Committee on Homeland Security held a hearing entitled "The President's Fiscal Year 2007 Budget for the Department of Homeland Security: Maintaining Vigilance and Improving Mission Performance in Securing the Homeland." The Committee received testimony from Hon. Michael Chertoff, Secretary, Department of Homeland Security.

H.R. 5814 was introduced in the House on July 17, 2006, by Mr. King of New York, Mr. Thompson of Mississippi, Mr. Rogers of Alabama, and Mr. Meek of Florida and referred solely to the Committee on Homeland Security.

The Committee on Homeland Security met on July 19, 2006, to consider H.R. 5814, and ordered the measure reported to the House, amended, by voice vote. The Committee on Homeland Security reported H.R. 5814 to the House on November 9, 2006 as H. Rept. 109–713, Pt. I.

H.R. 5814 was sequentially referred to the Committee on Ways and Means, the Committee on Energy and Commerce for a period

ending not later than November 17, 2006. On November 17, 2006, the Committee on Ways and Means, and the Committee on Energy and Commerce for a period ending not later than December 8, 2006.

As introduced, section 801 of H.R. 5814 contained provisions of H.R. 1544. See discussion of on H.R. 1544 listed above.

NATIONAL EMERGENCY MANAGEMENT REFORM AND ENHANCEMENT ACT OF 2006

H.R. 5351

To amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to codify certain existing functions of the Department of Homeland Security, and for other purposes.

Summary

H.R. 5351, the "National Emergency Management Reform and Enhancement Act of 2006," addresses the fundamental problems identified by recent catastrophic incidents and prepare the Nation to respond effectively to, and recover quickly from, acts of terrorism, natural disasters, and other emergencies. Among other things, the bill establishes the Federal Emergency Management Agency (FEMA) as a Directorate of Emergency Management within the Department of Homeland Security (Department); elevates the Director of FEMA to an Under Secretary and requires that they posses a demonstrated ability in, and knowledge of, emergency management; makes the Under Secretary the President's principal advisor for emergency management issues; gives the Under Secretary a direct reporting relationship to the President during Incidents of National Significance; and consolidates the Department's Preparedness Directorate and FEMA to ensure that preparedness and response activities are properly coordinated. Moreover, H.R. 5351 gives FEMA the tools necessary to accomplish its mission; improves communication and coordination at the Federal, State, local, and tribal levels; accelerates the development of redundant, survivable, and interoperable emergency communications capabilities; strengthens disaster preparedness and response capabilities nationwide; and takes steps to eliminate waste, fraud, and abuse in the aftermath of major disasters. H.R. 5351 is a comprehensive bill that will empower the Department to become what Congress and the Administration intended it to be a strong, Federal coordinating agency capable of effectively preventing, preparing for, mitigating against, responding to, and recovering from acts of terrorism, natural disasters, and other emergencies.

Legislative History

Prior to introduction, on May 9, 2006, the Committee on Homeland Security held a hearing on proposed legislation to strengthen FEMA and better integrate it into the Department of Homeland Security. The Committee received testimony from Dr. William O. Jenkins, Jr., Director, Homeland Security and Justice, Government Accountability Office; Mr. Barry Kasinitz, Director, Governmental/Legislative Affairs, International Association of Fire Fighters; Mr. Steven V. Lenkart, Director of Legislative Affairs, International

Brotherhood of Police Officers; and Mr. Eric Holdeman, Director, Office of Emergency Management, King County, State of Washington.

H.R. 5351 was introduced on May 11, 2006, by Mr. Reichert, Mr. Pascrell, Mr. McCaul of Texas, Mr. Etheridge, Mr. King of New York, Mr. Thompson of Mississippi and nineteen original cosponsors. H.R. 5351 was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, and the Committee on Energy and Commerce.

The Committee on Homeland Security considered H.R. 5351 on May 17, 2006, and ordered the measure reported to the House, amended, by voice vote. The Committee on Homeland Security reported H.R. 5351 to the House on November 9, 2006 as H. Rept. 109–712, Pt. I.

Provisions relating to H.R. 5351 were offered as an amendment in the Senate during consideration of H.R. 5441, and maintained as Title VI during the House-Senate Conference thereon. See action taken on H.R. 5441 (Public Law 109–295) listed above.

RESOLUTION OF INQUIRY RELATING TO THE REAPPORTIONMENT OF AIRPORT SCREENERS

H. Res. 463

Resolution of inquiry directing the Secretary of Homeland Security to provide certain information to the House of Representatives relating to the reapportionment of airport screeners.

Summary

H. Res. 463 requires the Secretary of the Department of Homeland Security to provide certain documentation related to the reallocation of screeners at federalized airports. The Transportation Security Administration utilizes a mathematical model to determine screener allocation using factors such as passenger traffic numbers, air carrier schedules for the upcoming year, and passenger wait times.

Legislative History

H. Res. 463 was introduced in the House on September 27, 2005, by Mr. Blumenauer and 13 original cosponsors, and referred solely to the Committee on Homeland Security.

On October 26, 2005, the Full Committee considered H. Res. 463 and ordered the resolution reported to the House, adversely, by voice vote. The Committee reported H. Res. 463 to the House on October 28, 2005, as H. Rpt. 109–259.

RESOLUTION OF INQUIRY RELATING TO SHIRLINGTON LIMOUSINE AND TRANSPORTATION, INCORPORATED

H. Res. 809

Directing the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and

Shirlington Limousine and Transportation, Incorporated, of Arlington, Virginia.

Summary

H. Res. 809 directs the Secretary of Homeland Security to transmit to the House of Representatives documents relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation, Incorporated, of Arlington, Virginia, to provide transportation services with the Department.

Legislative History

H. Res. 809 was introduced in the House on May 9, 2006, by Ms. Slaughter. H. Res. 809 was referred to the Committee on Homeland Security and retained at the Full Committee.

In light of the Subcommittee on Management, Integration, and Oversight ongoing inquiry into the Shirlington Limousine and Transportation, Inc. contracts with the Department of Homeland Security, the Committee, on May 25, 2006, considered H. Res. 463 and ordered the resolution reported to the House, adversely, by voice vote. The Committee reported H. Res. 809 to the House on May 25, 2006, as H. Rpt. 109–484.

SENSE OF THE HOUSE OF REPRESENTATIVES ON EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

H. Res. 398

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 law enforcement agents and emergency response providers nationwide should be commended for their dedicated service on the Nation's front lines in the war against terrorism.

Summary

H. Res. 398 expresses the Nation's appreciation for the sacrifices and commitment of law enforcement and emergency response personnel in preventing, and preparing to respond to, acts of terrorism, and supports the goals and ideals of National Preparedness Month as they relate to the threat of terrorism. This Resolution urges the Federal government, states, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month with appropriate events and activities that promote citizen and community preparedness to respond to terrorist attacks.

Legislative History

H. Res. 398 was introduced on July 28, 2005, by Mr. Cox and Mr. Thompson, and referred solely to the Committee on Homeland Security.

On July 28, 2005, the Full Committee considered H.Res. 398 and ordered the measure reported to the House, without amendment, by voice vote. No further action was taken on this matter.

DEPARTMENT OF HOMELAND SECURITY CYBERSECURITY ENHANCEMENT ACT OF 2005

H.R. 285

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

Summary

H.R. 285 establishes within the Department of Homeland Security (DHS) a National Cybersecurity Office, headed by an Assistant Secretary for Cybersecurity, who would have primary authority within the Department for both, all cybersecurity-related critical infrastructure programs of DHS, as well as the National Communications System. The bill enumerates the responsibilities of the Assistant Secretary including establishing and managing a national cybersecurity response system; a National cybersecurity threat and vulnerability reduction program; a national cybersecurity awareness and training program; a Government cybersecurity program; and a national security and international cybersecurity cooperation program. The bill also requires the Assistant Secretary to coordinate and share information with the private sector as well as other Federal agencies regarding cybersecurity-related programs, policies and operations.

Legislative History

H.R. 285 was introduced on January 6, 2005, by Mr. Thornberry and Ms. Zoe Lofgren of California, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 285 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, and the Subcommittee on Management, Integration, and Oversight.

On April 20, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on H.R. 285. The Subcommittee received testimony from Mr. Amit Yoran, President, Yoran Associates; Mr. Harris Miller, President, Information Technology Association of America; Mr. Paul Kurtz, Executive Director, Cyber Security Industry Alliance; Ms. Catherine Allen, President and CEO, BITS, Financial Services Roundtable; and Mr. Ken Silva, Chairman of the Board of Directors, Internet Security Alliance.

On April 20, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity considered H.R. 285 and ordered the measure favorably reported to the Full Committee for consideration, without amendment, by voice vote. On that same date, the Subcommittee on Management, Integration, and Oversight discharged itself from further consideration of H.R. 285. No further action occurred on H.R. 285.

FEDERAL EMPLOYEE PROTECTION OF DISCLOSURES ACT

H.R. 1317

To amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are

consistent with certain disclosure protections; and for other purposes.

Summary

H.R. 1317, the "Federal Employee Protection Disclosures Act," would expand Federal employee whistleblower protection laws. The Committee on Homeland Security received a sequential referral of jurisdiction over section 11, entitled Prohibited Personnel Practices Affecting the Transportation Security Administration, and section 12. Section 11 would add a new section 2304 to title 5, United States Code, clarifying that employees at the Transportation Security Administration, including those carrying out screener functions, have the same whistleblower protections as other Federal employees and such provisions would take effect 30 days after date of enactment of the Act.

The need for this legislative provision stems from section 111(d) of the Aviation and Transportation Security Act of 2001 (ATSA) (Public Law 107–71), which proscribed responsibility for all terms and conditions of employment to the Under Secretary for Transportation. This provision provided the newly-created Transportation Security Administration the necessary flexibility in all aspects of employee management.

Legislative History

H.R. 1317 was introduced on March 15, 2005, by Mr. Platts and 17 original cosponsors, and referred solely to the Committee on Government Reform.

On September 29, 2005, the Committee on Government Reform met and ordered H.R. 1317 reported to the House, amended, by a recorded vote of 34 yeas and 1 nay.

The Chairman of the Committee on Homeland Security sent a letter to the Speaker of the House on June 29, 2006, requesting a sequential referral of H.R. 1317. The letter further indicated that the legislation contains whistleblower provisions applicable to employees of the Department of Homeland Security, and thus within the jurisdiction of the Committee on Homeland Security.

On June 29, 2006, the Committee on Government Reform reported H.R. 1317 to the House as H. Rpt. 109–544, Pt. 1. The measure was then sequentially referred to the Committee on Armed Services and the Committee on Homeland Security for a period ending not later than September 11, 2006. On September 11, 2006, the Committee on Armed Services and the Committee on Homeland Security received an extension for further consideration for a period ending not later than September 29, 2006. On September 29, 2006, the Committee on Armed Services and the Committee on Homeland Security received an extension for further consideration for a period ending not later than November 17, 2006. On November 17, 2006, the Committee on Homeland Security was discharged from further consideration; and the Committee on Armed Services' referral was extended for a period ending December 8, 2006.

MARITIME TERMINAL SECURITY ENHANCEMENT ACT OF 2006

H.R. 4880

To direct the Commandant of the Coast Guard to require that a security plan for a maritime facility be resubmitted for approval upon transfer of ownership or operation of such facility, and for other purposes.

Summary

H.R. 4880 requires security plans at port facilities be updated and resubmitted to the United States Coast Guard after any transfer of ownership or operation of a terminal and requires that all facility security officers be citizens of the United States. Additional provisions set deadlines for the implementation of security card programs at ports, set a deadline for the development of a long range vessel tracking program, and mandate 100 percent inspection of cargo bound for the U.S. at foreign seaports.

Legislative History

H.R. 4880 was introduced by Mr. LoBiondo and twenty-three original cosponsors on March 6, 2006, and referred to the Committee on Transportation and Infrastructure, and the Committee on Homeland Security. Within the Committee on Homeland Security the measure was referred on the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

The Chairman of the Committee on Homeland Security sent a letter to the Speaker of the House on September 20, 2006, agreeing to discharge the Committee on Homeland Security from further consideration of H.R. 4880.

The Committee on Transportation and Infrastructure reported H.R. 4880 to the House on September 29, 2006, as H. Rpt. 109–709, Pt. 1. On that date, the referral of the measure to the Committee on Homeland Security was extended for a period ending not later than November 17, 2006. On November 17, 2006, referral of the measure to the Committee on Homeland Security was extended for a period ending not later than December 8, 2006.

SAFE TRUCKERS ACT OF 2006

H.R. 5604

To require motor vehicle operators transporting security sensitive material in commerce to obtain a permit from the Secretary of Homeland Security, and for other purposes.

Summary

Section 1012 of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism" (USA PATRIOT) (P.L.107–56) prohibits States from issuing a commercial drivers license (CDL) to an individual to operate a motor vehicle (truck) to transport hazardous materials (HAZMAT) for commercial purposes unless the Secretary of Transportation has determined that the individual does not pose a security risk. This responsibility was delegated to the Transportation Security Administration (TSA), which became a part of the Department of Homeland Security in 2003. In May 2005, TSA began implementing this

requirement for all hazardous materials endorsement (HME) drivers. Under the provisions of the USA PATRIOT Act, the TSA was required to conduct background checks on all 2.7 million HME drivers, although a majority of HAZMAT is not a security threat.

H.R. 5604, the "SAFE Truckers Act," requires the TSA to distinguish certain materials as security sensitive, and requires individuals transporting those materials to undergo the extensive fingerprint-based criminal history background check. H.R. 5604 includes amendments to section 1012 of the USA PATRIOT Act, the existing statute. The changes require a name-based check for drivers obtaining a HME, but not a criminal records check thereby reducing the number of drivers who must undergo the fingerprint-based check without reducing security. H.R. 5604 also included provisions to reduce the cost for drivers who hold other similar cards, such as the Transportation Worker Identification Credential (TWIC), and would require a study of ways to reduce redundancies between these programs.

Legislative History

Prior to introduction, on November 1, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing entitled "Reforming HAZMAT Trucking Security." The Subcommittee received testimony from Mr. Stephen Russell, Chairman and CEO Celadon Group Inc., testifying on behalf of the American Trucking Association; Mr. Michael Laizure, Owner-Operator, Time Critical Ordnance Transport, testifying on behalf of The Owner-Operator Independent Drivers Association; Mr. Gary Brown, General Counsel, Pyro Spectaculars, testifying on behalf of the American Pyrotechnics Association, et al; Ms. Linda Lewis-Pickett, President and CEO, American Association of Motor Vehicle Administrators; Mr. Scott Madar, Assistant Director, Safety and Health Department, International Brotherhood of Teamsters; Mr. Justin Oberman, Assistant Director, Transportation Threat Assessment & Credentialing, Transportation Security Administration, Department of Homeland Security; and Mr. Robert McGuire, Associate Administrator, Pipeline & Hazardous Materials Safety Administration, Department of Transportation.

H.R. 5604 was introduced by Mr. Daniel E. Lungren of California, Ms. Loretta Sanchez of California, and seven original cosponsors on June 14, 2006, and referred solely to the Committee on Homeland Security. Within the Committee, the measure was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

The Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on June 16, 2006. The Subcommittee received testimony from Hon. Kip Hawley, Administrator, Transportation Security Administration, Department of Homeland Security; Mr. David S. McClimon, President, Con-Way, Inc., on behalf of the American Trucking Association; and Mr. Todd Spencer, Executive Vice President, Owner-Operator Independent Drivers Association.

The Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity met on June 22, 2006, to consider H.R.

5604 and forwarded the measure to the Full Committee, amended, by voice vote.

SECURE HANDLING OF AMMONIUM NITRATE ACT OF 2005

H.R. 3197

To authorize the Secretary of Homeland Security to regulate the production, storage, sale, and distribution of ammonium nitrate on account of the prior use of ammonium nitrate to create explosives used in acts of terrorism and to prevent terrorists from acquiring ammonium nitrate to create explosives.

Summary

H.R. 3197 requires ammonium nitrate "handlers," i.e. any person that produces or sells ammonium nitrate, to register with the Department of Homeland Security and report the amount of ammonium nitrate sold or produced at each of the handler's respective facilities. H.R. 3197 also requires ammonium nitrate handlers to maintain records of each sale or transfer of ownership of ammonium nitrate for a three year period from the date of sale or transfer. Another provision requires handlers to verify the identity of ammonium nitrate purchasers through an identification procedure determined appropriate by the Secretary of the Department of Homeland Security. H.R. 3197 was intended to aid law enforcement counterterrorism efforts by creating a paper trail for crimes involving purchases of ammonium nitrate and will also support honest retailers in their efforts to prevent terrorism.

Legislative History

H.R. 3197 was introduced by Mr. Weldon and five original cosponsors on June 30, 2005, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 3197 was referred to the Subcommittee on Prevention of Nuclear and Biological Attack.

On December 14, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing on H.R. 3197. The Subcommittee received testimony from Dr. Jimmie C. Oxley, Professor of Chemistry, University of Rhode Island; Mr. James W. McMahon, Director, New York State Office of Homeland Security; Mr. Gary W. Black, President, Georgia Agribusiness Council, Inc.; Mr. William Paul O'Neill, Jr., President, International Raw Materials, testifying on behalf of Agricultural Retailers Association; Mr. Carl Wallace, Plant Manager, Terra Mississippi Nitrogen, Inc., testifying on behalf of The Fertilizer Institute.

On December 14, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack considered H.R. 3197 and favorably forwarded the bill to the Full Committee for consideration, amended, by a recorded vote of 9 yeas and 0 nays.

On June 14, 2006, the Committee on Homeland Security met to consider H.R. 3197, and ordered the measure reported to the House, amended, by voice vote.

RECREATIONAL BOATERS STREAMLINED INSPECTION ACT

H.R. 1509

To create an inspection program that uses videophone systems at certain points of entry in Florida to satisfy customs and immigration reporting requirements.

Summary

H.R. 1509, the "Recreational Boaters Streamlined Inspection Act," requires the Secretary of Homeland Security to establish an inspection program that uses a videophone system at specified points of entry in Florida whereby recreational vessels may report to an appropriate official of the Department of Homeland Security (DHS) for purposes of compliance with customs laws and for lawful entry into the United States under immigration laws.

Legislative History

H.R. 1509 was introduced in the House on April 6, 2005, by Mr. Foley and Mr. Shaw, and referred solely to the Committee on Homeland Security. Within the Committee on Homeland Security, H.R. 1059 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

On May 19, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on H.R. 1509, the Recreational Boaters Streamlined Inspection Act. The Subcommittee received testimony from Hon. Mark Foley, a Representative in Congress from the State of Florida; Mr. Jim Ellis, President, Boat Owners Association of The United States BOAT/U.S.; and Mr. Robert Jacksta, Executive Director, Border Security and Facilitation, Office of Field Operations, Customs and Border Protection, Department of Homeland Security.

OVERSIGHT ACTIVITIES OF THE COMMITTEE

PORT AND WATERWAY SECURITY

On Tuesday, March 22, 2005, the Committee on Homeland Security held a field hearing in Vicksburg, Mississippi, entitled "Protecting Our Commerce: Port and Waterways Security." The Committee received testimony from Rear Admiral Robert Duncan, Commander Eighth Coast Guard District, United States Coast Guard; Mr. Jimmy Heidel, Executive Director, Warren County Port Commission and Vice-President of the Vicksburg-Warren County Chamber of Commerce; Ms. Cynthia Swain, Director of Safety and Security, Port of New Orleans; Dr. Deirdre McGowan, Executive Director, Inland Rivers, Ports and Terminals Association.

The Committee assessed the progress made in port and inland waterway security since September 11, 2001 and the impact of the Department of Homeland Security port and maritime security programs at the local level. The Committee examined the greatest threats to the maritime environment and what steps the Department and local officials have taken to protect against those threats. Members gained a better understanding of what the U.S. Coast Guard has done to improve security at the Nation's seaports and major inland waterways.

DEPARTMENT OF HOMELAND SECURITY MANAGEMENT

In his speech on March 16, 2005, the Secretary of Homeland Security, announced the initiation of a Second-Stage Review. This review forms part of the Department's continuing efforts to achieve a successful management structure and to integrate the varied management processes, systems, employees, and programs. The Secretary also called for a shift in emphasis to a risk-based approach in both homeland security operations and philosophy.

Risk-Based Prioritization and Management

On April 13, 2005, the Committee on Homeland Security held a hearing entitled "The Department of Homeland Security: Promoting Risk-Based Prioritization and Management." The sole witness was Hon. Michael Chertoff, Secretary, Department of Homeland Security. The purpose of this hearing was to explore how the Department would be re-examining its overall mission and the work of its organizational elements through the lens of threat, vulnerability, and consequence, in order to implement risk-based management of limited resources. During this hearing, the Secretary discussed with Members the ongoing review of the Department's operations and his plans to establish risk-based priorities to drive program development and budgets.

Second Stage Review

On July 14 and 25, 2005, the Committee held a hearing entitled "The Secretary's Second-Stage Review: Re-thinking the Department of Homeland Security's Organization and Policy Direction." The Committee received testimony from Hon. Michael Chertoff, Secretary, Department of Homeland Security. This hearing examined the organizational and policy changes proposed by Department of Homeland Security (DHS) Secretary Michael Chertoff. These proposals are the result of a Second-Stage Review of the Department's structure, policies, and programs.

Department of Homeland Security Budget

On February 16, 2006, the Committee on Homeland Security held a hearing entitled "The President's Proposed Fiscal Year 2007 Budget for the Department of Homeland Security: Maintaining Vigilance and Improving Mission Performance in Securing the Homeland." The sole witness was Hon. Michael Chertoff, Secretary, Department of Homeland Security. This hearing examined the homeland security aspects of the proposed Fiscal Year 2007 budget for the Department. This hearing allowed Members to explore the strategic goals, performance objectives, and overall priorities of DHS, as reflected in the proposed budget for Fiscal Year 2007, as well as the Secretary's plans for resolving lingering issues that continued to affect the operations of the Department. The findings of this hearing were used to develop authorized funding levels for legislation introduced by the Committee on Homeland Security, including H.R. 4954, the "Security and Accountability For Every Port Act"; H.R. 5351, the "National Emergency Management Reform and Enhancement Act of 2006"; H.R. 5814, the "Department of

Homeland Security Authorization Act for Fiscal Year 2007"; and H.R. 5695, the "Chemical Facility Anti-Terrorism Act of 2006."

Merger of Customs and Border Protection and Immigration and Customs Enforcement

On November 28, 2006, the Committee on Homeland Security Chairman and Ranking Member, along with the Subcommittee on Management, Integration, and Oversight Chairman and Ranking Member, sent a letter to the Secretary of Homeland Security requesting a response to lingering questions regarding the Department's decision to maintain the separate organizational structure of Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE). The letter also inquired how the Secretary's Second Stage Review (2SR) reforms would address the problems of coordination and information sharing between the agencies. The Secretary of Homeland Security responded to the Committee on February 22, 2006, and reiterated the Department's position that the merger of CBP and ICE "would be a significant and costly setback" resulting in "confusion and disruption" that would seriously divert attention from critical homeland and border security missions.

The Secretary also outlined the following changes that he had or intended to make in lieu of the merger of the two agencies: (1) creation of a Department-wide Office of Policy, an Office of Operations Coordination, and a more robust Office of Intelligence and Analysis to be managed by a new Chief Intelligence Officer; (2) implementation of the Secure Border Initiative as a collective effort to improve Department-wide coordination in the apprehension, detention, and removal of illegal aliens; (3) placement of the SBI Program office in the DHS Office of Policy; (4) directing CBP and ICE to report to the Secretary of DHS, which includes weekly meetings between the Secretary and CBP and ICE leadership for updates of the effectiveness of SBI and the use of expedited removal; (5) creation of an ICE/CBP Coordination Council, which involves high level managers from each agency who meet regularly to resolve coordination issues and ensure effective implementation of Memoranda of Understanding and other interagency agreements; (6) establishment of mechanisms to ensure the Under Secretary of Management and the Chief Financial Office collaborate with CBP and ICE on budget and strategic planning issues; and (7) establishment of Border Enforcement and Security Task Forces composed of integrated teams of Federal, State, and local representatives to address cross-border criminal activity.

Department of Homeland Security Major Initiatives

On September 26, 2006, the Committee on Homeland Security held a hearing entitled "The Department of Homeland Security: Major Initiatives for 2007 and Beyond." The sole witness for this hearing was Hon. Michael Chertoff, Secretary, Department of Homeland Security. The purpose of this hearing was to inform Members of the priorities for the Department of Homeland Security for the coming year and into the future. The hearing provided Members the opportunity to discuss the Department's priorities, ac-

complishments, and failures with the Secretary, and examine the agenda for the future.

EMERGENCY PREPAREDNESS AND RESPONSE

First Responder Grant Reform

Reforming the Department of Homeland Security's first responder grant programs for State and local governments was one of the Committee's paramount concerns during the 109th Congress. The Committee was particularly concerned about the Department's myriad problems in distributing Federal homeland security assistance to enhance our Nation's capabilities to prevent, prepare for, respond to, and recover from acts of terrorism, especially those involving weapons of mass destruction. Several widely-reported problems with the Department's grant programs include: the Department's reliance on arbitrary formulas—rather than risk—to allocate the vast majority of its terrorism preparedness grant funds to State and local governments; the lack of Federal terrorism preparedness standards or goals to guide the expenditure of grant funds; the slow rate of draw-down (i.e., spending) by State and local recipients of terrorism preparedness grants; and the failure by many States and territories to allocate funds to localities within their jurisdictions on the basis of risk and need.

On April 14, 2005, the Committee on Homeland Security held a hearing entitled "Grant Reform: The Faster and Smarter Funding for First Responders Act of 2005." The Committee received testimony from Hon. Lee. H. Hamilton, Vice Chair, National Commission on Terrorist Attacks Upon the United States; Ms. Mary Fetchet, Founding Director, Voices of September 11th; Inspector Louis P. Cannon, on behalf of the National Fraternal Order of Police; Chief Gregg Lord, Director, National Association of Emergency Medial Technicians, Division Chief—EMS, Cherokee County Fire-Emergency Services; and Mr. Kevin B. O'Connor, Associate to the General President, International Association of Fire Fighters. This hearing evaluated how H.R. 1544, the "Faster and Smarter Funding for First Responders Act," would help remedy problems with the grant process.

The Committee's oversight in this area resulted in the development of H.R. 1544. This legislation passed the House of Representatives twice—as a stand alone measure in May 2005—and as an amendment to H.R. 3199, the "USA PATRIOT Improvement and Reauthorization Act" in July 2005 and has spurred the Department to make significant changes in how it administers these grant programs and awards funding to State and local governments.

Disaster Response

In the morning hours of August 29, 2005, Hurricane Katrina made landfall along the coasts of Louisiana, Mississippi, and Alabama. In the days and weeks that followed, the Nation watched as it became apparent that all levels of Government were unprepared and unable to adequately respond to the devastation caused by the storm.

Hurricane Katrina and, subsequently, Hurricane Rita, which hit Texas and Louisiana, exposed a lack of preparedness—at all levels

of Government—to respond to a true catastrophe, whether natural or man-made. Furthermore, these two hurricanes exposed weaknesses in financial management controls that resulted in the payment of more than $1 billion dollars of fraudulent applications for Federal assistance. As a result of Hurricanes Katrina and Rita, the Committee examined how our Nation could avoid such disasters in the future.

On September 14, 2005, senior officials from the American Red Cross (ARC) briefed Committee Members recounting their observations on the coordination between Federal, State, and local governments and non-governmental and voluntary organizations during the response to Hurricane Katrina. As a central player in the response to Hurricane Katrina and as a signatory to the National Response Plan, the ARC observed the Federal, State, and local Government response. The briefing addressed issues including: the implementation of the National Response Plan; the typical role of non-governmental and volunteer organizations in preparing for, responding to, and recovering from catastrophic emergencies in general and the ARC's role under the National Response Plan in particular; the effectiveness of the Federal government's response to Hurricane Katrina in comparison to the Federal government's response in prior emergencies; the effectiveness of the State and local government's response in comparison to other States and local Governments in prior emergencies; and the challenges of responding to a catastrophic natural disaster.

Members of the Committee on Homeland Security received a briefing on September 22, 2005, by the American Red Cross and disaster response. The purpose of this briefing was to discuss the American Red Cross' efforts in the wake of Hurricane Katrina and personal observations of the response by Federal, State, and local governments. The Committee learned about the frustration with the pace of the response and the coordination among Federal, State and local governments and non-governmental and voluntary organizations, such as the American Red Cross and the Salvation Army.

On September 27, 2005, Members of the Committee on Homeland Security received a joint briefing with the Members of the Committee on Transportation and Infrastructure on the U.S. Coast Guard's disaster response capabilities in light of actions taken during Hurricane Katrina. The Committee examined the successes and failures encountered during the course of the recovery efforts.

The Committee on Homeland Security held a hearing on October 19, 2005, entitled "Federalism and Disaster Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies." The Committee received testimony from Hon. Jeb Bush, Governor, State of Florida; Hon. Rick Perry, Governor, State of Texas; Hon. Janet Napolitano, Governor, State of Arizona; Hon. David G. Wallace, Mayor, City of Sugar Land, Texas, testifying on behalf of The United States Conference of Mayors; and Hon. Audwin M. Samuel, Mayor Pro Tem, City of Beaumont, Texas, testifying on behalf of The National League of Cities. This hearing addressed a number of issues critical to the intergovernmental challenges posed by catastrophic events including: the historic roles and responsibilities of local, State, and Federal entities with respect to preparing

for and responding to acts of terrorism and other major disasters; whether these historic roles should be re-examined post-Hurricane Katrina, particularly with respect to catastrophic events; whether the National Response Plan adequately enhances intergovernmental coordination; and what additional partnerships, if any, municipal, State, and Federal agencies need to create to more effectively coordinate their missions and enhance existing operational capabilities.

On October 25, 2005, the Department of Homeland Security responded to a request informing the Committee of compliance with Section 307 of the Stafford Act and an updated inventory of contractors and subcontractors involved in the relief effort related to Hurricane Katrina.

The Committee's oversight in the area resulted in the introduction of H.R. 5351, legislation reforming the Federal Emergency Management Agency. See discussion on H.R. 5351 listed above.

Federal Emergency Management Agency Reform

Given the catastrophic nature of the destruction wrought by Hurricanes Katrina and Rita and the persistent chorus of criticism directed at the Federal Emergency Management Agency (FEMA) with respect to its response, many in Congress and the public clamored for legislative reform. Many FEMA critics advocated the removal of FEMA from the Department of Homeland Security (Department) and its re-establishment as an independent agency. Concern was raised that the Department's primary focus on terrorism preparedness undermined FEMA's ability to respond to natural disasters and other emergencies, and that FEMA's placement within the Department reduced its nimbleness and effectiveness.

On May 9, 2006, the Committee on Homeland Security held a hearing on proposed legislation to strengthen FEMA and better integrate it into the Department of Homeland Security, and for other purposes. The Committee received testimony from Dr. William O. Jenkins, Jr., Director, Homeland Security and Justice, Government Accountability Office; Mr. Barry Kasinitz, Director, Governmental/Legislative Affairs, International Association of Fire Fighters; Mr. Steven V. Lenkart, Director of Legislative Affairs, International Brotherhood of Police Officers; and Mr. Eric Holdeman, Director, Office of Emergency Management, King County, State of Washington. This hearing provided Members with an opportunity to hear from representatives of the fire service, law enforcement, and emergency management communities on how the Department should enhance its preparedness and response to acts of terrorism, natural disasters, and other emergencies. In particular, the witnesses offered the Committee their views on H.R. 5351, the "National Emergency Management Reform and Enhancement Act of 2006."

The Committee's efforts on FEMA reform led to the development of H.R. 5351, the "National Emergency Management Reform and Enhancement Act," which was one of three bills that formed the basis for Title VI of H.R. 5441, the "FY 2007, Department of Homeland Security Appropriations Act."

Terrorism Preparedness Grants

In May 2006, the Department of Homeland Security (Department) announced the recipients of $1.7 billion in Fiscal Year (FY) 2006 funding under the State Homeland Security Grant Program (SHSGP), the Urban Area Security Initiative (UASI), and the Law Enforcement Terrorism Prevention Program (LETPP). As a result of a new allocation process, the Department significantly reduced funding to New York City and the National Capital Region—the targets of the September 11, 2001 attacks—by 40 percent from FY 2005 levels.

On June 21, 2006, the Committee on Homeland Security held a hearing entitled "DHS Terrorism Preparedness Grants: Risk-Based or Guess-Work?" The Committee received testimony from Hon. Michael Bloomberg, Mayor, City of New York, New York; Police Commissioner Raymond W. Kelly, City of New York; Hon. Anthony Williams, Mayor, City of Washington, District of Columbia; Mr. Edward D. Reiskin, Deputy Mayor, Public Safety and Justice, City of Washington, District of Columbia; Chief Charles H. Ramsey, Chief of Police, Metropolitan Police Department, District of Columbia; and Hon. George Foresman, Under Secretary for Preparedness, Department of Homeland Security. This hearing examined the basis for the Department's reductions in funding, and its potential effect on New York City, the NCR, and our Nation. Specifically, the Committee analyzed the Department's revisions to its risk analysis process, the peer review process used to evaluate each grant application, and whether, and to what extent, the Department's new allocation method allocated grant funding to those jurisdictions most at-risk from acts of terrorism.

TRANSPORTATION SECURITY

Secure Flight Program

The Transportation Security Administration (TSA) developed the Secure Flight program to communicate with airlines to obtain a limited amount of passenger information when reservations are made for flights. TSA then checks the passenger information against the terrorist watchlist maintained at the Terrorist Screening Center (TSC).

On May 20, 2005, the Chairman and the Ranking Member of the Committee on Homeland Security, the Chairman and Ranking Member of the Committee on Transportation and Infrastructure, and the Chairman of the Committee on Government Reform sent a letter to the Government Accountability Office (GAO) requesting a follow-up report to GAO 05–356: Aviation Security: Secure Flight Development and Testing Under Way, but Risks Should Be Managed as System Is Further Developed. The Chairman of the Committee received a response from GAO on June 2, 2005 indicating that GAO would comply with the request. GAO submitted a report GAO–06–864T "Management Challenges Remain for the Transportation Security Administration's Secure Flight Program" on June 14, 2006.

Transportation Worker Identification Credential

On May 24, 2006, the Chairman of the Committee on Homeland Security sent a letter to the Secretary of Homeland Security requesting an explanation for the exclusion of commercial truck drivers in the interim background check under the Transportation Worker Identification Credential (TWIC). The Committee received a response on July 14, 2006, in which the Secretary explained that the background check would be introduced in phases, and that the inclusion of truck drivers at this stage would be both expensive and time consuming. The Secretary further explained that most truck drivers who hold a hazardous materials endorsement already undergo a random name-based check.

Concerns over this response and the desire to screen all necessary truck drivers led to the inclusion of section 125 of the SAFE Ports Act (P.L. 109–347), which requires the Secretary to begin screening truck drivers who are not covered under the hazardous materials endorsement program within ninety days. For further discussion of the SAFE Ports Act, see discussion of H.R. 4954 listed above.

Passenger and Baggage Screening

Committee Staff visited Washington Dulles International Airport on March 30, 2005, and examined TSA's passenger and baggage screening operations. Additionally, Staff were briefed by the TSA and Customs and Border Protection on November 22, 2005, on international passenger and baggage screening. The Committee focused on the adequacy of screening technology for both passengers and baggage; the adequacy of screeners to meet screening demands during peak travel periods; and the impact of stand alone screening technology within the airport on passenger wait times. TSA subsequently announced a revised guideline for screener allocation to address screener to passenger imbalance concerns, as well as a screening technology deployment strategy to the Committee.

Air Cargo Security

Committee Staff were briefed by the Transportation Security Administration (TSA) on October 10, 2005 and on May 12, 2006 regarding TSA's progress in effecting measures to meet the requirements of the Aviation and Transportation Security Act of 2001 for securing air cargo security. The staff focused on proposals to establish a system for designating high risk cargo for enhanced security screening; recommendations for enhancing the effectiveness of the Known Shipper Program, including threat assessment requirements for employees of freight handlers; and measures to improve access control in cargo handling areas. In the course of its work, Committee Staff made several visits to Dulles International Airport to view cargo screening operations; met with air cargo private sector representatives; and reviewed the findings of the Government Accountability Office Staff regarding vulnerabilities in existing security mechanisms in air cargo transportation.

Man Portable Air Defense Systems

The Department of Homeland Security's Science and Technology Counter-MANPADS Special Program Office became operational in

October 2003. Committee continued in the 109th Congress to review and examine the establishment of this office and the use of counter-MANPADS in the protection of aircraft.

Committee Staff were briefed by the Science and Technology Directorate on the Counter-MANPADS program on January 7, 2005. The Committee examine concerns about the narrow focus of the Department's program; the excessive costs associated with the on-board solutions then under development; as well as lack of stakeholder support for the solutions being supported by DHS. The Department subsequently expanded the program to examine and support ground-based counter-MANPADS solutions.

CRITICAL INFRASTRUCTURE PROTECTION

Cybersecurity

On May 23, 2005, the Chairman and Ranking Member of the Committee on Homeland Security requested to be added as co-requesters to a study by the Government Accountability Office on Department of Homeland Security responsibilities for cybersecurity in support of critical infrastructure. On June 3, 2005, GAO agreed to study this issue and report back. On July 19, 2005 GAO provided the Committee with transcript of its testimony (GAO–05–827T) which responded to the original request by delineating the roles and responsibilities of the Department regarding cybersecurity related to critical infrastructure protection, the status of the department's efforts to fulfill these responsibilities, the challenges the Department faces with these responsibilities and the recommendations of GAO as to how to improve the cybersecurity of our nation's critical infrastructure.

Energy Transportation Security

On April 5, 2005, the Government Accountability Office committee to study the vulnerabilities of maritime energy transportation infrastructure to terrorist attack after the Committee requested a study in January 31, 2005. The transportation of liquified natural gas (LNG) presents a possible risk to the United States due to the large quantities in which it is shipped and the high volatility and flammable nature. Although some studies have been completed by the National Laboratories, there is no consensus at this time about the vulnerabilities LNG tankers pose as a terrorist threat.

The Government Accountability Office recommitted to study the efforts to secure maritime energy transportation vessels and infrastructure on February 22, 2006 The Committee was subsequently informed that the report would not be completed until 2007.

National Infrastructure Protection Plan

On February 17, 2006, the Department of Homeland Security responded to a letter from the Chairman of the Committee on Homeland Security letter requesting information regarding the National Infrastructure Protection Plan (NIPP). The NIPP, required under Homeland Security Presidential Directive 7 (HSPD–7, Critical Infrastructure Identification, Prioritization, and Protection, December 17, 2003), called for a comprehensive plan to secure the Nation's

infrastructure critical to daily operations. HSPD–7 identified seventeen sectors of critical infrastructure (such as transportation, nuclear, energy, chemical and water) and requires a sector-specific plan to secure each sector. A draft of the NIPP base-plan was released in November 2005. The letter to the Department requested further information about when the final NIPP base-plan would be released. The Committee received a final copy of the NIPP in June 2006, and examined the implications as it related to security and its impact upon States, businesses and the general public.

National Asset Database

The National Asset Database (NADB) is not simply a list of our Nation's "most critical" assets and resources. The determination of risk is dynamic, and thus what is considered a critical risk one day, may not be the next. Accordingly, an all-encompassing, continually evolving and updated inventory is required. The NADB is an issue that the Committee has followed closely since its inception. The Office of Infrastructure Protection briefed the Committee in December 2005 and again in July 2006 after the release of the Department of Homeland Security Inspector General's Report on the NABD.

On July 20, 2006, the Committee received a classified briefing by the Assistant Secretary, Office of Infrastructure Protection, Department of Homeland Security on an update of the NADB asset list. The briefing enhanced the understanding of Committee Member on the NADB and the most critical asset list.

INTELLIGENCE AND INFORMATION SHARING

Classified Member Intelligence Briefings

During the 109th Congress, the Chairman, Ranking Member, and select Committee Staff received regular classified briefings on relevant homeland-related plots from the Intelligence Community (IC). These bi-weekly briefings were coordinated through the Director of National Intelligence and included representatives from the National Counter Terrorism Center (NCTC), the Department of Homeland Security's Office of Intelligence Analysis, the Federal Bureau of Investigation (FBI), and other members of the IC as appropriate. These briefings were critical to providing the Committee leadership with near real-time information on current plots against the United States and guiding certain oversight efforts.

2005 New York Subway Terror Threat Warnings

In late September 2005, the Department of Homeland Security (DHS) and the Federal Bureau of Investigation (FBI) received information regarding a potential threat to the New York City subway system. According to news reports, a team of terrorists would be attempting to execute an attack on the New York City Subway on or about October 9, 2005, using explosives concealed in bags or baby strollers.

On October 18, 2005, the Committee on Homeland Security conducted a Member briefing at which senior representatives of the New York Metropolitan Police briefed Members on the recent subway terror threat warnings and related actions. Members of the

Committee continued to examine the Department's capabilities to report and disseminate timely threat information to State and local authorities. The Committee, through the introduction of H.R. 5814 and H.R. 5351, further addressed issues related to information sharing and the threat advisory system.

Release of Classified Information

On December 16, 2005, The New York Times (Times) published an article outlining a highly-classified overseas surveillance program conducted by the National Security Agency to monitor the communications of suspected terrorists. On June 23, 2006, the Times again divulged classified materials, this time on a program that seeks to identify international terrorist financing networks and transactions.

On June 26, 2006, the Chairman of the Full Committee wrote a letter to the Attorney General of the United States requesting that the Department of Justice investigate whether the Times had violated Federal law by publishing classified material. In particular, the Chairman requested an inquiry onto violations of the Espionage Act (18 U.S.C. § 793 et seq.) and the Comint Act (18 U.S.C. § 798). The Committee received no official response from the Department of Justice in response to this request, but the leak and publication of the classified information resulted in the passage of H. Res. 895, a measure which expressed support for intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate Congressional consultation, and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finances.

Liquid Explosives

In mid August 2006, a plot was discovered to use liquid explosives to destroy planes in midair on trans-Atlantic flights. On September 14, 2006, Members of the Committee on Homeland Security received a Classified briefing on this plot and the activities taken in response to and to prepare against future incidents.

BORDER SECURITY AND IMMIGRATION ENFORCEMENT

Review of Immigration and Customs Enforcement Investigations Priorities

As part of the Committee's oversight of detention and removal of terrorists, the Committee requested the Government Accountability Office (GAO) review how Immigration and Customs Enforcement (ICE) prioritizes cases for investigation. The Committee was concerned with how the Department of Homeland Security was using risk based management decisions in determining how to allocate limited resources for conducting investigations. As a result of this study and the Committee's attention to this issue, ICE set clear priorities for conducting investigations with a focus on worksite investigations at critical infrastructure sites, in particular nuclear and chemical plants, military facilities, and airports.

Southwest Border Site Visit

From August 16 through 18, 2006, Members of the Committee conducted a site visit of the southwest border in Texas, New Mexico, and Arizona. The Members examined security operations along the southwest border, including tactical operations, surveillance equipment, response capabilities, and community coordination. The Committee toured the Bridge of the Americas Port of Entry in El Paso, Texas, received border intelligence briefings at the Joint Terrorism Task Force and the El Paso Intelligence Center, and witnessed a demonstration at the Border Patrol canine training facility. While in New Mexico, Members toured the Columbus Port of Entry, met with private land owners along the border, and traveled to New Mexico Tech for a first responder training exercise. The Committee concluded the site visit in Arizona with a briefing on the Arizona Border Control Initiative, toured the Nogales Border Patrol Station, and participated in a border line tour in Nogales.

Border Incursions

On January 26, 2006, the Chairman of the Committee on Homeland Security, the Chairman of the Subcommittee on Investigations, and the Chairman of the Subcommittee on Management, Integration, and Oversight sent a letter to the Secretary of Homeland Security and the Secretary of State expressing concern and requesting further information on possible Mexican military intrusion on the southern border of the United States. The letter further requested information on the procedures and policies in place to respond to such events. The Department of State and Department of Homeland Security provided briefings to staff in response to the request.

U.S. Visitor and Immigrant Status Indicator Technology

On February 3, 2006, the Government Accountability Office agreed to examine the Department of Homeland Security efforts to deploy a biometric entry-exit system at land ports of entry under U.S. Visitor and Immigrant Status Indicator Technology (US–VISIT). On September 30, 2005, the Government Accountability Office committed to examine and review the Department of Homeland Security management and implementation of the US–VISIT program.

On August 28, 2006, the Chairman and Ranking Member of the Committee sent a letter to the Comptroller General requesting the Government Accountability Office examine the US–VISIT's performance and accountability framework.

Secure Border Initiative

On August 28, 2006, the Chairman and Ranking Member of the Committee sent a letter to the Comptroller General requesting further information and examination into the Increment 4 of the US–VISIT program and its relationship with the Secure Border Initiative.

CONGRESSIONAL TRAVEL TO SUPPORT COUNTER TERRORISM EFFORTS

To bolster support for international anti-terror efforts, several Committee Members and Staff participated in a Congressional Delegation to the Republic of Austria, the Hashemite Kingdom of Jordan, the State of Israel, the Arab Republic of Egypt, and the Kingdom of Morocco from July 31, until August 7, 2005. The Committee sought to encourage further cooperation in counter-terrorism efforts with these non-traditional allies in Europe, the Middle East, and Africa. Several Members and Staff also traveled to the United Kingdom; the Italian Republic; and the Kingdom of Spain from January 9 through 14, 2006, meeting with representatives of the international intelligence community to discuss the current state of global terrorism and future efforts to disrupt extremist activities.

COUNTERING AN AVIAN INFLUENZA PANDEMIC

During the 109th Congress, the Committee actively monitored the threat posed by a potential avian influenza pandemic and assessed the respective roles of Federal Government departments and agencies, with particular focus on the role of the Department of Homeland Security in particular, as well as the role of State and local Government entities and the private sector.

In November 2005, the President announced the National Strategy for Pandemic Influenza, followed by the Implementation Plan. The National Strategy for Pandemic Influenza is a guide for our preparedness and response to an influenza pandemic, with the intent of stopping, slowing or otherwise limiting the spread of a pandemic to the United States; limiting the domestic spread of a pandemic, and mitigating disease, suffering and death; and sustaining infrastructure and mitigating impact to the economy.

The Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology held a joint hearing on February 8, 2006, examining the nature of the pandemic threat, the need for early virus detection and prevention, and, particularly from the State and local community's perspective, the importance of coordinated preparedness and response efforts at the Federal, State and local levels. This hearing examined the assigned roles and responsibilities of the primary Federal agencies involved in pandemic preparedness and response contained in the Implementation Plan for the President's National Strategy for Pandemic Influenza in order to determine how effective the Plan will be.

On May 16, 2006, the Committee held a hearing entitled "Are we ready? Implementing the National Strategy for Pandemic Influenza." This hearing examined the Implementation Plan for the President's National Strategy for Pandemic Influenza. This Plan enumerates the respective roles and responsibilities of Federal departments and agencies, and defining expectations of State and local governments, the private sector, nonprofits, communities, and individual citizens in preparation and response. The Committee received testimony from: Mr. Jeffrey W. Runge, Acting Under Secretary for Science and Technology and Chief Medical Officer, Department of Homeland Security; Mr. John Agwonbi, Assistant Secretary for Health, Department of Health and Human Services; Mr.

John Clifford, Deputy Administrator for the Animal and Plant Health Inspection Service Veterinary Services' Program and Chief Veterinarian, Department of Agriculture; and Mr. Peter F. Verga, Deputy Assistant Secretary for Homeland Defense, Department of Defense. This hearing examined assigned roles and responsibilities articulated by the Implementation Plan and assessed the potential success of the Plan in readying the Nation for a potential pandemic.

In addition, Committee Staff traveled to New York, New York, in February 2006 and Chicago, Illinois, on June 1, 2006, to examine local pandemic prevention and preparedness strategies. Committee Staff met with the cities' respective public health department officials who discussed local pandemic initiatives, funding concerns and interaction with the Department of Homeland Security.

Committee Staff participated in a conference on November 16, 2005, entitled "The Global Threat of Pandemic Influenza." This conference assessed the status of the spread of the H5N1 virus in Asia, examined virus containment and control approaches and discussed the roles of the United States Government and the business community in preparing for, and responding to, a potential influenza pandemic. Speakers included well-known domestic and international government officials in the field of infectious disease and public health, and experts from the private sector, universities, a hospital and non-profit institutions.

COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES

In late 2005, Dubai Ports World, a company owned by the Government of the United Arab Emirates, sought to acquire the Peninsular & Oriental Steam Navigation Company (P&O), which runs terminal operations at ports around the world, including several large ports in the United States. On October 17, 2005, lawyers for Dubai Ports World and P&O informally approached staff for the Committee on Foreign Investment in the United States (CFIUS) at the Department of the Treasury (Treasury) to discuss the preliminary stages of the transaction. This type of informal contact enables "CFIUS staff to identify potential issues before the review process formally begins." In this case, Treasury staff identified port security as the primary issue and directed the companies to the Department of Homeland Security (DHS). On October 31, 2005, DHS and Department of Justice (DOJ) staff met with the companies to review the transaction and security issues.

On November 2, 2005, staff from Treasury requested a Community Acquisition Risk Center (CARC) intelligence assessment from the Office of the Director of National Intelligence (DNI). Treasury received this assessment on December 5, 2005, and it was circulated to CFIUS staff. On December 6, 2005, staff from CFIUS agencies, in addition to staff from the Departments of Transportation and Energy, met with company officials to review the transaction and request additional information. On December 16, 2006, after two months of informal interaction, the companies officially filed their formal notice with Treasury.

Over the course of the following 30-day review period, DHS negotiated a letter of assurances to address its port security concerns.

The final letter of assurances was circulated to the CFIUS on January 6, 2006 for its review, and CFIUS concluded its review on January 17, 2006. Any and all National security concerns were addressed to the satisfaction of all members of CFIUS.

On February 16, 2006, the Chairman of the Committee on Homeland Security sent a letter to the Director of National Intelligence requesting a review of the report on a intelligence threat assessment conducted by the intelligence community with respect to Dubai Port World's bid to operate at least six U.S. ports. On April 27, 2006, the Chairman of the Committee on Homeland Security received a classified report from the Office of the Director of National Intelligence detailing the intelligence threat assessment conducted with regard to Dubai Ports World.

The Chairman of the Committee on Homeland Security sent a letter on February 21, 2006, to the Secretary of the Treasury requesting a review of the CFIUS examination on the transaction that gave significant port control to Dubai Ports World. The Chairman of the Committee on Homeland Security received a response to this request from the Assistant Secretary of the Treasury for International Affairs on May 23, 2006.

On March 1, 2006, Members of the Committee on Homeland Security received a classified briefing with the Permanent Select Committee on Intelligence on the acquisition of terminal operations at six United States ports by Dubai Port World (DPW). Representatives from the Department of Homeland Security, the Department of the Treasury, the Director of National Intelligence, Defense Intelligence Agency, Customs and Border Patrol (CBP), and the U.S. Coast Guard briefed Members on the security review involved in the acquisition approval by the Committee on Foreign Investment in the United States (CFIUS). As a result of the controversy surrounding the transaction, on March 9, 2006 Dubai Ports World, agreed to sell its interests in the operations of several United States ports.

On May 24, 2006, the Committee on Homeland Security held a hearing entitled "The Need for CFIUS to Address Homeland Security Concerns." This hearing resulted from the controversy surrounding the Dubai Ports World transaction and examined the various issues involved in CFIUS reform, including legislative proposals. The Committee received testimony from Hon. Clay Lowery, Assistant Secretary for International Affairs, Department of the Treasury; Hon. Stewart Baker, Assistant Secretary for Policy, Planning, and International Affairs, Department of Homeland Security; Ms. Daniella Markheim, Jay Van Andel Senior Analyst in Trade Policy, Center for International Trade and Economics, The Heritage Foundation; Hon. Stuart Eizenstat, Partner at Covington and Burling, and Former Deputy Secretary of the Treasury; Hon. Roy Blunt, a Representative from the State of Missouri; Hon. Carolyn B. Maloney, a Representative from the State of New York.

As a result of this oversight effort, the Committee worked with the Committee on Financial Services, and other interested Committees, to develop CFIUS reform legislation, H.R. 5337, the National Security Foreign Investment Reform and Strengthened Transparency Act of 2006. This legislation passed the House of Representatives on July 26, 2006 by a vote of 424 yeas and 0 nays.

SAFETY ACT IMPLEMENTATION

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

During the 109th Congress, the Committee engaged in oversight to improve the Department's SAFETY Act implementation. Committee Staff had regular interaction with Department officials to monitor the program's progress, including numerous briefings and other informal meetings. The Committee consulted with various stakeholders concerned with the pace and requirements of the SAFETY Act review process. As a result of the Committee's concern, the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Government Reform held a joint Majority Staff briefing on February 7, 2005. Representatives from the Department of Homeland Security Offices of Science and Technology and SAFETY Act Implementation (OSAI), discussed the latest developments and progress being made toward improving the SAFETY Act application process.

On April 6, 2005, the Committee on Homeland Security sent a letter to the Department of Homeland Security's Under Secretary of the Science and Technology Directorate, requesting an update on the implementation of the SAFETY Act, including an estimate on the date by which revised regulations would be finalized. The letter further requested information for each of the SAFETY Act applications received by the Department. The Committee on Homeland Security received a response on May 5, 2005, and the Department provided further information throughout the summer months of 2005.

The Committee's oversight activity in this area led to the development of legislation intended to improve implementation of the SAFETY Act. Section 303 of H.R. 1817, the Department of Homeland Security Authorization Act for Fiscal Year 2006, required the Secretary to study all Department procurements to identify those involving technology. Section 303 of H.R. 5814, the Department of Homeland Security Authorization Act for Fiscal Year 2007, essentially replicated the study required under H.R. 1817, but expanded upon the section to require the Secretary to ensure a sufficient number of personnel trained to apply economic, legal and risk analyses would be involved in the review and prioritization of anti-terrorism technologies. Under this section, the Secretary was also required to ensure coordination among DHS officials for implementing the SAFETY Act, and promoting the awareness and utilization of the program at the Federal, State and local level.

On September 13, 2006, the Subcommittee on Management, Integration, and Oversight and the Subcommittee on Emergency Preparedness, Science, and Technology held a joint hearing entitled "Helping Business Protect the Homeland: Is the Department of Homeland Security Effectively Implementing the SAFETY Act?" The Subcommittees received testimony from Hon. Jay Cohen, Undersecretary for Science and Technology, Department of Homeland Security; Ms. Elaine C. Duke, Chief Procurement Officer, Department of Homeland Security; Mr. Andrew Howell, Vice President, Homeland Security Policy Division, U.S. Chamber of Commerce; Mr. Michael M. Meldon, Executive Director, Homeland Security and Defense Business Council; Mr. Stan Z. Soloway, President, Professional Services Council; and Brian E. Finch, Esq., Dickstein Shapiro, LLP.

The Subcommittee's oversight in this area augmented the Department of Homeland Security's decision to revamp its implementation of the SAFETY Act by updating the application process, ensuring that the certification process dovetails with existing procurement processes, and minimizing the burdens imposed on businesses so that liability is not an impediment to developing and deploying anti-terrorism technologies for Federal, State, and local homeland security personnel.

See discussion of H.R. 1817 listed above.

U.S. COAST GUARD DEEPWATER PROGRAM

On September 7, 2006, the Chairman of the Committee on Homeland Security sent a letter to the Secretary of Homeland Security requesting a status update on the Office of Inspector General's ongoing investigation into allegations of mismanagement of the Coast Guard's Deepwater procurement program. On October 20, 2006, the Inspector General of the Department of Homeland Security sent a letter to the Chairman of the Committee on Homeland Security indicating that the Office of the Inspector General would be releasing a report on allegations of mismanagement in the Coast Guard's Deepwater program.

FULL COMMITTEE HEARINGS HELD

Protecting Our Commerce: Port and Waterways Security. Hearing held March 22, 2005. Serial No. 109–5.

The Department of Homeland Security: Promoting Risk-Based Prioritization and Management. Hearing held April 13, 2005. Serial No. 109–7.

Grant Reform: The Faster and Smarter Funding for First Responders Act of 2005. Hearing held April 14, 2005. Serial No. 109–8.

The Secretary's Second-Stage Review: Re-thinking the Department of Homeland Security's Organization and Policy Direction. Hearing held July 14 and 25, 2005. Serial No. 109–32.

Federalism and Disaster Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies. Hearing held October 19, 2005. Serial No. 109–46.

The President's Proposed Fiscal Year 2007 Budget for the Department of Homeland Security: Maintaining Vigilance and Improving

Mission Performance in Securing the Homeland. Hearing held February 16, 2006. Serial No. 109–65.

H.R. 4954, "Security and Accountability For Every Port Act." Hearing held April 4, 2006. Serial No. 109–71.

Proposed Legislation to Strengthen the Federal Emergency Management Agency and Better Integrate it into the Department and for Other Purposes. Hearing held May 9, 2006. Serial No. 109–74.

Are We Ready?: Implementing the National Strategy for Pandemic Influenza. Hearing held May 16, 2006. Serial No. 109–77.

The Need for CFIUS Reform to Address Homeland Security Concerns. Hearing held May 24, 2006. Serial No. 109–79.

DHS Terrorism Preparedness Grants: Risk-Based or Guess-Work? Hearing held June 21, 2006. Serial No. 109–86.

The Department of Homeland Security: Major Initiatives for 2007 and Beyond. Hearing held September 26, 2006. Serial No. 109–106.

FULL COMMITTEE MARKUPS HELD

H.R. 1544, Faster and Smarter Funding for First Responders Act of 2005; was ordered favorably reported to the House, amended, by voice vote. April 21, 2005.

H.R. 1817, Department of Homeland Security Authorization Act for FY 2006; was ordered favorably reported to the House, amended, by voice vote, April 27, 2005.

H.R. 4312, Border Security and Terrorism Prevention Act of 2005; was ordered favorably reported to the House, amended, by voice vote, November 16 and 17, 2005.

H.R. 4954, SAFE Port Act; was ordered favorably reported to the House, amended, by voice vote, April 26, 2006.

H.R. 5351, National Emergency Management Reform and Enhancement Act of 2006; was ordered favorably reported to the House, amended, by voice vote, May 17, 2006.

H.R. 3197, Secure Handling of Ammonium Nitrate Act of 2005; was ordered favorably reported to the House, amended, by voice vote, June 14, 2006.

H.R. 4941, Homeland Security Science and Technology Enhancement Act of 2006; was ordered favorably reported to the House, amended, by voice vote, June 14, 2006.

H.R. 4942, Promoting Antiterrorism Capabilities Through International Cooperation Act; was ordered favorably reported to the House, amended, by voice vote, June 14, 2006.

H.R. 5814, Department of Homeland Security Authorization for Fiscal Year 2007; was ordered favorably reported to the House, amended, by voice vote, July 19, 2006.

H.R. 5695, to amend the Homeland Security Act of 2002 to provide for the regulation of certain chemical facilities, and for other purposes. "Chemical Facility Anti-Terrorism Act of 2006."; was ordered favorably reported to the House, amended, by voice vote, July 27 and 28, 2006.

H. Res. 396, 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 law enforcement agents and emergency response providers nationwide should be commended for their dedicated service on the Nation's front lines in the war against terrorism.; was ordered favorably re-

ported to the House, without amendment, by voice vote. July 28, 2005.

H. Res. 463, a resolution of inquiry directing the Secretary of Homeland Security to provide certain information to the House of Representatives relating to the reapportionment of airport screeners; was ordered to be reported to the House, adversely, without amendment, by voice vote, October 26, 2005.

H. Res. 809, a resolution directing the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation, Incorporated, of Arlington, Virginia.; was ordered to be reported to the House, adversely, without amendment, by voice vote, May 24, 2006.

FULL COMMITTEE MEETINGS HELD

Organizational Meeting and adoption of the Rules. February 9, 2005.

Business Meeting. July 28, 2005.

Business Meeting to change the Rules of the Committee. October 7, 2006.

FULL COMMITTEE SITE VISITS AND BRIEFINGS HELD

Site Visit of the Port of Vicksburg, Mississippi. March 21, 2005.

Congressional Delegation to the Republic of Austria, the Hashemite Kingdom of Jordan, the State of Israel, the Arab Republic of Egypt, and the Kingdom of Morocco. July 30 through August 7, 2005.

Site Visit of the Southwest Border areas including: Texas, New Mexico and Arizona. August 16 through 19, 2005.

Member Briefing on the U.S. Coast Guard's disaster response capabilities. September 27, 2005.

Member briefing on New York Subway terrorism threat. October 18, 2005.

Congressional Delegation to the United Kingdom; the Italian Republic; and the Kingdom of Spain. January 8 through 14, 2006.

Member briefing with the Permanent Select Committee on Intelligence on the acquisition of terminal operations at six United States ports by Dubai Port World (DPW). March 1, 2006.

Member briefing on the Transportation Security Administration airline passenger prescreening watchlist. March 30, 2006.

Member briefing on the recently announced grant awards to States and urban areas under the State Homeland Security Grant Program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program. June 7, 2006.

Member briefing on the National Asset Database. July 20, 2006.

Member briefing on the recent plot to detonate liquid explosives carried on airliners traveling from the United Kingdom to the United States. September 14, 2006.

SUBCOMMITTEE ON PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK

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CHRISTOPHER SHAYS, Connecticut
DANIEL E. LUNGREN, California
JIM GIBBONS, Nevada
ROB SIMMONS, Connecticut
BOBBY JINDAL, Louisiana
CHARLES W. DENT, Pennsylvania
PETER T. KING, New York *(Ex Officio)*

JAMES R. LANGEVIN, Rhode Island
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
JANE HARMAN, California
ELEANOR HOLMES NORTON, District of Columbia
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BENNIE G. THOMPSON, Mississippi *(Ex Officio)*

Jurisdiction: Prevention of terrorist attacks on the United States involving nuclear and biological weapons, including the Department of Homeland Security's role in nuclear and biological counter-proliferation and detection of fissile materials, biological weapons, precursors, and production equipment; the Department of Homeland Security's role in detecting and interdicting commerce in and transit of nuclear and biological weapons, components, precursors, delivery systems, and production equipment; development and deployment of sensors to detect nuclear and biological weapons, components, precursors, and production equipment; inspections conducted domestically and abroad to detect and interdict nuclear and biological weapons, components, precursors, delivery systems, and production equipment; nuclear and biological threat certification and characterization; preventative use of technology, including forensic analytic techniques, to attribute nuclear and biological weapons-related samples to their sources; border, port, and transportation security designed to prevent nuclear and biological attacks on the United States; integration of federal, state, and local efforts to prevent nuclear and biological attacks, including coordination of border security initiatives for this purpose; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

During the 109th Congress, the Subcommittee on Prevention of Nuclear and Biological Attack conducted extensive hearings and briefings on a wide range of issues relating to countering the threat posed by terrorist events involving chemical, biological, radiological, and nuclear (CBRN) agents and materials. Subcommittee Members and Staff regularly met with, and received briefings from, representatives from the Department of Homeland Security, the Department of Defense, the Department of State, the Department of Health and Human Services, various other Federal entities, State and local governments, and the private sector to carry out its legislative and oversight activities, which focused on the following areas within the Subcommittee's jurisdiction: (1) threat characterization and analyses; (2) CBRN countermeasures including oversight of Project Bioshield and the Department's risk and threat assessments; (3) preventing nuclear and radiological materials from entering the United States; (4) counter-proliferation and threat reduction programs; and (5) biodefense and biosecuriy strategies, including those addressing emerging threats such as an avian influenza pandemic, engineered threats, and threats to United States agriculture.

The Subcommittee assisted the Full Committee in drafting and negotiating the provisions of the "SAFE Port Act" which codifies the Domestic Nuclear Detection Office, set requirements for tech-

nology assessments prior to systems acquisition, and further direct the Department's nuclear detection efforts at domestic and foreign seaports. The Subcommittee also assisted the Full Committee in the development of the "Secure Handling of Ammonium Nitrate Act," by passing it out of the Subcommittee in December 2005 and also in steering its ultimate passage through the Full Committee unanimously in May 2006.

LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE ON PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK

SECURE HANDLING OF AMMONIUM NITRATE ACT OF 2005

H.R. 3197

To authorize the Secretary of Homeland Security to regulate the production, storage, sale, and distribution of ammonium nitrate on account of the prior use of ammonium nitrate to create explosives used in acts of terrorism and to prevent terrorists from acquiring ammonium nitrate to create explosives.

Summary

H.R. 3197 requires ammonium nitrate "handlers," i.e. any person that produces or sells ammonium nitrate, to register with the Department of Homeland Security and report the amount of ammonium nitrate sold or produced at each of the handlers' respective facilities. H.R. 3197 also requires ammonium nitrate handlers to maintain records of each sale or transfer of ownership of ammonium nitrate for a three year period from the date of sale or transfer. Another provision requires handlers to verify the identity of ammonium nitrate purchasers through an identification procedure determined appropriate by the Secretary of the Department of Homeland Security. The Committee intended H.R. 3197 to aid law enforcement counterterrorism efforts by creating a paper trail for crimes involving purchases of ammonium nitrate and will also support honest retailers in their efforts to prevent terrorism.

Legislative History

H.R. 3197 was introduced by Mr. Weldon and five original cosponsors on June 30, 2005, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 3197 was referred to the Subcommittee on Prevention of Nuclear and Biological Attack.

On December 14, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing on H.R. 3197. The Subcommittee received testimony from Dr. Jimmie C. Oxley, Professor of Chemistry, University of Rhode Island; Mr. James W. McMahon, Director, New York State Office of Homeland Security; Mr. Gary W. Black, President, Georgia Agribusiness Council, Inc.; Mr. William Paul O'Neill, Jr., President, International Raw Materials, testifying on behalf of Agricultural Retailers Association; Mr. Carl Wallace, Plant Manager, Terra Mississippi Nitrogen, Inc., testifying on behalf of The Fertilizer Institute.

On December 14, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack considered H.R. 3197 and favorably for-

warded the bill to the Full Committee for consideration, amended, by a recorded vote of 9 yeas and 0 nays.

On June 14, 2006, the Committee on Homeland Security met to consider H.R. 3197, and ordered the measure reported to the House, amended, by voice vote.

PROJECT BIOSHIELD MATERIAL THREATS ACT OF 2006

Summary

The Committee Print entitled "Project Bioshield Material Threats Act of 2006" modified the Department's material threat assessment responsibilities under Section 319F 2(c)(2)(A) of the Public Health Service Act (42 U.S.C. 247d 6b(c)(2)(A)), to provide for the use of existing risk assessments to expedite the development of material threat assessments, and conducting such assessments for groups of agents to facilitate the development of broad countermeasures that may address more than one agent.

Legislative History

The Subcommittee on Prevention of Nuclear and Biological Attack considered a Committee Print entitled "Project Bioshield Material Threats Act of 2006" on March 14, 2006 and forwarded the measure to the Full Committee for consideration, without amendment, by voice vote.

The text of the Committee Print was introduced as a clean measure, H.R. 5028, on March 28, 2006, by Mr. Linder, Mr. Langevin, Mr. McCaul of Texas, Mr. Shays, Mr. Simmons, Mr. Thompson of Mississippi, Mr. Dicks, Mr. Dent, and Ms. Jackson-Lee of Texas, and referred to the Committee on Homeland Security, and the Committee on Energy and Commerce.

The text of the Committee Print was also included in Title VI of H.R. 5814, the Department of Homeland Security Authorization Act for FY 2007, which was ordered reported by the Committee on July 19, 2006. See discussion of H.R. 5814, listed above.

OFFICE OF DOMESTIC NUCLEAR DETECTION

Summary

The Committee Print entitled "Office of Domestic Nuclear Detection" establishes within the Department of Homeland Security an Office of Domestic Nuclear Detection to protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material against the United States.

Legislative History

The Subcommittee on Prevention of Nuclear and Biological Attack considered a Committee Print entitled "Office of Domestic Nuclear Detection" on March 14, 2006 and forwarded the measure to the Full Committee for consideration, without amendment, by voice vote.

The text of the Committee Print was introduced as a clean measure, H.R. 5029, on March 28, 2006, by Mr. Linder, Mr. Langevin, Mr. King of New York, Mr. McCaul of Texas, Mr. Shays, Mr. Simmons, Mr. Thompson of Mississippi, Mr. Dicks, Mr. Dent, Mr. Dan-

iel E. Lungren of California, and Ms. Jackson-Lee of Texas, and was referred to the Committee on Homeland Security.

The text of the Committee Print was enacted as Title V of H.R. 4954, the SAFE Port Act of 2006 (P.L. 109–347). See discussion of H.R. 4954, listed above.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE ON PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK

COUNTERING THE NUCLEAR THREAT

During the 109th Congress, the Subcommittee conducted extensive hearings and briefings on countering the threat posed by nuclear materials in the hands of terrorists and State sponsors of terrorism. In overseeing efforts to prevent nuclear materials from being employed as weapons of terror against the United States, the Subcommittee concentrated its efforts on detecting the presence of nuclear and radiological materials at United States ports and borders, securing nuclear materials, and assessing the effectiveness of non-proliferation and threat reduction programs.

On March 15, 2005, the Subcommittee held a hearing entitled "Nuclear Terrorism: Protecting the Homeland." This hearing focused on the threat of nuclear terrorism, current efforts to prevent terrorists from gaining access to or using a nuclear device in the United States, and assessed the level of coordination existing between non-proliferation and detection programs across the executive branch. The Subcommittee received testimony from Mr. Paul M. Longworth, Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration; Mr. Paul McHale, Assistant to the Secretary of Defense for Homeland Defense, Department of Defense; Mr. Willie T. Hutton, Assistant Director, Counterterrorism Division, Federal Bureau of Investigations; and Mr. Charles E. McQueary, Under Secretary, Directorate of Science and Technology, Department of Homeland Security. Prior to this hearing, personnel from the entities represented at the hearing provided a classified briefing on the same topic to Subcommittee Members.

Subcommittee Members participated in "Masked Dragon" on March 30, 2005. The purpose of this exercise was to elicit discussion of response options available to the United States to prevent the threat, and use, of a nuclear weapon against the United States, its friends, or allies following a postulated series of provocations by the Democratic People's Republic of Korea. The Office of the Secretary of Defense sponsored the event as part of its Strategic Policy Forum at the National Defense University.

On April 19 and 20, 2005, the Subcommittee held a hearing entitled "DHS Coordination of Nuclear Detection Efforts." This hearing reviewed the President's request in Homeland Security Policy Directive 14(Domestic Nuclear Detection, April 15, 2005) (HSPD–14) to create a Domestic Nuclear Detection Office (DNDO) within the Department of Homeland Security and explored the appropriate structure, role, and responsibilities of DNDO, particularly with regard to its relationships with other Federal entities with nuclear prevention missions. On Tuesday, April 19, 2005, the Subcommittee received testimony from Dr. Graham Allison, Director of

the Belfer Center for Science and International Affairs, Harvard University; Dr. Fred Iklé, Center for Strategic and International Studies; and Col. Randy Larsen (Ret. USAF), Chief Executive Officer, Homeland Security Associates, LLC. On Wednesday, April 20, 2005, the Subcommittee received testimony from Mr. Vayl Oxford, Acting Director, Domestic Nuclear Detection Office, Department of Homeland Security.

The Subcommittee held a hearing entitled "Building a Nuclear Bomb: Identifying Early Indicators of Terrorist Activities" on May 26, 2005. This hearing examined the means by which terrorists may gain access to dangerous nuclear materials and discussed the Federal government's numerous programs aimed at reducing the risk of a nuclear terrorist attack against the United States. The Subcommittee received testimony from Mr. David Albright, Director, Institute for Science and International Security; Ambassador Ronald F. Lehman, II, Director, Center for Global Security Research; and Ms. Laura S. H. Holgate, Vice President for Russia/New Independent States Programs, Nuclear Threat Initiative.

On June 21, 2005, the Subcommittee, in conjunction with the Subcommittee on Emergency Preparedness, Science, and Technology, held a joint hearing entitled "Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology?" This hearing examined the roles of the Federal entities with nuclear smuggling prevention missions, discussed the effectiveness of installed radiation detection portal monitors and other detection technologies, and addressed ongoing research and development efforts to test and evaluate next generation detection technologies. The Subcommittees received testimony from Mr. Gene Aloise, Director, Natural Resources and Environment, Government Accountability Office; Dr. Richard L. Wagner, Jr., Chair, Defense Science Board Task Force on Prevention of, and Defense Against, Clandestine Nuclear Attack and Senior Staff Member, Los Alamos National Laboratory; Ms. Bethann Rooney, Manager, Port Security, Port Authority of New York & New Jersey; Dr. Benn Tannenbaum, American Association for the Advancement of Science; Mr. Vayl Oxford, Acting Director, Domestic Nuclear Detection Office, Department of Homeland Security; Mr. Michael K. Evenson, Acting Director, Combat Support Directorate, Defense Threat Reduction Agency, Department of Defense; and Mr. David Huizenga, Assistant Deputy Administrator, International Material Protection and Cooperation, National Nuclear Security Administration, Department of Energy.

The Subcommittee held a hearing entitled "Pathways to the Bomb: Security of Fissile Materials Abroad" on June 28, 2005. This hearing examined the location and security of fissile materials around the world with a focus on states other than those of the former Soviet Union. The Subcommittee received testimony from Mr. David Albright, Director, Institute for Science and International Security; and Ms. Rose Gottemoeller, Senior Associate, Carnegie Endowment for International Peace. On the same date, the Subcommittee also received a classified briefing on this issue from representatives from the Administration.

On August 1, 2005, the Chairman of the Subcommittee issued a request to the Governmental Accountability Office (GAO) to exam-

ine the development and deployment of radiation portal monitors to assess the effectiveness of current and planned detection systems. On August 29, 2005, GAO agreed to examine the issue. In a letter to the Subcommittee Chairman and Ranking Member dated June 9, 2006, GAO again agreed to further examine this issue by reviewing radiation detection equipment.

The Subcommittee held a hearing entitled "Trends in Illicit Movement of Nuclear Materials" on September 22, 2005. This hearing examined known cases of nuclear smuggling and focused on how terrorists might exploit existing narcotics networks and criminal organizations to transport nuclear material or a nuclear explosive device internationally, and ultimately to the United States. The Subcommittee received testimony from Dr. Rensselaer Lee, President, Global Advisory Services; Dr. Raymond J. Juzaitis, Associate Director, Nonproliferation, Arms Control, and International Security, Lawrence Livermore National Laboratory, University of California; and Mr. Glenn E. Schweitzer, Director for Central Europe and Eurasia, The National Academy of Sciences.

On January 23 and 24, 2006, Members of the Subcommittee conducted a site visit of the Department of Homeland Security's Radiological/Nuclear Countermeasures Test and Evaluation Complex in Las Vegas, Nevada. In order to support its function as the coordinator of the domestic nuclear detection architecture, DNDO conducts research, development, testing and evaluation (RDT&E) to improve capabilities for detecting, identifying and reporting the movement of nuclear and radiological materials. To facilitate such RDT&E, DNDO established the Radiological/Nuclear Countermeasures Test and Evaluation Complex at the Nevada Test Site with the cooperation of the Department of Energy, the National Nuclear Security Administration, and Bechtel Nevada to provide a unique facility dedicated to enhancing the Nation's ability to deter the threat of nuclear or radiological attack. This facility provides the ability to conduct testing and evaluation of technology against special nuclear material in a realistic and near-real world environment.

The Subcommittee held a classified Member briefing on U.S. nuclear reactor security on February 14, 2006. Representatives from the Nuclear Regulatory Commission briefed Members on the security of nuclear research and test reactors within the United States.

On May 25, 2006, the Subcommittee held a hearing entitled "Enlisting Foreign Cooperation in U.S. Efforts to Prevent Nuclear Smuggling." This hearing discussed the respective experiences of the Department of Homeland Security, the Department of Energy, and the Department of State in implementing bilateral programs to counter nuclear smuggling. In addition, the hearing examined and compared the terms of the agreements reached, as well as implementation successes and setbacks, in order to determine how to best encourage foreign participation, monitor implementation, and ensure program success. The Subcommittee received testimony from Mr. Jayson Ahern, Assistant Commissioner for Field Operations, Customs and Border Protection, Department of Homeland Security; Mr. David Huizenga, Assistant Deputy Administrator, International Material Protection and Cooperation, National Nuclear Security Administration, Department of Energy; Mr. Frank

Record, Acting Assistant Secretary of State for International Security and Nonproliferation, Department of State; and Mr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security.

On December 3, 2006, Subcommittee Staff visited the Indian Point Energy Center, a nuclear energy plant in Buchanan, New York. This facility is owned by Energy Nuclear Northeast and is located on the Hudson River, approximately 25 miles north of Manhattan. The purpose of this trip was to observe nuclear reactor facility security measures, determine how the facility interacts with the Department of Homeland Security, and learn about facility cooperation with State and local first responders in order to respond to a potential attack or accident at the facility.

BIODEFENSE

Recognizing that biological weapons pose a unique and challenging threat to the United States, the President issued Homeland Security Presidential Directive 10(Biodefense for the 21st Century, April 28, 2004) (HSPD–10), a strategy for a coordinated national biodefense program. This strategy specifies the key roles of Departments and Agencies with biodefense missions, including the Department of Homeland Security, the Department of Health and Human Services, and the Department of Defense, and defined the four pillars of the national biodefense program: Threat Awareness, Prevention and Protection, Surveillance and Detection, and Response and Recovery. As part of its oversight of biodefense, the Subcommittee held extensive hearings and briefings on the implementation of the Biodefense for the 21st Century strategy, and focused on the Department of Homeland Security's role in performing biological risk and threat assessments to facilitate countermeasure research and development, biological agent detection (BioWatch) and surveillance, agro-terrorism, biosecurity, and other areas relating to preventing, deterring, and mitigating the consequences of attacks involving biological weapons.

On June 9, 2005, Subcommittee Members visited the Centers for Disease Control and Prevention (CDC) in Atlanta, Georgia. The Members toured CDC's Emergency Operations Center, discussed the need for early detection and warning systems, and received briefings on the Strategic National Stockpile and the Select Agent Program.

The Subcommittee held a hearing entitled "Engineering Bio-Terror Agents: Lessons from the Offensive U.S. and Russian Biological Weapons Programs" on July 13, 2005. This hearing examined known capabilities in biowarfare and examined the technical challenges to engineering biological warfare agents as part of a broader review of the Department of Homeland Security's bio- threat assessment activities. The Subcommittee received testimony from Dr. Kenneth Alibek, Executive Director, Center for Biodefense, George Mason University; Dr. Roger Brent, Director and President, Molecular Sciences Institute; and Dr. Michael V. Callahan, Director, Biodefense & Mass Casualty Care, CIMIT/Massachusetts General Hospital.

On July 28, 2005, the Subcommittee held a hearing entitled "Implementing the National Biodefense Strategy." This hearing dis-

cussed the national biodefense strategy as articulated by HSPD–10 and examined efforts underway to prevent a bioterrorist attack with an emphasis on the research and development of biological agent countermeasures by the relevant agencies (the Departments of Homeland Security, Defense, and Health and Human Services), and their respective abilities to collaboratively carry out the strategy of HSPD–10. The Subcommittee received testimony from Dr. Julie Gerberding, Director, Centers for Disease Control and Prevention, Department of Health and Human Services; Dr. Tony Fauci, Director, National Institutes of Allergy and Infectious Diseases, National Institutes of Health, Department of Health and Human Services; Brigadier General Eric B. Schoomaker, Commanding General, United States Army Medical Research and Materiel Command; and Dr. John Vitko, Director, Biological Countermeasure Portfolio, Science and Technology Directorate, Department of Homeland Security.

The Subcommittee held a briefing entitled "Biological Weapons Threat Assessment" on September 15, 2005. Representatives from the Department of Homeland Security and Harvard Medical School/Massachusetts General Hospital briefed Members on the Department of Homeland Security's material threat assessment (MTA) process which guides acquisitions under Project BioShield. Due to the inherent dual use nature of biotechnology, rapid scientific advances, and the dispersal of scientific knowledge and capabilities biological threats pose unique challenges. It is conceivable that development of new bio-weapons technology could outpace the MTA process. In fact, nine of sixteen epizoonotic agents are endemic to all countries, and international tracking is voluntary and is not integrated. This briefing addressed the current state of bioweapons risk assessment that will include intent, agent, technology, and expertise.

On November 3, 2005 and May 4, 2006, the Subcommittee held a series of hearings entitled "BioScience and the Intelligence Community." Intelligence is a necessary component of Department of Homeland Security biological risk and threat assessments which facilitate research and development of countermeasures. The intelligence community is able to discern or anticipate a potential terrorist threat from seemingly innocuous research only when it has a firm grasp of cutting edge biosciences and knows how to recognize such threats. Given the best source for bioscience knowledge lies within the scientific community and not within the intelligence community, the Subcommittee focused these two hearings on how the intelligence community utilizes bioscience experts to identify and analyze bioterrorism risks. They also discussed how the U.S. government can bridge the ideological gap between the intelligence community and the bioscience community. The Subcommittee received testimony on November 3, 2005 from Dr. David A. Relman, Associate Professor, Microbiology and Immunology, and of Medicine, Stanford University; Dr. David R. Franz, Vice President and Chief Biological Scientist, Midwest Research Institute; and Mr. Michael J. Hopmeier, Chief, Innovative and Unconventional Concepts, Unconventional Concepts, Inc. On May 4, 2006, the Subcommittee continued its hearing focusing on "Closing the Gap." The Subcommittee received testimony from Ambassador Kenneth Brill, Di-

rector, National Counterproliferation Center, Office of the Director of National Intelligence; Mr. Charles Allen, Chief Intelligence Officer, Department of Homeland Security; Mr. Bruce Pease, Director, Weapons Intelligence, Nonproliferation and Arms Control, Central Intelligence Agency; and Dr. Alan MacDougall, Chief, Counterproliferation Support Office, Defense Intelligence Agency accompanied by Dr. Joy Miller, Chief Scientist, Armed Forces Medical Intelligence Center (AFMIC).

On January 6, 2006, and October 30, 2006, Subcommittee Staff conducted site visits to the United States Army Medical and Material Command (USAMRMC) and AFMIC at Fort Detrick, Maryland. As part of the National Interagency Biodefense Campus, USAMRMC and AFMIC, respectively, conduct programs and activities relating to biological countermeasure development and medical intelligence. The purpose of the trips was to inform Subcommittee Staff about the these programs and activities and how they are relevant the Department of Homeland Security's biodefense initiatives.

The Subcommittee met in executive session to receive a classified briefing on the Biennial Biological Risk Assessment mandated by HSPD–10 on March 7, 2006. The Subcommittee was briefed by representatives of the Department of Homeland Security.

On March 28, 2006, the Subcommittee held a Member briefing entitled "Security Restraints on Biological Research: Where are the boundaries?" Experts in biosecurity from the University of Texas Medical Branch and the University of Louisville, Kentucky, briefed Members on the challenge of balancing national security interests with the benefits of openness in the bioscience research community.

The Subcommittee held a hearing entitled "Creating a Nationwide, Integrated Biosurveillance Network" on May 11, 2006. This hearing examined the status of the implementation of Federal biosurveillance programs, and in particular, the National Biosurveillance Integration System (NBIS). NBIS is the Department of Homeland Security's single focal point for the collection of human health, animal, plant, food, water, environmental, and climate surveillance data from data feeds of various Federal agencies and other entities. The Subcommittee received testimony from Dr. Kimothy Smith, Chief Veterinarian, Chief Scientist, and Acting Deputy Chief Medical Officer, Department of Homeland Security; Dr. John Vitko, Director of Biological Countermeasures, Directorate of Science and Technology, Department of Homeland Security; Dr. Rich Besser, Director, Coordinating Office of Terrorism Preparedness and Emergency Response, Centers for Disease Control and Prevention; Ms. Ellen Embrey, Deputy Assistant Secretary of Defense for Force Health Protection and Readiness, Department of Defense; and Dr. John Clifford, Deputy Administrator for Veterinary Services, Animal and Plant Health Inspection Services, Department of Agriculture.

On June 7, 2006, the Chairman of the Subcommittee cosponsored a request with the Chairman of the Subcommittee on National Security, Emerging Threats and International Relations, Committee on Government Reform, to the Government Accountability Office to study the consequences of the proliferation of biosafety and biocontainment laboratories.

The Subcommittee held a field hearing in Athens, Georgia entitled "Agroterrorism's Perfect Storm: Where Human and Animal Disease Collide" on August 24, 2006. The purpose of this hearing was to increase awareness of the relationships between zoonotic diseases, bioterrorism, and agroterrorism. It examined Federal prevention and preparedness strategies in this area, analyzing various agencies' approaches and priorities in combating agroterrorism and the threats posed by zoonotic diseases. The Subcommittee received testimony from Dr. Edward Knipling, Administrator, Agricultural Research Service, Department of Agriculture; Dr. Jeff Runge, Chief Medical Officer, Department of Homeland Security; Dr. Lonnie King, Senior Veterinarian, Centers for Disease Control and Prevention, Department of Health and Human Services; Dr. Corrie Brown, Josiah Meigs Distinguished Teaching Professor, School of Veterinary Medicine, University of Georgia; Dr. Paul Williams, Special Assistant, Office of Homeland Security, State of Georgia; and Mr. Gary Black, Member, Georgia Rural Development Council, State of Georgia.

On September 7, 2006, the Subcommittee held a classified Member briefing on the establishment of the Department of Homeland Security's National Biodefense Analysis and Countermeasures Center (NBACC), part of the National Biodefense Campus at Ft. Detrick, Maryland. The briefing examined the role of the NBACC in the Nation's biodefense strategy, the status of its development and construction, and the plan for transitioning its current programs to the new location once it becomes fully operational.

On October 20, 2006, the Subcommittee Chairman joined a group of House and Senate Members in cosponsoring a request to the Government Accountability Office to conduct an assessment of the Federal Government's efforts to detect and deter biological threats. The request letter sought the examination of the Government's methodology for determining the effectiveness of detection technologies, the effectiveness of technologies under development, plans in place to test and evaluate new technologies, and costs associated with the development of new technologies, among other issues.

Subcommittee Staff traveled to Long Island, New York, on December 4, 2006, to tour the Plum Island Animal Disease Center (PIADC). The Homeland Security Act of 2002 (P.L. 107–296) transferred ownership and operation of PIADC from the Department of Agriculture (USDA) to the Department of Homeland Security (DHS). Plans are underway to consolidate PIADC programs into a proposed National Biological and Agro Defense Facility on the mainland which will be operated by DHS. Staff visited the a PIADC biocontainment laboratory, toured the island, observed facility security measures, and discussed DHS and USDA research programs with PIADC scientists.

SECURING AMMONIUM NITRATE

On December 14, 2005, the Subcommittee held a hearing on H.R. 3197, the Secure Handling of Ammonium Nitrate Act of 2005, to discuss the need for regulation of the sale of this potentially dangerous material and to examine the implications of proposed regulation. The Subcommittee received testimony from Dr. Jimmie C. Oxley, Professor of Chemistry, University of Rhode Island; Mr.

James W. McMahon, Director, New York State Office of Homeland Security; Mr. Gary W. Black, President, Georgia Agribusiness Council, Inc.; Mr. William Paul O'Neill, Jr., President, International Raw Materials, testifying on behalf of Agricultural Retailers Association; and Mr. Carl Wallace, Plant Manager, Terra Mississippi Nitrogen, Inc., testifying on behalf of The Fertilizer Institute. The Subcommittee also met on December 14, 2005 in open markup session and favorably forwarded H.R. 3197 to the Full Committee for consideration, amended, by a recorded vote of 9 yeas and 0 nays. On June 14, 2006, the Full Committee met in open markup session and favorably ordered H.R. 3197 reported to the House, amended, by voice vote.

PROLIFERANT STATES AND REDUCING THREATS OF WEAPONS OF MASS DESTRUCTION

Proliferant Nation-States that actively support terrorism pose unique challenges to combating terrorism, in general, and chemical, biological, radiological, and nuclear (CBRN) terrorism in particular. In order to highlight these challenges, the Subcommittee held a hearing on September 8, 2005 entitled "WMD Terrorism and Proliferant States" to review the nature of Iranian assistance to Hezbollah and other terrorist organizations and examined questions such as: (1) what is the nature and extent of Iranian operational support for terrorist attacks?; (2) what are the objectives of those attacks?; and (3) how should that information factor into Department of Homeland Security assessments of the threat of CBRN terrorism. The Subcommittee received testimony from Mr. Gregory F. Giles, Public Witness; Dr. Daniel Byman, Director, Center for Peace and Security Studies, Georgetown University, and Senior Fellow, Saban Center for Middle East Policy, The Brookings Institution; and Dr. Ray Takeyh, Senior Fellow, Middle Eastern Studies, Council on Foreign Relations.

The Subcommittee held a briefing on May 2, 2006, to examine findings from the Defense Science Board's 2005 summer study entitled "Reducing Vulnerabilities to Weapons of Mass Destruction." A representative from the Defense Science Board and Thread Reduction Advisory Council reviewed the study's findings related to countering the threat of Weapons of Mass Destruction (WMD), prioritizing investments in WMD defense and developing an organizational construct to best serve the implementation of an integrated WMD defense, both nationally and within the Department of Defense.

On June 22, 2006, the Subcommittee held a hearing entitled "Reducing Nuclear and Biological Threats at the Source." This hearing examined the danger posed when Nation States end or diminish, leaving behind a legacy of dangerous material and personnel with dangerous skills. In particular, the hearing focused on the United States' efforts to prevent these materials and skills from falling into the hands of terrorists or their State sponsors. The Subcommittee received testimony from Mr. Jerry Paul, Principal Deputy Administrator, National Nuclear Security Administration, Department of Energy; Mr. Frank Record, Acting Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State; Mr. Jack David, Deputy Assistant Secretary, International

Security Policy, Department of Defense; Dr. Igor Khripunov, Associate Director, Center for International Trade and Security, University of Georgia; and Dr. David Franz Vice President and Chief Biological Scientist, Midwest Research Institute.

MITIGATION/CONSEQUENCES

Terrorist attacks against the United States that employ biological or nuclear weapons have the potential to cause catastrophic events. Mitigating the effects of such events poses challenges unique from the requirements of mitigating the potential destruction caused by natural disasters. Particularly with regard to biological attacks, there may be a window of opportunity to mitigate catastrophe because there may be a period of latency before symptoms of a biological attack appear.

On October 20, 2005, the Subcommittee held a hearing entitled "Mitigating Catastrophic Events through Effective Medical Response." This hearing examined how an integrated medical response can mitigate the consequences of a nuclear or biological attack. The Subcommittee received testimony from Dr. Roy L. Alson, Associate Professor, Emergency Medicine, Wake Forest University School of Medicine; Dr. Richard Bradley, Medical Director, Emergency Center LBJ General Hospital, University of Texas Health Science Center at Houston; Dr. Donald F. Thompson, Senior Research Fellow, Center for Technology and National Security Policy, National Defense University; and Dr. Jenny E. Freeman, President and CEO, Hypermed, Inc.

The Subcommittee held a hearing entitled "Nuclear Incident Response Teams" on October 27, 2005. The Subcommittee examined the capabilities of these response teams, how they operate, and how their assets are incorporated into the Department of Homeland Security's overall strategy for preventing nuclear or radiological attacks against the United States.

On November 10, 2005, the Subcommittee held a Member briefing on medical countermeasures in response to a nuclear attack. The Subcommittee was briefed by representatives from the University of Georgia and the Center for Public Health Preparedness and Emergency Response.

In early March 2005, three potential anthrax related incidents occurred at Department of Defense mail facilities. On March 24, 2006, the Subcommittee hosted a briefing for Committee Members and Staff on those false positive incidents. Representatives from the Department of Defense and the RAND Corporation briefed Staff on the incident.

PANDEMIC INFLUENZA

The rapid spread of the avian influenza virus H5N1 in 2006 heightened concerns that the United States may face a 1918 Spanish flu-type pandemic that would not only affect the health of the Nation, but could impact every sector of the economy. In recognition of the significance of a potential avian influenza pandemic, and because of the important coordinating role of the Department of Homeland Security in preparing for and responding to a potential outbreak, the Subcommittee actively conducted oversight of Federal anti-influenza efforts.

On February 8, 2006, the Subcommittee and the Subcommittee on Emergency Preparedness, Science, and Technology held a joint hearing entitled "Protecting the Homeland: Fighting Pandemic Flu From the Front Lines." This hearing focused on (1) State and local pandemic planning; (2) the role of the private sector; (3) non-pharmacological countermeasures to mitigate the affects of a pandemic; (4) the extent of cooperation and coordination between public health, private health, and traditional first responders; and (5) the appropriate role of the Federal Government in pandemic planning and response. The Subcommittees received testimony from Dr. Tara O'Toole, Chief Executive Officer and Director, Center for Biosecurity, University of Pittsburgh Medical Center; Hon. David B. Mitchell, Secretary, Department of Safety and Homeland Security, State of Delaware; Ms. Frances B. Phillips, Health Officer, Anne Arundel County, Maryland Department of Health; Mr. Ernest Blackwelder, Senior Vice President, Business Force, Business Executives for National Security; and Dr. David C. Seaberg, Department of Emergency Medicine, University of Florida.

In addition, the Subcommittee, together with the Subcommittee on Emergency Preparedness, Science and Technology, hosted a joint Member preview briefing of the President's Implementation Plan for the National Strategy for Pandemic Influenza on April 6, 2006. The Members were briefed by representatives from the White House Homeland Security Council.

On February 7, 2006, Members of the Subcommittee participated in Exercise "Global Tempest," an exercise sponsored by the Office of the Secretary of Defense, and hosted by the National Defense University, to assess the range of policy issues and considerations in responding to a potential influenza pandemic.

Subcommittee Staff traveled to Chicago, Illinois on May 31, 2006 to meet with City Department of Health officials to discuss the challenges facing large health departments in preparing for and responding to catastrophic biological events, and in particular an influenza pandemic.

Committee Staff participated in a conference on November 16, 2005, entitled "The Global Threat of Pandemic Influenza." This conference assessed the status of the spread of the H5N1 virus in Asia, examined virus containment and control approaches and discussed the roles of the Federal Government and the business community in preparing for, and responding to, a potential influenza pandemic. Speakers included well-known domestic and international government officials in the field of infectious disease and public health, and experts from the private sector, universities, a hospital and non-profit institutions.

BIOLOGICAL AND CHEMICAL FORENSICS

On June 27, 2006, the Subcommittee held a Classified Member briefing on Biological and Chemical Forensics. Representatives from the Department of Homeland Security, the United States Army's Edgewood Chemical and Biological Center, and the Federal Bureau of Investigations briefed Members on this emerging field of science. This field is an essential component of the national security strategy because it enables the identification of the sources of

biological and chemical attacks for attribution and deterrence purposes.

NONTRADITIONAL AGENTS

On July 25, 2006, the Subcommittee held a classified Member briefing entitled: "A Deadly New Class of Chemical Warfare Agent: Easy to Make, Difficult to Counter." The briefing provided Members an opportunity to learn about the emerging threat of non-traditional agents (NTAs). NTAs are materials that have received increasing interest for potential weaponization due to their chemical and physical properties that pose unique challenges to United States detection, treatment and decontamination efforts.

UTILIZING THE NATION'S SCIENTIFIC RESOURCES TO PREVENT TERRORISM

As part of the Subcommittee's oversight of issues relating to the utilization of science to prevent and deter nuclear and biological terrorism, the Subcommittee held a hearing entitled, "The Science of Prevention" on September 13, 2006. This hearing reviewed and gauged the progress of the Domestic Nuclear Detection Office and the Directorate of Science and Technology in developing nuclear and biological countermeasures and examined issues such as how they are leveraging the scientific capital of the Department of Energy national laboratories, academia, and the private sector. The Subcommittee received testimony from Dr. John Marburger, Director, Office of Science and Technology Policy, Executive Office of the President; Hon. Jay Cohen, Under Secretary for Science and Technology, Department of Homeland Security; Mr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security; Dr. William Happer, Cyrus Fogg Brackett Professor of Physics, Princeton University; Dr. Ronald Atlas, American Society of Microbiology.

On April 19, 2006, Subcommittee Staff visited the United States Army's Edgewood Chemical and Biological Center (ECBC). The purpose of this trip was to examine how the Department of Homeland Security utilizes the resources of the Federal Government to counter the threat of terrorist attacks involving chemical, biological, nuclear, and radiological materials. Subcommittee Staff toured newly constructed chemical laboratories and viewed deployable mobile laboratories under development.

Subcommittee Staff visit Argonne National Laboratory in Argonne, Illinois, on June 1, 2006. The purpose of this visit was to gain a better understanding of how localities can draw on the resources of the Federal Government in detecting, preparing for, and responding to catastrophic nuclear, radiological, and biological events.

On August 16 and 17, 2006, Subcommittee Staff traveled to the University of Nebraska to observe the University's Extreme Light Laboratory and Biocontainment Facility. Staff toured the Extreme Light Laboratory which produces a laser driven x-ray system that could be used in radiological detection technologies and would allow for quicker analyses of shielded radiological materials and would be smaller that other detection technologies. Staff also toured the new Biocontainment Unit at the University's Medical

Center in Omaha, Nebraska. The 10-bed unit is the only biocontainment facility open to the public to restrict the spread of contagious disease and is the largest facility of its kind in the Nation.

LOCAL STRATEGIES TO PREVENT TERRORISM

As part of its prevention of chemical, radiological, biological, and nuclear terrorism prevention mission, the Subcommittee held a hearing entitled "Police as First Preventers: Local Strategies in the War on Terror," which focused on the importance of the role of local law enforcement in preventing terrorism in addition to the law enforcement community's role in responding to acts of terrorism. This hearing, which took place on September 25, 2006, examined local counterterrorism strategies developed by terrorist target cities and discussed the Department of Homeland Security's role in furthering these strategies. The Subcommittee received testimony from Mr. Brett Lovegrove, Superintendent, City of London Police; Mr. Ahmet Sait Yayla, Major, Ankara Counterterrorism Division, Turkish National Police; and Chief John F. Timoney, Chief of Police, City of Miami, Florida.

PREVENTING TERRORISM THROUGH SOCIAL AND BEHAVIORAL RESEARCH

Much emphasis has been placed on the use of the hard sciences to detect and prevent terrorist attacks involving chemical, biological, nuclear, and radiological weapons, but less attention has been given to the role of social and behavioral sciences in understanding the roots of terrorism. On November 25, 2005, the National Center for the Study of Terrorism and Responses to Terrorism (START) and Department of Homeland Security Center of Excellence briefed Members on social and behavioral research that provides insight into the terrorist psyche. It examined why actors resort to terrorist methods, why terrorists groups form, and why they choose to utilize CBRN to achieve their ambitions. Representatives from START also discussed its Global Terrorism Database—the world's largest open source database on international and domestic terrorist incidents.

SUBCOMMITTEE ON PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK HEARINGS HELD

DHS Coordination of Nuclear Detection Efforts. Hearing held April 19 and 20, 2005. Serial No. 109–10.

Building a Nuclear Bomb: Identifying Early Indicators of Terrorist Activities. Hearing held May 26, 2005. Serial No. 109–17.

Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology? Joint hearing with the Subcommittee on Emergency Preparedness, Science, and Technology held June 21, 2005. Serial No. 109–22.

Pathways to the Bomb: Security of Fissile Materials Abroad. Hearing held June 28, 2005. Serial No. 109–27.

Engineering Bio-Terror Agents: Lessons from the Offensive U.S. and Russian Biological Weapons Programs. Hearing held July 13, 2005. Serial No. 109–30.

Implementing a National Biodefense Strategy. Hearing held July 28, 2005. Serial No. 109–38.

WMD Terrorism and Proliferant States. Hearing held September 8, 2005. Serial No. 109–40.

Trends in Illicit Movement of Nuclear Materials. Hearing held September 22, 2005. Serial No. 109–41.

Mitigating Catastrophic Events through Effective Medical Response. Hearing held October 20, 2005. Serial No. 109–48.

Nuclear Incident Response Teams. Hearing held October 27, 2005. Serial No. 109–50.

BioScience and the Intelligence Community. Hearing held November 3, 2005 and May 4, 2006. Serial No. 109–53.

H.R. 3197, to authorize the Secretary of Homeland Security to regulate the production, storage, sale, and distribution of ammonium nitrate on account of the prior use of ammonium nitrate to create explosives used in acts of terrorism and to prevent terrorists from acquiring ammonium nitrate to create explosives. Hearing held December 14, 2005. Serial No. 109–59.

Protecting the Homeland: Fighting Pandemic Flu From the Front Lines. Joint hearing with the Subcommittee on Emergency Preparedness, Science, and Technology held February 8, 2006. Serial No. 109–61.

Creating a Nation-wide, Integrated Biosurveillance Network. Hearing held May 11, 2006. Serial No. 109–76.

Enlisting Foreign Cooperation in U.S. Efforts to Prevent Nuclear Smuggling. Hearing held May 25, 2006. Serial No. 109–81.

Reducing Nuclear and Biological Threats at the Source. Hearing held June 22, 2006. Serial No. 109–88.

Agroterrorism's Perfect Storm: Where Human and Animal Disease Collide. Hearing held August 24, 2006. Serial No. 109–97.

The Science of Prevention. Hearing held September 14, 2006. Serial No. 109–103.

Police as First Preventers: Local Strategies in the War on Terror. Hearing held September 21, 2006. Serial No. 109–105.

SUBCOMMITTEE ON PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK MARKUPS HELD

H.R. 3197, To authorize the Secretary of Homeland Security to regulate the production, storage, sale, and distribution of ammonium nitrate on account of the prior use of ammonium nitrate to create explosives used in acts of terrorism and to prevent terrorists from acquiring ammonium nitrate to create explosives. Forwarded to the Full Committee for consideration, amended, by a recorded vote of 9 yeas and 0 nays. December 14, 2005.

Committee Print entitled "Project Bioshield Material Threats Act of 2006;" was favorably forwarded to the Full Committee for consideration, without amendment, by voice vote. March 13, 2006.

Committee Print entitled "Office of Domestic Nuclear Detection;" was favorably forwarded to the Full Committee for consideration, without amendment, by voice vote. March 13, 2006.

Committee Print entitled "Annual Report to Congress on the Directorate of Science and Technology;" was favorably forwarded to the Full Committee for consideration, without amendment, by voice vote. March 13, 2006.

SUBCOMMITTEE ON PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK BRIEFINGS AND SITE VISITS HELD

Member briefing on Nuclear Terrorism. March 15, 2005.

Site visit to the Centers for Disease Control and Prevention, Atlanta, Georgia. June 20, 2005.

Member briefing on Fissile Materials. June 28, 2005.

Member briefing on HSPD–10, "Biodefense for the 21st Century." October 18, 2005.

Member briefing on agroterrorism. October 25, 2005.

Member briefing on Medical Countermeasures for Nuclear Attack. November 10, 2005.

Site visit to the Department of Homeland Security's Radiological/Nuclear Countermeasures Test and Evaluation Complex (Rad/NucCTEC) at the Nevada Test Site, Las Vegas, Nevada. January 23 through 24, 2006.

Member briefing on United States nuclear research reactor security. February 14, 2006.

Member briefing on Security Restraints on Biological Research: Where are the boundaries? March 28, 2006.

Member briefing with the Subcommittee on Emergency Preparedness, Science, and Technology on the implementation plan for the President's National Strategy for Pandemic Influenza. April 6, 2006.

Member briefing on the Defense Science Board's 2005 summer study "Reducing Vulnerabilities to Weapons of Mass Destruction." May 2, 2006.

Member briefing on Biological and Chemical Forensics. June 27, 2006.

Member briefing on the National Biological and Agricultural Defense Facility. July 13, 2006.

Member briefing "A Deadly New Class of Chemical Warfare Agent: Easy to Make, Difficult to Counter." July 25, 2006.

Member briefing on the status of the establishment of the Department of Homeland Security's National Biodefense Analysis and Countermeasures Center (NBACC). September 7, 2006.

Member briefing on social and behavioral insights to the terrorist psyche. November 14, 2006.

SUBCOMMITTEE ON ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY

DANIEL E. LUNGREN, California, *Chairman*

DON YOUNG, Alaska
LAMAR S. SMITH, Texas
JOHN LINDER, Georgia
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MIKE ROGERS, Alabama
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KATHERINE HARRIS, Florida
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PETER T. KING, New York *(Ex Officio)*

Loretta Sanchez, California
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
PETER A. DEFAZIO, Oregon
ZOE LOFGREN, California
SHEILA JACKSON-LEE, Texas
JAMES R. LANGEVIN, Rhode Island
BENNIE G. THOMPSON, Mississippi *(Ex Officio)*

Jurisdiction: Development of strategies to protect against terrorist attack against the United States; prioritizing risks through analytical tools and cost/benefit analyses; prioritizing investment in critical infrastructure protection across all sectors, including transportation (air, land, sea, and intermodal, both domestic and international); defeating terrorist efforts to inflict economic costs through threats and violence; mitigation of potential consequences of terrorist attacks on critical infrastructure, and related target hardening strategies; border, port, and transportation security; in the wake of an attack on one sector, ensuring the continuity of other sectors including critical government, business, health, financial, commercial, and social service functions; security of computer, telecommunications, information technology, industrial control systems, electronic infrastructure, and data systems; protecting government and private networks and computer systems from domestic and foreign attack; preventing potential injury to civilian populations and physical infrastructure resulting, directly or indirectly, from cyber attacks; with respect to each of the foregoing, assessing the impact of potential protective measures on the free flow of commerce and the promotion of economic growth; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

The Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held 27 hearings during the 109th Congress and received testimony from 122 witnesses. These hearings and the Subcommittee's general oversight activities focused on aviation security; land and maritime border security; chemical facility security; infrastructure protection; cybersecurity; and rail and mass transit security. The Subcommittee's oversight has supported legislative efforts of the Committee, as well as administrative action by the Department of Homeland Security, to enhance the Nation's ability to detect, prevent, mitigate, and respond to terrorist attacks and natural disasters affecting these critical areas.

LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE ON ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY

SAFE PORT ACT OF 2006

Public Law 109–347 H.R. 4954 (H.R. 4880, H.R. 58)

To improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Summary

H.R. 4954, the "Security and Accountability For Every Port Act of 2006" provides an international, layered, and risk-based approach to improving maritime security. The law provides additional resources, grants, and training programs for port personnel. The bill also requires radiation scanning of all containers at the top 22 U.S. seaports covering 98 percent of containers entering the U.S. and requires the Department of Homeland Security (DHS) to develop clear response and recovery plans in the event of a terrorist attack in a seaport. Additionally, firm deadlines are set for the implementation of the Transportation Worker Identification Credential (TWIC) and a pilot program is required to ensure that card readers installed at port facilities and vessels are reliable and effective.

The measure also seeks to improve maritime security through strengthening the supply chain. Additional advanced data on cargo entering the U.S. are required prior to loading at foreign seaports to allow for more accurate security targeting. Three pilot projects are required to evaluate the feasibility of conducting 100 percent scanning of containers at foreign seaports for nuclear and radiological material. Another provision authorizes the Customs-Trade Partnership Against Terrorism (C–TPAT) and requires on-site validations of all participants, and a pilot program to test the use of third party validators. To ensure that Departmental programs and policies on cargo and maritime security are coordinated and accountable, the legislation establishes an Office of Cargo Security Policy and designates a Director of International Trade to serve as a senior advisor to the Secretary to ensure that policies balance the need to facilitate legitimate commerce.

Public Law 109–347 also establishes the Domestic Nuclear Detection Office (DNDO) within the Department, authorizing it to develop and maintain a global nuclear detection architecture, of which the domestic portion will be implemented by the DNDO. In addition, it modernizes the Nation's Emergency Alert System (EAS) by permitting commercial mobile service providers to transmit geographically-targeted emergency alerts and warnings to the American public through cell phones, pagers, and other mobile technologies.

Legislative History

H.R. 4954 was introduced by Mr. Daniel E. Lungren of California, Ms. Harman, and 44 original cosponsors on March 14, 2006. The measure was referred solely to the Committee on Homeland Security, and within the Committee it was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

On March 16, 2006, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on H.R. 4954. The Subcommittee received testimony from Mr. Jayson Ahern, Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Captain Brian Salerno, Deputy Director, Inspections and Compliance, United States Coast Guard, Department of Homeland Security; Mr. Eugene Pentimonti, Senior Vice President, Government

Relations, Maersk, Inc; and Mr. Noel Cunningham, Principal, Maresec Group, LLC.

On March 30, 2006, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity met to consider H.R. 4954, and ordered the measure forwarded with a favorable recommendation to the Full Committee for consideration, as amended, by voice vote.

On April 4, 2006, the Committee on Homeland Security held a hearing on H.R. 4954. The Committee received testimony from Hon. Michael P. Jackson, Deputy Secretary, Department of Homeland Security; Ms. Bethann Rooney, Manager of Port Security, Port Authority of New York and New Jersey; Mr. Christopher L. Koch, President and Chief Executive Officer, World Shipping Council; Mr. Jonathan E. Gold, Vice President, Global Supply Chain Policy, Retail Industry Leaders Association; and Mr. Clark Kent Ervin, private citizen, Former Inspector General of the Department of Homeland Security.

On April 26, 2006, the Committee on Homeland Security met, pursuant to notice, in open markup session, with a quorum being present, and favorably ordered H.R. 4954 to be reported to the House, amended, by voice vote.

The Chairman of the Committee on Energy and Commerce sent a letter, on April 28, 2006, to the Chairman of the Committee on Homeland Security indicating that in order to expedite consideration on the House Floor, the Committee on Energy and Commerce would waive its right to seek a sequential referral on H.R. 4954. The letter further indicated that such waiver would not prejudice the jurisdictional interests of the Committee on Energy and Commerce. That same day, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Energy and Commerce agreeing to the jurisdictional interests of the Committee on Energy and Commerce, and agreeing to an appropriate appointment of Conferees.

The Chairman of the Committee on Science sent a letter on April 28, 2006, to the Chairman of the Committee on Homeland Security indicating jurisdictional interests in sections 112; 201; 1803; 1804; 1831; 1832; 1833; 202; 206; Title III; and Title IV. The letter further indicated that in order to expedite consideration on the House Floor, the Committee on the Science would waive its right to seek a sequential referral on H.R. 4954. On that same day the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Science agreeing to the jurisdictional interests of the Committee on Science and agreeing to an appropriate appointment of Conferees.

The Committee on Homeland Security reported H.R. 4954 to the House on April 28, 2006, as H. Rpt. 109–447, Pt. I. H.R. 4954 was, subsequently, sequentially referred to the Committee on Transportation and Infrastructure for a period ending not later than May 1, 2006. On May 1, 2006, the Committee on Transportation and Infrastructure was discharged from further consideration of H.R. 4954.

The Committee on Rules met on May 2, 2006, and filed a Rule providing for the consideration of H.R. 4954 as H. Res. 789 (H. Rpt. 109–450).

On May 3, 2006, the Chairman of the Committee on Government Reform sent a letter to the Chairman of the Committee on Homeland Security indicating that in order to expedite consideration on the House Floor, the Committee on the Judiciary would waive its right to seek a sequential referral of H.R. 4954. On that same day, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Government Reform agreeing to the jurisdictional interests of the Committee on Government Reform, and agreeing to an appropriate appointment of Conferees.

On May 3, 2006, the Chairman of the Committee on Ways and Means sent a letter to the Chairman of the Committee on Homeland Security indicating that in order to expedite consideration on the House Floor, the Committee on Ways and Means would waive its right to seek a sequential referral of H.R. 4954. In addition, the letter indicated an agreement on language included within the Managers amendment. On that same day, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on Ways and Means agreeing to the jurisdictional interests of the Committee on Ways and Means and agreeing to an appropriate appointment of Conferees.

On May 3, 2006, the Chairman of the Committee on the Judiciary sent a letter to the Chairman of the Committee on Homeland Security indicating that in order to expedite consideration on the House Floor, the Committee on the Judiciary would waive its right to seek a sequential referral on H.R. 4954. On that same date, the Chairman of the Committee on Homeland Security sent a letter to the Chairman of the Committee on the Judiciary agreeing to the jurisdictional interests of the Committee on the Judiciary and agreeing to an appropriate appointment of Conferees.

The House considered and agreed to H. Res. 789, the Rule providing for consideration of H.R. 4954 by a recorded vote of 230 yeas and 196 nays on May 3, 2006. The House then proceeded to the consideration of H.R. 4954 and passed the bill by a recorded vote of 421 yeas to 2 nays.

H.R. 4954 was received in the Senate on May 8, 2006, and read for the first and second times on May 15 and 16, 2006, respectively. The Senate considered H.R. 4954 on September 7, 8, 11, 12, 13, and 14, 2006, and passed the measure on September 14, 2006, by a vote of 98 yeas.

On September 18, 2006, the Senate, by unanimous consent, modified Senate Amendment No. 4997, to standardize the risk-based funding of port security grants, which was previously agreed to on September 14, 2006. The Senate, on September 19, 2006, insisted upon its amendment to H.R. 4954, request a Conference with the House thereon, and appointed Conferees: from the Committee on Homeland Security and Governmental Affairs; the Committee on Commerce, Science, and Transportation; the Committee on Finance; the Committee on Banking, Housing, and Urban Affairs, and an additional Conferee.

The House disagreed to the Senate amendment to H.R. 4954 on September 28, 2006, and agreed to a Conference with the Senate thereon. The Speaker appointed Conferees from the Committee on Homeland Security; the Committee on Energy and Commerce; the Committee on Science; the Committee on Transportation and Infra-

structure; and the Committee on Ways and Means. Conferees from the Committee on Homeland Security for consideration of the House bill and the Senate amendment, and modifications committed to Conference were: Mr. King of New York, Mr. Young of Alaska, Mr. Daniel E. Lungren of California, Mr. Linder, Mr. Simmons, Mr. McCaul of Texas, Mr. Reichert, Mr. Thompson of Mississippi, Ms. Loretta Sanchez of California, Mr. Markey, Ms. Harman, and Mr. Pascrell.

The Committee of Conference met on September 28, 2006. On September 29, 2006 the Committee of Conference filed a Conference Report to accompany H.R. 4954 in the House as H. Rpt. 109–711.

A modified version of H.R. 58, requiring establishment of a Border Patrol unit for the Virgin Islands of the United States, was included in section 126 of the Conference Report to accompany H.R. 4954. Additionally, provisions of H.R. 4880 were included in section 102 of the Conference Report accompanying H.R. 4954.

The Committee on Rules met on September 29, 2006, and filed a Rule providing for the consideration of the Conference Report to accompany H.R. 4954 as H. Res. 1064. The House considered and agreed the Rule on September 29, 2006 by voice vote. The House proceeded to the consideration of the Conference Report to accompany H.R. 4954 on September 29, 2006. On September 30 (Legislative Day of September 29), 2006, the House agreed to the Conference Report by a recorded vote of 409 yeas and 2 nays.

The Senate agreed to the Conference Report to accompany H.R. 4954 on September 30, 2006, by unanimous consent, clearing the measure for the President.

The President signed H.R. 4954 into Law on October 13, 2006, as Public Law 109–347.

SHADOW WOLVES TRANSFER

H.R. 5589

To direct the Secretary of Homeland Security to transfer to United States Immigration and Customs Enforcement all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation.

Summary

The "Shadow Wolves" are a specialized unit of Customs Patrol Officers (CPO) created by Congress in 1972 to patrol the international land border within the Tohono O'odham Nation, a sovereign Indian Nation, located in the State of Arizona. After the creation of the Department of Homeland Security, the Shadow Wolves unit was transferred to the United States Customs and Border Protection and placed under the administrative control of the Tucson Sector of the Border Patrol. This reorganization has produced uncertainty and a lack of clear direction for the unit, negatively impacting operations and retention of personnel. H.R. 5589 transfers the Shadow Wolves to Immigration and Customs Enforcement (ICE), as the unit's work most closely resembles that of ICE Special Agents who investigate and attempt to close down large drug smuggling operations. In addition, this section sets the pay scale of the Shadow Wolves at the same rate as ICE Special Agents and

specifies that the Chief Customs Patrol Officer will have a rank that is equivalent to a resident agent-in-charge of the Office of Investigations with ICE.

Legislative History

H.R. 5589 was introduced in the House on June 12, 2006, by Mr. Souder, Mr. Shadegg, and Mr. King of Iowa, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 5589 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

On July 10, 2006, the House agreed to suspend the Rules and passed H.R. 5589 by voice vote.

H.R. 5589 was received in the Senate on July 11, 2006, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs.

The provisions of H.R. 5589 were included in H.R. 4312 and H.R. 4437, as introduced. See discussion of H.R. 4437 listed above.

MORE BORDER PATROL AGENTS NOW ACT OF 2006

H.R. 6160

To recruit and retain Border Patrol agents.

Summary

H.R. 6160, the "More Border Patrol Agents Now Act," directs the Secretary of Homeland Security to submit to Congress a plan on recruiting and retaining skilled Border Patrol agents. Among other things, H.R. 6160 authorizes the Department of Homeland Security to offer recruitment and retention salary bonuses.

Legislative History

H.R. 6160 was introduced in the House on September 25, 2006, by Mr. Rogers of Alabama, Mr. Issa, Mr. McCotter, Ms. Harris, and Mr. Gary G. Miller of California, and referred to the Committee on Homeland Security and the Committee on Government Reform. Within the Committee on Homeland Security, H.R. 6160 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

On September 26, 2006, the House agreed to suspend the Rules and passed H.R. 6160 by voice vote.

H.R. 6160 was received in the Senate and held at the Desk on September 27, 2006.

SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY ACT OF 2006

H.R. 6162

To require financial accountability with respect to certain contract actions related to the Secure Border Initiative of the Department of Homeland Security.

Summary

The Secure Border Initiative (SBI) is the successor program to the Integrated Surveillance Intelligence System (ISIS) and the Remote Video Surveillance (RVS) program. SBI is a comprehensive, multi-year program composed of a mix of personnel, infrastructure,

and technology to gain operational control of the Nation's borders. To ensure the financial integrity of the new border security contract, H.R. 6162 directs the Inspector General of the Department of Homeland Security to: (1) determine whether each contract action related to SBI with a value greater than $20 million complies with cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines; (2) submit findings to the Secretary of Homeland Security, including regarding cost overruns, delays in contract execution, lack of rigorous contract management, insufficient financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices; and (3) refer information regarding improper conduct or wrongdoing to the appropriate Departmental official for purposes of evaluating whether to suspend or debar a contractor. This bill also requires the Secretary to report to Congress any findings or processes in place to address any problems within SBI as identified by the Inspector General.

Legislative History

H.R. 6162 which was introduced on September 25, 2006, by Mr. Rogers of Alabama, Mr. Thompson of Mississippi, and Mr. McCotter, and referred solely to the Committee on Homeland Security. Within the Committee on Homeland Security, H.R. 6162 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

On September 28, 2006, the House agreed to suspend the Rules and pass H.R. 6162 by voice vote. H.R. 6162 was received in the Senate and held at the Desk on that same date.

As introduced, H.R. 5441 included the text of H.R. 6162. See discussion of H.R. 5441 listed above.

CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2006

H.R. 5695

To amend the Homeland Security Act of 2002 to provide for the regulation of certain chemical facilities, and for other purposes.

Summary

H.R. 5695 gives the Department of Homeland Security the authority to regulate security at chemical facilities. The bill further requires the Secretary to assess the risk of each of the 15,000 chemical facilities and place them into tiers. The bill requires that the Secretary implement regulations to require vulnerability assessments and security plans. The Secretary is directed to require security measures commensurate with the level of risk at each facility. The bill also requires that the regulations be performance-based, setting overall standards for security at each facility, but allowing individual facilities flexibility in how to meet those performance requirements. Additionally, H.R. 5695 establishes a submission and approval process for the assessments and plans, provides civil and criminal penalties for non-compliance, and provides protection of information developed under this bill.

Legislative History

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

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

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

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

The Committee on Homeland Security considered H.R. 5695 on July 27 and 28, 2006, and ordered the measure reported to the House, amended, by voice vote. The Committee on Homeland Security reported to the House on September 29, 2006 as H. Rpt. 109–707, Pt. I.

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

DEPARTMENT OF HOMELAND SECURITY CYBERSECURITY ENHANCEMENT ACT OF 2005

H.R. 285

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

Summary

H.R. 285, establishes within the Department of Homeland Security (DHS) a National Cybersecurity Office, headed by an Assistant Secretary for Cybersecurity, who would have primary authority within the Department for both, all cybersecurity-related critical infrastructure programs of DHS as well as the National Communications System. The bill enumerates the responsibilities of the Assistant Secretary including establishing and managing a national cybersecurity response system; a National cybersecurity threat and vulnerability reduction program; a national cybersecurity awareness and training program; a Government cybersecurity program; and a national security and international cybersecurity cooperation program. The bill also requires the Assistant Secretary to coordinate and share information with the private sector as well as other Federal agencies regarding cybersecurity-related programs, policies and operations.

Legislative History

H.R. 285 was introduced on January 6, 2005, by Mr. Thornberry and Ms. Zoe Lofgren of California, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 285 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, and the Subcommittee on Management, Integration, and Oversight.

On April 20, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on H.R. 285. The Subcommittee received testimony from Mr. Amit Yoran, President, Yoran Associates; Mr. Harris Miller, President, Information Technology Association of America; Mr. Paul Kurtz, Executive Director, Cyber Security Industry Alliance; Ms. Catherine Allen, President and CEO, BITS, Financial Services Roundtable; and Mr. Ken Silva, Chairman of the Board of Directors, Internet Security Alliance.

On April 20, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity considered H.R. 285 and ordered the measure favorably reported to the Full Committee for consideration, without amendment, by voice vote. On that same date, the Subcommittee on Management, Integration, and Oversight discharged itself from further consideration of H.R. 285. No further action occurred on H.R. 285.

MARITIME TERMINAL SECURITY ENHANCEMENT ACT OF 2006

H.R. 4880

To direct the Commandant of the Coast Guard to require that a security plan for a maritime facility be resubmitted for approval upon transfer of ownership or operation of such facility, and for other purposes.

Summary

H.R. 4880 requires security plans at port facilities be updated and resubmitted to the United States Coast Guard after any transfer of ownership or operation of a terminal and requires that all facility security officers be citizens of the United States. Additional

provisions set deadlines for the implementation of security card programs at ports, sets a deadline for the development of a long range vessel tracking program, and mandates 100 percent inspection of cargo bound for the U.S. at foreign seaports.

Legislative History

H.R. 4880 was introduced by Mr. LoBiondo and twenty-three original cosponsors on March 6, 2006, and referred to the Committee on Transportation and Infrastructure, and the Committee on Homeland Security. Within the Committee on Homeland Security the measure was referred on to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

The Chairman of the Committee on Homeland Security sent a letter to the Speaker of the House on September 20, 2006, agreeing to discharge the Committee on Homeland Security from further consideration of H.R. 4880.

The Committee on Transportation and Infrastructure reported H.R. 4880 to the House on September 29, 2006, as H. Rpt. 109–709, Pt. 1. On that date, the referral of the measure to the Committee on Homeland Security was extended for a period ending not later than November 17, 2006. On November 17, 2006, referral of the measure to the Committee on Homeland Security was extended for a period ending not later than December 8, 2006.

SAFE TRUCKERS ACT OF 2006

H.R. 5604

To require motor vehicle operators transporting security sensitive material in commerce to obtain a permit from the Secretary of Homeland Security, and for other purposes.

Summary

Section 1012 of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism" (USA PATRIOT) (P.L. 107–56) prohibits States from issuing a commercial drivers license (CDL) to an individual to operate a motor vehicle (truck) to transport hazardous materials (HAZMAT) for commercial purposes unless the Secretary of Transportation has determined that the individual does not pose a security risk. This responsibility was delegated to the Transportation Security Administration (TSA), which became a part of the Department of Homeland Security in 2003. In May 2005, TSA began implementing this requirement for all hazardous materials endorsement (HME) drivers. Under the provisions of the USA PATRIOT Act, the TSA was required to conduct background checks on all 2.7 million HME drivers, although a majority of HAZMAT is not a security threat.

H.R. 5604, the "SAFE Truckers Act" requires the TSA to distinguish certain materials as security sensitive, and requires individuals transporting those materials to undergo the extensive fingerprint-based criminal history background check. H.R. 5604 includes amendments to section 1012 of the USA PATRIOT Act, the existing statute. The changes require a name-based check for drivers obtaining a HME, but not a criminal records check thereby reducing the number of drivers who must undergo the fingerprint-based

check without reducing security. H.R. 5604 also included provisions to reduce the cost for drivers who hold other similar cards, such as the Transportation Worker Identification Credential (TWIC), and would require a study of ways to reduce redundancies between these programs.

Legislative History

Prior to introduction, on November 1, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing entitled "Reforming HAZMAT Trucking Security." The Subcommittee received testimony from Mr. Stephen Russell, Chairman and CEO Celadon Group Inc., testifying on behalf of the American Trucking Association; Mr. Michael Laizure, Owner-Operator, Time Critical Ordnance Transport, testifying on behalf of The Owner-Operator Independent Drivers Association; Mr. Gary Brown, General Counsel, Pyro Spectaculars, testifying on behalf of the American Pyrotechnics Association, et al; Ms. Linda Lewis-Pickett, President and CEO, American Association of Motor Vehicle Administrators; Mr. Scott Madar, Assistant Director, Safety and Health Department, International Brotherhood of Teamsters; Mr. Justin Oberman, Assistant Director, Transportation Threat Assessment & Credentialing, Transportation Security Administration, Department of Homeland Security; and Mr. Robert McGuire, Associate Administrator, Pipeline & Hazardous Materials Safety Administration, Department of Transportation.

H.R. 5604 was introduced by Mr. Daniel E. Lungren of California, Ms. Loretta Sanchez of California, and seven original cosponsors on June 14, 2006, and referred solely to the Committee on Homeland Security. Within the Committee, the measure was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

The Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on June 16, 2006. The Subcommittee received testimony from Hon. Kip Hawley, Administrator, Transportation Security Administration, Department of Homeland Security; Mr. David S. McClimon, President, Con-Way, Inc., on behalf of the American Trucking Association; and Mr. Todd Spencer, Executive Vice President, Owner-Operator Independent Drivers Association.

The Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity met on June 22, 2006, to consider H.R. 5604 and forwarded the measure to the Full Committee, amended, by voice vote.

RECREATIONAL BOATERS STREAMLINED INSPECTION ACT

H.R. 1509

To create an inspection program that uses videophone systems at certain points of entry in Florida to satisfy customs and immigration reporting requirements.

Summary

H.R. 1509, the "Recreational Boaters Streamlined Inspection Act," requires the Secretary of Homeland Security to establish an inspection program that uses a videophone system at specified

points of entry in Florida whereby recreational vessels may report to an appropriate official of the Department of Homeland Security (DHS) for purposes of compliance with customs laws and for lawful entry into the United States under immigration laws.

Legislative History

H.R. 1509 was introduced in the House on April 6, 2005, by Mr. Foley and Mr. Shaw, and referred solely to the Committee on Homeland Security. Within the Committee on Homeland Security, H.R. 1059 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

On Thursday, May 19, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on H.R. 1509, the Recreational Boaters Streamlined Inspection Act. The Subcommittee received testimony from Hon. Mark Foley, a Representative in Congress from the State of Florida; Mr. Jim Ellis, President, Boat Owners Association of The United States BOAT/U.S.; and Mr. Robert Jacksta, Executive Director, Border Security and Facilitation, Office of Field Operations, Customs and Border Protection, Department of Homeland Security.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE ON ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY

SCREENING OF AIRLINE PASSENGERS AND BAGGAGE

The prescreening of passengers at airports is an important component of the Transportation Security Administration's (TSA) layered approach to security. In response to concern about the high percentage of airline passengers selected for secondary screening under the Computer Assisted Passenger Prescreening System (CAPPS), the Subcommittee held a Member briefing on September 29, 2005. Members were briefed by representatives from TSA and examined the systems and policies employed by TSA to prescreen domestic air travelers.

On July 13 and 19, 2005, the Subcommittee held a hearing entitled "Leveraging Technology to Improve Aviation Security." The Subcommittee received testimony from Mr. Louis Parker, President and Chief Executive Officer, General Electric Security; Mr. Allen Barber, President, L–3 Communications Security and Detection Systems, Inc.; Mr. Todd Hauptli, Senior Executive Vice President, American Association of Airport Executives; Ms. Cathleen Barrick, Director, Homeland Security and Justice, Government Accountability Office; Mr. Anthony R. Fabiano, President and Chief Executive Officer, American Science and Engineering, Inc.; Mr. John W. Wood, Jr., President and Chief Executive Officer, Analogic; Mr. Deepak Chopra, President, OSI Systems, Inc.; Mr. Cherif Rizkalla, President, Smiths Detection, Americas; Mr. Rick Rowe, Chief Executive Officer, SafeView, Inc. On July 19, 2005, the Subcommittee received testimony from Mr. Clifford A. Wilke, Assistant Administrator and Chief Technology Officer, Transportation Security Administration, Department of Homeland Security. This hearing examined TSA's progress in implementing a full-scale development and deployment strategy for current and emerging technology for passenger screening.

Nine Federal agencies, including the Department of Defense, Department of Justice, Department of State, Department of Transportation, and Department of the Treasury, have developed and maintain 12 distinct watch lists. The master terrorist watch list is maintained at the Terrorist Screening Center (TSC). Each list contains a wide variety of data, including biographical information, such as name and date of birth. On June 29, 2005, the Subcommittee held a hearing entitled "Improving Pre-Screening of Aviation Passengers against Terrorist and Other Watch Lists." The Subcommittee received testimony from Hon. John B. Anderson, Former United States Representative to Congress from Illinois; Mr. James C. May, President and Chief Executive Officer, Air Transport Association; Mr. Paul Rosenzweig, Senior Legal Research Fellow, Center for Legal and Judicial Studies, The Heritage Foundation; Mr. James X. Dempsey, Executive Director, Center for Democracy and Technology; and Mr. Justin Oberman, Assistant Administrator, Secure Flight and Registered Traveler, Department of Homeland Security. The hearing focused on the systems and policies used by TSA to prescreen domestic air travelers and identify known and suspected terrorists. In addition, the hearing examined the high percentage of air travelers that are misidentified under the existing system, and considered options to rectify the problem.

On March 30, 2006, the Subcommittee hosted a classified Member briefing on the TSA airline passenger prescreening watchlist. Members were briefed by the Director of the Terrorist Screening Center and supported by representatives of the Central Intelligence Agency and TSA. The briefing focused on the quality of data included in the Terrorist Screening Center database, used by TSA to conduct terrorist watchlist checks.

In addition, the Subcommittee Staff visited the Transportation Security Lab in Atlantic City, New Jersey, on October 24, 2006 and received a briefing on the Department's latest efforts to develop technology to identify liquid explosives as well as to examine the technology being reviewed for the next-generation of passenger and baggage screening devices.

On October 28, 2006, Committee Staff visited the Boston, Massachusetts headquarters of two major manufacturers of baggage screening technology to examine their efforts to produce cutting edge baggage screening technology. Staff also examined the latest in-line baggage screening technology used at Logan International Airport. In addition, Staff received a briefing from the Logan International Airport Security officer on the Screening Passenger Observation Techniques Program, which was developed and implemented at Logan Airport.

SECURE FLIGHT PROGRAM

The Transportation Security Administration (TSA) developed the Secure Flight program to communicate with airlines to obtain a limited amount of passenger information when reservations are made for flights. TSA then checks the passenger information against the terrorist watchlist maintained at the Terrorist Screening Center (TSC).

On May 20, 2005, the Chairman and the Ranking Member of the Committee on Homeland Security, the Chairman and Ranking

Member of the Committee on Transportation and Infrastructure, and the Chairman of the Committee on Government Reform sent a letter to the Government Accountability Office (GAO) requesting a follow-up report to GAO 05–356: Aviation Security: Secure Flight Development and Testing Under Way, but Risks Should Be Managed as System Is Further Developed. The Chairman of the Committee received a response from GAO on June 2, 2005 indicating that GAO would comply with the request.

IMPROVING MANAGEMENT OF THE SCREENING WORKFORCE

On July 28, 2005, the Subcommittee held a hearing entitled "Improving Management of the Aviation Screening Workforce." The Subcommittee received testimony from Mr. James Bennett, President and Chief Executive Officer, Metropolitan Washington Airports Authority, testifying on behalf of the Airports Council International-North America/The American Association of Airport Executives; Mr. John Martin, Director, San Francisco International Airport; Mr. William DeCota, Director of Aviation, the Port Authority of New York and New Jersey; Mr. Mark Brewer, President and CEO, Rhode Island Airport Corporation; Mr. John DeMell, President, FirstLine Transportation Security, Inc.; Mr. Robert Poole, Director of Transportation Studies, and Founder, Reason Foundation; and Mr. Thomas Blank, Acting Deputy Administrator, Transportation Security Administration, Department of Homeland Security. This hearing focused on the Transportation Security Administration's centralized system of allocating screeners to the Nation's commercial airports.

TRANSPORTATION SECURITY ADMINISTRATION SCREENING OF PILOTS

Under current regulations, pilots are required to be screened at security checkpoints. On May 13, 2005, the Subcommittee held a hearing entitled "The Transportation Security Administration's Screening of Airline Pilots: Sound Security Practice or Waste of Scarce Resources?" The Subcommittee received testimony from Ms. Debra Burlingame, Member, 9/11 Families for a Secure America; Captain Duane Woerth, President, Airline Pilots Association; and Ms. Candace Kolander, Flight Attendant, Alaska Air, testifying on behalf of the Association of Flight Attendants—Communication Workers of America (AFA-CWA). The hearing focused on TSA's policy to treat commercial airline pilots the same as the general public for screening purposes and examined whether it is the best use of TSA's resources.

REGISTERED TRAVELER PROGRAM

The Transportation Security Administration (TSA) developed the Registered Traveler program to expedite security screening for airline passengers who submit to extensive background checks and identity verification procedures. On June 9 and 16, 2005, the Subcommittee held a hearing entitled "The Promise of Registered Traveler." The Subcommittee received testimony from Mr. C. Stewart Verdery, Jr., Principal, Mehlman Vogel Castagnetti, Inc.; Mr. William Connors, Executive Director, National Business Travel Association; Mr. Jim Harper, Director of Information Policy Studies,

The CATO Institute; Ms. Brigitte Goersch, Director of Security, Greater Orlando Aviation Authority; and Mr. Robert Isom, Senior Vice President, Customer Service, Northwest Airlines, Inc. On June 16, 2005, the Subcommittee received testimony from Mr. Thomas Blank, Acting Deputy Director, Transportation Security Administration, Department of Homeland Security. This hearing focused on the benefits and challenges of the Registered Traveler Program and the results of the pilot.

On November 3, 2005, the Subcommittee held a hearing entitled "The Future of TSA's Registered Traveler Program." The Subcommittee received testimony from Hon. Kip Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; Mr. Charles Barclay, President, American Association of Airport Executives; Mr. Steven Brill, Founder and Chief Executive Officer, Verified Identity Pass, Inc.; Mr. Lawrence J. Zmuda, Partner, Homeland Security, Unisys Corporation; and Mr. Marc Rotenberg, Executive Director, Electronic Privacy Information Center National Office. This hearing examined the current state, and projected outcome, of the Registered Traveler program.

PROHIBITED ITEMS LIST

The Transportation Security Administration (TSA) has an extensive list of items, including knives, flares, and gasoline, that are prohibited from being carried on board an aircraft. TSA has made numerous adjustments to the prohibited items list over the past four years.

On December 16, 2005, Members of the Subcommittee received a briefing by representatives from TSA on changes made to the prohibited items list. As a follow-up to this briefing, the Subcommittee and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment received a joint classified Member briefing on March 2, 2006, on terrorist plots involving United States aircraft. The Administrator of TSA briefed the Members on the decision-making process behind the prohibited items list, as part of the larger TSA security strategy.

As a result of intelligence received by the Department of Homeland Security, the prohibited items list was modified in August 2006 to include liquid materials. The Administrator of TSA briefed Members of the Subcommittee on September 14, 2006, to explain the changes to the list.

FEDERAL AIR MARSHAL SERVICE

The purpose of the U.S. Federal Air Marshal Service (FAMS) is to promote confidence in civil aviation by effectively deploying agents to detect, deter, and defeat hostile acts targeting air carriers, airports, passengers, and crews. On September 27, 2005, Members of the Subcommittee received a briefing on the status of FAMs. On October 24, 2006, Committee Staff visited the FAMS Training Center in Atlantic City, New Jersey. Staff toured the facility and were briefed on Federal Air Marshal training and the FAMS management of the Federal Flight Deck Officer and the Self-Defense Training Programs.

MARITIME AND SUPPLY CHAIN SECURITY

On January 18, 2005, Subcommittee Staff received a briefing from the Department of Homeland Security on plans to deploy additional radiation detection equipment at seaports in the United States, expansion of the Container Security Initiative (CSI), and the status of validations of participants of the Customs-Trade Partnership Against Terrorism (C–TPAT).

Subcommittee Staff toured the National Targeting Center (NTC), a United States Customs and Border Protection (CBP) facility responsible for targeting and analyzing all individuals and cargo entering the United States on February 4, 2005. During the tour, Staff reviewed NTC operations, staffing, and targeting capabilities.

On March 31, 2005, Subcommittee Staff toured and received briefings at the Port of Norfolk. Staff met with representatives of the Virginia Port Authority and Department of Homeland Security. Staff reviewed the Department's inspection capabilities and gained a better understanding of how security can improve efficiencies at ports.

Committee Staff received a briefing from CBP on the implementation of recovery plans at ports in the aftermath of Hurricane Katrina on September 20, 2005.

Regular exercises and training programs are a key element of facilitating efficient and coordinated response efforts. These programs ensure that appropriate personnel in seaports have the necessary skills and tools at their disposal in the case of an emergency. On September 14, 2005, officials from the Transportation Security Administration (TSA) and the United States Coast Guard provided a briefing for Subcommittee Staff on the Port Step program. Port Step is a joint training and exercise program managed by TSA and the Coast Guard to enhance the security of our Nation's ports. The program primarily uses tabletop exercises for port officials and emergency response personnel. The briefing focused on the components of the program, the capacity for conducting training, and the link between this training program and other training conducted through the port security grant program.

On January 20, 2006, Subcommittee Staff received a briefing from CBP on CSI. The briefing provided Staff with insight of CBP's plans to expand CSI to 50 locations by the end of 2006, which will cover 80 percent of maritime cargo containers coming to the United States.

Subcommittee Staff received a briefing from CBP on January 26, 2006 regarding the C–TPAT program. The briefing focused the program's new internal records system, called C–TPAT Tracker, which tracks all online submissions, as well as additional revisions to the Automated Targeting System (ATS) to enhance targeting capabilities.

On March 16, 2006, the Subcommittee held a hearing on H.R. 4954, the "Security and Accountability for Every Port Act." The Subcommittee received testimony from Mr. Jayson Ahern, Assistant Commissioner, Office of Field Operations, United States Customs and Border Protection, Department of Homeland Security; Captain Brian Salerno, Deputy Director, Inspections & Compliance, United States Coast Guard, Department of Homeland Security; Mr.

Eugene Pentimonti, Senior Vice President, Government Relations, Maersk, Inc.; and Mr. Noel Cunningham, Principal, MARSEC Group. The hearing focused on the provisions of H.R. 4954, which sought to improve security by expanding capabilities, maximizing available resources, and pushing our borders outward.

The Subcommittee conducted a site visit of the Ports of Los Angeles and Long Beach on March 17, 2006. The site visit included a roundtable discussion with port security experts and operational entities, as well as a tour of the facilities. Subcommittee Members toured port terminals to review security procedures and inspection capabilities. Additionally, Members reviewed site access problems at the seaport and discussed the implementation of the Transportation Worker Identification Credential (TWIC).

PORT SECURITY AND THE U.S. COAST GUARD

The United States Coast Guard's homeland security missions are not new, but have become more visible since the tragic events of September 11, 2001. The Subcommittee has particularly focused on the homeland security missions of the Coast Guard described in section 888(a)(2) of the Homeland Security Act of 2002 (P.L. 107–296), which are: (1) ports, waterways, and coastal security; (2) drug interdiction; (3) migrant interdiction; (4) defense readiness; and (5) other law enforcement. Through hearings, multiple briefings with United States Coast Guard personnel and other maritime security stakeholders and several site visits, the Subcommittee has addressed numerous different aspects of the homeland security missions of the Coast Guard.

On March 29, 2005, Subcommittee Staff received a tour and briefing at the United States Coast Guard Headquarters on the port security missions of the Coast Guard. The briefing focused on the importance of maritime domain awareness, the need for additional vessel tracking capabilities, the feasibility of establishing additional joint operations centers to facilitate coordination and information sharing, and the value of the Maritime Safety and Security Team (MSST).

Subcommittee Staff received a briefing from representatives of the U.S. Coast Guard on May 10, 2005 regarding the Deepwater acquisition and how the program was restructured to address homeland security missions.

On June 8, 2005, the Subcommittee held a hearing entitled "The Homeland Security Missions of the Post-9/11 Coast Guard." The Subcommittee received testimony from Admiral Thomas Collins, Commandant, United States Coast Guard, Department of Homeland Security. During this hearing, the Subcommittee examined the homeland security missions of the Coast Guard, the related impact of the war on terrorism, and the transfer of the Coast Guard into the Department of Homeland Security.

On November 11, 2005, Members of the Committee on Homeland Security were appointed as conferees to the Coast Guard Authorization Act of 2005 (P.L. 109–241) because of the important role the Coast Guard plays in Homeland Security.

Subcommittee Staff received a briefing from the Coast Guard on November 30, 2005 regarding modifications to the design and cost estimates for the National Security Cutter (NSC). These modifica-

tions were made to meet additional homeland security missions of the Coast Guard. On January 18, 2006, Subcommittee Staff received another briefing from the Coast Guard, this one focused on maritime domain awareness, Project Hawkeye in Miami, which is a pilot to share information with Harbor Police, and joint harbor operations centers.

From August 4 though 10, 2006, Subcommittee Staff conducted site visits in Juneau, Alaska; Astoria, Oregon; and Seattle, Washington to view Coast Guard assets and review Coast Guard missions. These Staff visits provided key background information on the Coast Guard mission in the Pacific Northwest and the unique challenges posed by the large distances and severe weather conditions that are characteristic of this region of the country. The Coast Guard assets in the ports of Juneau and Seattle are positioned with an emphasis on port and waterway security due to the large amount of cruise ship traffic in the former and cargo and ferry traffic in the latter. The original MSST is stationed in Seattle due to the unique environment and heavy marine traffic in Puget Sound. By examining MSST and its capabilities first hand, Staff gained an understanding of the appropriate use, and deployment, of similar MSSTs around the country to provide port and waterway security.

Subcommittee Staff traveled to Pascagoula, Mississippi; Key West, Florida; and Miami, Florida from November 10 through 14, 2006 to view Coast Guard patrol boat assets assigned to homeland security missions. The Coast Guard is currently experiencing a mission gap in patrol boat hours. To alleviate this mission gap, the Coast Guard has leased patrol boats from the United States Navy. Two of these leased vessels are stationed in Pascagoula, Mississippi. Staff visited the Coast Guard Cutter SHAMAL to learn more about the 179-foot patrol boat's capabilities and effectiveness in performing Coast Guard missions. In addition, the Coast Guard has had various problems with its 123-foot Island Class coastal patrol boats, all of which are stationed in Key West, Florida. Subcommittee Staff visited Coast Guard Sector Key West to tour the vessels and to view the structural and electronic problems of these vessels, which are tasked with illegal drug and alien/migrant interdiction in the Straits of Florida, a key homeland security mission. In Miami, Subcommittee Staff witnessed how the Coast Guard is working with the Port of Miami to secure the world's busiest cruise ship terminal, which is adjacent to a large container terminal.

ENTRY DOCUMENTS

The Subcommittee was concerned about establishing efficient and accurate systems to confirm the identity of travelers coming to the United States and to ensure that terrorists are not able to obtain or falsify travel documents. On April 7, 2005, the Subcommittee Staff received a briefing on Border Crossing Cards (BCCs) from the Department of State, United States Customs and Border Protection (CBP), and the United States Visitor and Immigrant Status Indicator Technology (US–VISIT) Program Office. The briefing focused on security procedures for issuing cards, verification and fraud problems, and the need to reform the cards to provide reliable identity verification.

On June 16, 2005, Subcommittee Staff received a briefing from the Department of State on the Consular Consolidated Database, which contains information on all visa applicants. The Department of State uses facial recognition technology to compare photographs of the visa applicant with previously submitted photos to detect mismatches. There are currently 40 million photos in the Department of State's database, including photos of individuals that have been refused visas.

The Subcommittee held a hearing on June 22, 2005 entitled "Ensuring the Security of America's Borders through the Use of Biometric Passports and Other Identity Documents." The Subcommittee received testimony from Ms. Elaine Dezenski, Acting Assistant Secretary, Directorate for Border and Transportation Security, Department of Homeland Security; Mr. Frank Moss, Deputy Assistant Secretary, Consular Affairs, Department of State; Dr. Martin Herman, Information Access Division Chief, National Institute of Standards and Technology; Mr. C. Stewart Verdery, Jr., Principal, Mehlman Vogel Castagnetti, Inc.; and Mr. Gregory Wilshusen, Director of Information Security Issues, Government Accountability Office. The hearing focused on the current and future use of biometrics in passports and other related identity documents. Members also reviewed how biometrics could be used to further secure the Visa Waiver Program (VWP).

On June 27, 2005, Subcommittee Staff received a briefing from the US–VISIT Program Office. The briefing provided an update on e-passport testing, implementation of 10–print fingerprint machines at ports of entry, and the exit process for US–VISIT.

Subcommittee Staff received a briefing on October 27, 2005 from the Department of Homeland Security and the Department of State on the Western Hemisphere Travel Initiative (WHTI), which requires all travelers to provide a passport or other secure document upon entry into the United States. The briefing focused on plans to implement the requirement in two phases—first for individuals arriving by air and sea ports of entry and second for individuals arriving at land ports of entry, as well as what additional documents were being considered to facilitate implementation and lower the cost of compliance for United States citizens.

On July 6, 2006, Subcommittee Staff received a tour and briefing at the Forensic Documents Lab (FDL), an Immigration and Customs Enforcement (ICE) facility that reviews international travel documents for authenticity. Staff gained an understanding of the FDL role in developing new travel documents; and was very concerned to learn that the FDL has had very little input in the design or testing of the proposed PASS Card for use in the WHTI. The Subcommittee has continued to work with the Department to ensure that all documents are tested and designed to be tamper resistant.

Subcommittee Staff received a briefing on November 29, 2006 from the Department of Homeland Security and the Department of State on the President's request to expand the VWP. The briefing focused on the additional security measures the Departments want to add to the VWP and their request for flexibility in allowing additional countries to participate.

BORDER SECURITY AND IMMIGRATION ENFORCEMENT

On January 28, 2005, Subcommittee Staff received a briefing from the United States Border Patrol on its progress in meeting the requirements of the "Intelligence Reform and Terrorism Prevention Act of 2004" (P.L. 108–458), including the hiring of 2,000 additional agents per year over the next five years and the implementation of an unmanned aerial surveillance program.

Subcommittee Staff received a briefing from Immigration and Customs Enforcement (ICE) on March 4, 2005 regarding the detention and removal of non-Mexican illegal aliens, referred to as "Other Than Mexicans" (OTMs). The briefing focused on how ICE manages detention space and what actions could expedite the return of illegal aliens through deportation.

On March 24, 2005, Subcommittee Staff received a briefing from ICE on Operation Community Shield. This operation targets illegal alien gang members for apprehension and deportation.

Subcommittee Staff attended a briefing by officials from the Department of Homeland Security, the Department of State, and the Department of Commerce regarding the Security and Prosperity Partnership (SPP) on May 4, 2005. The SPP is a tri-nation initiative to harmonize security policies and strengthen cooperation in the northern hemisphere.

On May 11, 2005, Subcommittee Staff received a briefing on the San Diego border fence from the United States Border Patrol. The briefing focused on the costs and benefits of constructing the fence through private labor versus relying on the support of the National Guard; land acquisition costs; and the schedule for completing the fencing.

Subcommittee Staff received a briefing and demonstration from United States Citizenship and Immigration Services (CIS) on July 13, 2005. This briefing focused on the Basic Pilot Program and CSI's plans for its expansion.

On July 17, 2005, Subcommittee Staff and the Staff from the Subcommittee on Management, Integration, and Oversight visited the southwest border. The Subcommittee Staff observed existing border surveillance technology, particularly cameras and sensors.

Subcommittee Staff received a briefing from ICE on July 20, 2005. The briefing focused on ICE's worksite enforcement investigations.

On September 14, 2005, representatives from the United States Coast Guard briefed Subcommittee Staff on the Coast Guard auxiliary program. The briefing considered how the auxiliary program operates and benefits the Coast Guard, and whether a similar model would suit the United States Border Patrol. This briefing led to the introduction of H.R. 4099, the "Homeland Security Volunteerism Enhancement Act of 2005," which would establish a Border Corps to assist the Border Patrol in carrying out its mission. The program in H.R. 4099 was modeled after the Coast Guard Auxiliary.

The Subcommittee received a briefing from the Department of Homeland Security on the Expedited Removal Program on September 15, 2005. The Department detailed its use of existing authority to place illegal aliens in expedited removal proceedings.

On September 28, 2005, the Subcommittee held a hearing entitled "Solving the OTM Undocumented Alien Problem: Expedited Removal for Apprehensions along the U.S. Border." The Subcommittee received testimony from Chief David V. Aguilar, Border Patrol, United States Customs and Border Protection, Department of Homeland Security; Mr. John Torres, Acting Director, Office of Detention and Removal Operations, Immigration and Customs Enforcement, Department of Homeland Security; and Mr. Daniel W. Fisk, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State. This hearing focused on the use of expedited removal policies and processes to address the dramatic increase in OTMs caught entering the country illegally between ports of entry.

Subcommittee Staff received a briefing from the Drug Enforcement Administration on November 30, 2005. The briefing focused on the possible connections between drug cartels and terrorist organizations.

On December 7, 2005, the Subcommittee held a joint Member briefing with the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment on the role of the ICE Forensic Document Laboratory (FDL) in detecting and preventing terrorist travel.

Subcommittee Staff participated in a briefing with the Department of Homeland Security on February 10, 2006 regarding progress made under the Secure Border Initiative (SBI) to enhance detention space. The Subcommittee was encouraged by the progress toward detaining the majority of non-Mexican illegal aliens under the expedited removal program, other than illegal aliens from countries that refuse to accept repatriation, such as Chinese citizens.

On June 30, 2006, representatives from the Department of Homeland Security briefed Subcommittee Staff on the expansion of the Expedited Removal Program to the all United States borders. The program was previously used only along the southwest border.

NORTHERN BORDER SECURITY

The continental United States shares a 4,000 mile border with Canada. However, there has been a lack of focus on the security vulnerabilities along the northern border. While Canada is a trusted partner in the war on terrorism and the United States' most significant trading partner, several publicized threats to our national security have emanated from the north, including the capture of the Millennium Bomber and the June 2006 arrest of 17 Canadian residents on terrorism-related grounds.

On June 20, 2006, the Subcommittee and the Committee on Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a joint hearing entitled "Fencing the Border: Construction Options and Strategic Placement." The Subcommittees received testimony from Hon. Duncan Hunter, a Representative in Congress from the State of California; Hon. Silvestre Reyes, a Representative in Congress from the State of Texas; Mr. Kevin Stevens, Senior Associate Chief, United States Customs and Border Protection, Department of Homeland Security; Hon. Steve King, a Representative in Congress from the State of Iowa; Mr.

Douglas Barnhart, President, Douglas E. Barnhart, Inc. and Vice President of the Association of General Contractors; Mr. T.J. Bonner, President, National Border Control Council; Mr. Art Mayne, Specification Writer for Fences and Security Products; Mr. Carlton Mann, Chief Inspector, Office of the Inspector General, Department of Homeland Security; and Mr. Don Williams, Consultant, Roadrunner Planning and Consulting. The hearing focused on the impact of border fencing on deterring and preventing illegal entry and smuggling operations.

The Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity and the Subcommittee on Emergency Preparedness, Science, and Technology held a joint field hearing on August 8, 2006, in Bellingham, Washington entitled "Assessment of Risks at the Northern Border and the Infrastructure Necessary to Address Those Risks." The Subcommittees received testimony from Mr. Thomas Hardy, Director of Field Operations, Seattle Field Office, United States Customs and Border Protection, Department of Homeland Security; Mr. Ronald Henley, Chief Patrol Agent, Blaine Sector, United States Customs and Border Protection, Department of Homeland Security; Major General Timothy J. Lowenberg, Adjutant General of Washington, Washington National Guard; Hon. Dale Brandland, Senator, Washington State Senate; Mr. David B. Harris, Senior Fellow for National Security, Canadian Coalition for Democracies; Ambassador Martin Collacott, Former Canadian Ambassador to Syria and Lebanon; Mr. K. Jack Riley, Director, Homeland Security Center, RAND Corporation; and Mr. Gregory Johnson, President, Chapter 164, National Treasury Employees Union. The hearing focused on the resources and strategies used by the Department of Homeland Security to secure the northern border and the impact of Canadian immigration policies on the establishment of terrorist groups in Canada.

In preparation for this hearing, Subcommittee Members conducted site visits pertaining to the security of the northern border on August 7, 2006. Members toured and received briefings at the Port of Seattle and engaged in a roundtable discussion on security operations and cargo inspections systems at the Port. The Members also toured the northern border and the Peace Arch Port of Entry (POE) in Blaine, Washington. At the Peace Arch POE, Members were briefed by CBP officers on the operation of United States Visitor and Immigrant Status Technology (US–VISIT), secondary screening procedures, and the use of canine teams for the detection of narcotics and agricultural contraband. Following the site visit at the Peace Arch POE, the Members traveled to the Immigration and Customs Enforcement (ICE) Air Marine Branch (AMB) in Bellingham, Washington. At the Bellingham AMB, the Members examined recent ICE operations to combat criminal activity and secure the northern border. The briefing addressed what technology would be most effective for securing the northern border, including the use of unmanned aerial vehicles and comprehensive radar coverage.

BUDGETARY OVERSIGHT

On March 2, 2005, the Subcommittee held a hearing entitled "Proposed FY 2006 Budget: Integrating Homeland Security Screen-

ing Operations." The Subcommittee received testimony from Mr. Jim Williams, Director, United States Visitor and Immigrant Status Technology (US–VISIT) Program, Border and Transportation Security Directorate, Department of Homeland Security; Ms. Carol DiBattiste, Deputy Administrator, Transportation Security Administration, Department of Homeland Security; and Ms. Deborah J. Spero, Deputy Commissioner, United States Customs and Border Protection, Department of Homeland Security. This hearing examined the President's Fiscal Year (FY) 2006 budget request for the Department of Homeland Security and its plan to integrate homeland security screening operations and programs.

The Subcommittee held a hearing entitled "The President's Fiscal Year 2007 Budget: Coast Guard Programs Impacting Maritime Border Security." The Subcommittee received testimony from Admiral Thomas H. Collins, Commandant, United States Coast Guard. The hearing focused on the Fiscal Year 2007 budget request for the Coast Guard's homeland security missions, including the restructuring of the Integrated Deepwater System (IDS) to support homeland security missions; the Coast Guard's capacity to carry out the National Capitol Region's Air Defense mission; and the proposal to expand the current Expanded Maritime Safety and Security Team (EMSST) to an interagency Maritime Security Response Team (MSRT) with a 24/7 capability.

On February 16, 2006, the Subcommittee held a hearing entitled "The President's Proposed FY07 Budget: Risk-Based Spending at the Transportation Security Administration." The Subcommittee received testimony from Hon. Kip Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security. Members of the Subcommittee examined the President's $6.3 billion budget request for TSA for Fiscal Year 2007 and assessed the progress made by TSA in establishing risk based security investments, improving screener performance, and increasing efficiencies in its security screening operations.

TRADE AND TRAVEL FACILITATION

The Subcommittee is committed to ensuring that border security measures are implemented without impeding the flow of legitimate trade and travel. To this end, the Subcommittee held a series of briefings and hearings on the impact of security measures on trade and travel.

On April 8, 2005, Subcommittee Staff received a briefing from United States Customs and Border Protection (CBP) on trusted traveler programs. The briefing received CBP efforts to expand membership and improve the credentialing processes for the existing programs, including Free and Secure Trade (FAST), NEXUS, NEXUS Air, Secure Electronic Network for Travelers Rapid Inspection (SENTRI), and other similar programs.

The Subcommittee held a hearing on May 19, 2005 entitled "H.R. 1509—The Recreational Boaters Streamlined Inspection Act." The Subcommittee received testimony from Hon. Mark Foley, a Representative in Congress from the State of Florida; Mr. Jim Ellis, President, BoatU.S.; and Mr. Robert Jacksta, Executive Director for Border Security and Facilitation, Office of Field Operations, United States Customs and Border Protection, Department of

Homeland Security. The hearing examined H.R. 1509, which seeks to create an inspection program using videophone systems at certain locations in Florida to satisfy customs and immigration reporting requirements in lieu of on-site processing at official ports of entry.

On June 3, 2005, Subcommittee Staff were briefed by officials from CBP. The briefing focused on plans for a Marine NEXUS pilot in Florida.

Subcommittee Staff received a briefing from CBP on the Security and Prosperity Partnership (SPP) on June 15, 2006. The purpose of SPP is to balance security with the need to foster the legitimate flow of travel and commerce across the border. The briefing focused on an update on enrollment levels for NEXUS and FAST and provided plans for expanding the programs.

CHEMICAL FACILITY SECURITY

Chemical facilities present a unique risk to homeland security in the United States. There are over 15,000 chemical facilities, some of which contain large quantities of potentially toxic or harmful chemicals in close proximity to population centers. Yet, these facilities provide chemicals and substances that are vital to our everyday life, such as chlorine to provide clean drinking water. Some facilities have been proactive in increasing their security after 9/11. However, some facilities have not done enough to ensure that they are adequately protected from a potential terrorist attack.

During the 109th Congress, the Subcommittee actively examined the Department of Homeland Security's efforts to enhance the security of chemical facilities. On June 2, 2005, Subcommittee Staff toured the Honeywell Specialty Materials chemical facility in Geismar, Louisiana, and received a briefing on the security procedures of the Honeywell plant and four co-located chemical facilities. The purpose of the tour was to observe current security measures and unique challenges that each chemical facility presents.

In addition, Committee Members and Staff received a classified briefing on June 14, 2005 on "Chemical Security: Threats and Vulnerabilities" from the Department of Homeland Security Information Analysis and Infrastructure Protection (IAIP) Directorate. Representatives from the Department described the current best intelligence with respect to terrorist intentions to carry out attacks on chemical plants. Mr. Stephen Bandy, Manager, Corporate Safety and Security, Marathon Ashland Petroleum, LLC, testifying on behalf of National Petrochemical and Refiners Association and American Petroleum Institute; Mr. Allen Summers, President and Chief Executive Officer, Asmark, Inc., testifying on behalf of The Fertilizer Institute; and Mr. Sal DePasquale, Security Specialist, University of Georgia. This hearing focused on current security practices at chemical facilities in the United States and exposed that the Department of Homeland Security lacks the authority to regulate the security at these facilities. The conclusions drawn by the Subcommittee Members prompted the introduction of H.R. 5695, the "Chemical Facility Anti-Terrorism Act of 2006."

The Subcommittee held a hearing on June 15, 2005 entitled "Preventing Terrorist Attacks on America's Chemical Plants." The Subcommittee received testimony from Mr. Robert Stephan, Assistant

Secretary for Infrastructure Protection, Department of Homeland Security; Mr. Frank J. Cilluffo, Director, Homeland Security Policy Institute, The George Washington University; Mr. Stephen Bandy, Manager, Corporate Safety and Security, Marathon Ashland Petroleum, LLC, testifying on behalf of the National Petrochemical and Refiners Association and the American Petroleum Institute; Mr. Marty Durbin, Managing Director of Security and Operations, American Chemistry Council; Mr. Allen Summers, President and Chief Executive Office, Asmark, Inc., testifying on behalf of The Fertilizer Institute; and Mr. Sal DePasquale, Security Specialist, CH2M Hill and the University of Georgia.

Subcommittee Staff conducted meetings from June 2005 to July 2006 with representatives from 60 diverse industries within the chemical sector, such as the petrochemical, baking, agriculture, mining, explosives, forest and paper, gas, trucking, paint coatings, and refrigerants industries.

On August 16, 2006, Subcommittee Staff conducted site visits of chemical facilities in South Bridgeport, New Jersey and Jessup, Maryland. The Staff observed the security procedures at each facility.

BUFFER ZONE PROTECTION PROGRAM

The Buffer Zone Protection Plan (BZPP) Program is designed to bring together owners and operators of critical infrastructure with appropriate State and local law enforcement to assess vulnerabilities to critical infrastructure outside the property. The goal is to reduce vulnerabilities by extending the protected area around the site into the surrounding community in an effort to better prevent a terrorist from gaining access to a facility. The program provides a forum and guidance to develop a plan to increase the security around the facility by supporting the prevention and preparedness efforts of local first responders. After a BZPP plan is developed, the BZPP grant program provides funding for the equipment and management of these protective actions at sites across the country.

On February 5, 2005, Subcommittee Staff received a briefing on the BZPP Program from representatives of the Department of Homeland Security. The Department provided updates on the nature and development of BZPP.

Subcommittee Staff received another briefing on the BZPP Program on July 7, 2006. This briefing focused on the Department's decision to award grants under the Program based on risk. Funding was previously distributed based on a fixed amount per facility.

NATIONAL INCIDENT MANAGEMENT SYSTEM

The National Incident Management System (NIMS) provides a Nationwide template to enable coordination during domestic incidents. From April 4 through April 8, 2005, Subcommittee Staff observed the Top Officials Three Exercise (TOPOFF 3)—Private Sector, a Congressionally mandated National exercise. Subcommittee Staff observed the National exercise and examined the capabilities of Federal, State, local, tribal, and private sector participants, as well as the United Kingdom and Canada, to respond to simulated, simultaneous, and multipoint attacks.

INTERAGENCY COORDINATION

Immigration and Customs Enforcement (ICE) is responsible for investigating workplace immigration violations and has formed a program to target critical infrastructure. On June 9, 2005, Subcommittee Staff received a briefing from representatives of ICE and the Office of Infrastructure Protection (OIP). The briefing focused on the coordination efforts of ICE and OIP with respect to workplace inspections.

SOFT TARGET PROTECTION

Throughout the 109th Congress, the Subcommittee examined the impact of infrastructure protection of soft targets. Soft targets are open and accessible locations including shopping malls, office buildings, theme parks, public transportation, museums, stadiums, hotels, and schools. The Subcommittee examined the appropriate roles of the Federal, State and local governments, and the private sector in securing these sites.

As part of the oversight efforts in this area, Subcommittee Staff hosted a series of meetings and briefings in August 2005, with the Office of Infrastructure Protection of the Department of Homeland Security and with other experts on soft target protection.

In light of the bombing in the London Subway on July 7, 2005, and the continuing trend of terrorists to attack soft targets, the Subcommittee held two days of hearings to examine this issue. On September 7, 2005, the Subcommittee held a hearing entitled "The London Attacks: Protecting Civilian Targets from Terrorist Attacks: Part I." The Subcommittee received testimony from Mr. Bill Millar, President, American Public Transportation Association; Mr. Michael Norton, Managing Director of Global Property Management, Tishman Speyer Properties; Mr. Peter Lowey, Chief Executive Officer, Westfield America; and Mr. Joe Madsen, Director of Safety and Risk Management, Spokane Public Schools.

On October 20, 2005, the Subcommittee held a follow-up hearing entitled "The London Attacks: Protecting Civilian Targets from Terrorist Attacks: Part II." The Subcommittee received testimony from Mr. Robert Jamison, Deputy Administrator, Transportation Security Administration, Department of Homeland Security; and Mr. Robert Stephan, Acting Under Secretary for Information Analysis and Infrastructure Protection, Department of Homeland Security. The purpose of both hearings was to examine the roles, responsibilities, and challenges in securing various soft targets from terrorist attacks.

As an additional oversight measure, Subcommittee Members and Staff received classified briefings on October 17, 2005 and March 10, 2006 on the security of dams and levees from the Department of Homeland Security and the Bureau of Reclamation of the Department of the Interior. The briefings discussed ongoing protection efforts and current threats at high-risk dams and levees around the country.

Subcommittee Staff also received briefings on October 17, 2005, February 7, 2006, and July 21, 2006, on "Mass Transit and Rail Security Initiatives." These briefings covered a variety of topics and provided updates of ongoing initiatives, including: the Bus Explo-

sives Screening Technology (BEST) Pilot Project; the Transportation Security Administration's (TSA) role with respect to the Urban Area Security Initiative grant program; Transit Security Initiatives; the Transit and Rail Inspection Pilot Program updates; Connecting Communities and Transit Watch program; canine programs; and joint TSA-Department of Transportation's Federal Transit Authority (FTA) initiatives. Additionally, the Staff received updates on the Washington, DC and Houston Rail Corridor Assessments, Surface Transportation Security Inspectors, TSA–FTA initiatives and the transportation of hazardous materials by rail.

HOMELAND INFRASTRUCTURE THREAT AND RISK ANALYSIS CENTER

On November 10, 2005, Subcommittee Staff were briefed by representatives from the Department of Homeland Security on the Homeland Infrastructure Threat and Risk Analysis Center (HITRAC). The Department provided an update on the operation of HITRAC, which serves as an intelligence fusion center between the Office of Intelligence and Analysis and the Office of Infrastructure Protection.

THE NATIONAL INFRASTRUCTURE PROTECTION PLAN

Homeland Security Presidential Directive 7 (HSPD–7) ("Critical Infrastructure Identification, Prioritization, and Protection," December 17, 2003) requires a comprehensive, integrated Federal plan for critical infrastructure and key resources protection. This plan, the National Infrastructure Protection Plan (NIPP) designates specific Federal departments and agencies as Sector-Specific Agencies (SSAs) responsible for protection activities in 17 specific critical infrastructure and key resource sectors. Subcommittee Staff received numerous briefings on the NIPP throughout the 109th Congress from the Department of Homeland Security. The Interim NIPP was first released in February 2005, but the report was not as comprehensive as the Committee had hoped. In November 2005, the Department re-released a second draft NIPP, and in June 2006, delivered a final approved version of the NIPP. The final NIPP established the National roles and responsibilities, and details a number of actions that must be taken to support full implementation of the Plan. A future critical milestone of this process will be the completion of all 17 Sector-Specific Plans by the designated Government and Private Sector Coordinating Councils.

RISK ANALYSIS AND MANAGEMENT FOR CRITICAL ASSETS PROTECTION

The Office of Infrastructure Protection's (OIP) Risk Analysis and Management for Critical Assets Protection (RAMCAP) program is an analytic tool used to determine the relative risk of an asset. Subcommittee Staff received regular briefings throughout the 109th Congress on the status of OIP's RAMCAP program.

THE NATIONAL ASSET DATABASE

The National Asset Database (NADB) is a National asset inventory providing the "universe" from which various lists of critical assets are produced. As such, it represents the first step in the Department of Homeland Security's risk management process out-

lined in the National Infrastructure Protection Plan. The Subcommittee received numerous briefings by the Department on the NADB over the course of the 109th Congress. The Office of Infrastructure Protection (OIP) briefed the Subcommittee on December 9, 2005, and again on July 20, 2006, after the release of the Department of Homeland Security Inspector General's report on the NADB. These briefings focused on the purpose of the NADB and to clarify misconceptions about the nature of the database.

On July 20, 2006, the Committee Members received a classified briefing on the NADB from the Assistant Secretary of OIP. The Assistant Secretary answered Members' questions on the NADB and the most critical asset list.

REAL ID

The REAL ID Act (P.L. 109–13) was enacted in response to the 9/11 Commission recommendation to require secure identification for boarding airplanes. The Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, has monitored the Department's compliance with the requirements of the REAL ID Act and has received regular briefings from the Department throughout the 109th Congress. See additional discussion of legislation on P.L. 109–13, listed above.

CYBERSECURITY

Cybersecurity is the protection of electronic information and communication systems including the information contained or transferred over those systems to ensure the availability, integrity, authentication, confidentiality, and non-repudiation of that information. Due to the number and ubiquitous nature of computers, networks, and information technology, it is imperative to protect the information that is contained within and transferred using this technology.

During the 109th Congress, the Subcommittee examined the visibility of the Department of Homeland Security's cybersecurity activities and the effectiveness of existing measures to protect the Nation's critical information infrastructure. On April 20, 2005, the Subcommittee held a hearing on H.R. 285, "The Department of Homeland Security Cybersecurity Enhancement Act of 2005." H.R. 285 would create an Assistant Secretary for Cybersecurity within the Department of Homeland Security's Information Analysis and Infrastructure Protection Directorate and clearly delineate cyber protection and telecommunication efforts within the Department. Following the hearing, the Subcommittee considered H.R. 285, which was forwarded to the Full Committee by voice vote. In August 2005, the Secretary's Second Stage Review reorganized various offices within the Department and included the creation of an Assistant Secretary for Cybersecurity and Telecommunications, similar to the provisions of H.R. 285.

From January 2005 to June 2006, Subcommittee Staff received briefings from the Department's National Cyber Security Division and Office of Science and Technology, industry representatives of the software and information technology associations, internet security associations, Carnegie Mellon, the U.S. Secret Service, the White House Office of Science and Technology Policy, Sandia Na-

tional Laboratory, Idaho National Laboratory and other academic institutions. These briefings focused on cybersecurity issues ranging from the United States Computer Emergency Readiness Team (US–CERT) Cyber Incident Response Policy Coordination, cybersecurity protection, Supervisory Control and Data Acquisition (SCADA) systems, national cybersecurity exercises, and national programs to enhance cybersecurity and public awareness.

See discussion on H.R. 285 listed above.

SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM

Supervisory Control and Data Acquisition (SCADA) systems are used to monitor or control several systems and processes, including chemical, physical, and transport processes; municipal water supply systems; electric power distribution and generation; and gas and oil pipelines. SCADA systems are designed to reduce manpower and improve efficiency. These systems provide a link between the "cyber world" and the physical world, as they are usually connected to the Internet and have the potential to be "hacked" from around the globe. Once a SCADA system is "hacked," the system could be used to manipulate power distribution, water supply processes, or other physical infrastructure.

On October 18, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity and the Subcommittee on Emergency Preparedness, Science, and Technology held a joint hearing entitled "SCADA and the Terrorist Threat: Protecting the Nation's Critical Control Systems." The Subcommittees received testimony from Mr. Donald Purdy, Acting Director, National Cyber Security Division, Department of Homeland Security; Mr. Larry Todd, Director, Security, Safety, and Law Enforcement, Bureau of Reclamation, Department of the Interior; Dr. Sam Varnado, Director of Information Operations Center, Sandia National Laboratory; Dr. K.P. Ananth, Associate Laboratory Director, National and Homeland Security, Idaho National Laboratory; Dr. William Rush, Institute Physicist, Gas Technology Institute; and Mr. Alan Paller, Director of Research, the SANS Institute. The hearing examined the vulnerabilities of the Nation's SCADA systems and the Federal and private efforts to protect them from potential terrorist attacks. Members reviewed the Department's efforts to coordinate with national research laboratories and the private sector to better protect SCADA systems against terrorist attacks.

THREAT POSED TO PORTABLE ELECTRONIC DEVICES

On November 3, 2005, the Subcommittee and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment hosted a joint classified briefing for Members of the Committee by the National Security Agency (NSA) on the security vulnerabilities found in many portable electronic devices, personal digital assistants, which include cell phones, countermeasures against these vulnerabilities, and future secure products being developed by the NSA.

INFORMATION SHARING AND ANALYSIS CENTERS

Information Sharing and Analysis Centers (ISACs) are used by various industries and sectors of the economy to enable efficient information sharing among similarly situated companies and entities. Industry ISACs collect information from multiple sources and then process and analyze this information and distribute it to ISAC members. These centers, most of which operate on a members-only basis, are provided with accurate and useful information that may impact their operations.

In order to evaluate the success of the existing information sharing network, the Subcommittee was briefed on September 27, 2006 on the relationship between the Department of Homeland Security and various ISACs. The briefing was provided by members of the Information Technology Sector ISAC and the Telecommunications Sector ISAC. Members were given an opportunity to learn more about the information sharing capabilities of the private sector and take note of recommendations from the private sector regarding areas where the Department can interact with these established information sharing entities.

CYBER STORM EXERCISE

The Department of Homeland Security is responsible for conducting national exercises to evaluate the response of the private and public sectors in the case of a cyber-attack. The Subcommittee has examined the effectiveness of these exercises and assessed the lessons learned from their outcome. On February 9, 2006, Subcommittee Staff attended the first national cybersecurity exercise entitled "Cyber Storm." In the week-long Cyber Storm scenario, three primary sectors were targeted: energy, transportation and information technology, with telecommunications as an ancillary target. As events intensified across these sectors, organizations coordinated responses to simulated cyber attacks. The Cyber Storm exercise tested procedures, communication channels, and responses in the event of an attack, as well as international communications protocols between countries.

INTERNET RECONSTITUTION PLAN

As a large portion of the United States economy depends on the Internet, a smooth and efficient reconstitution of the network will be required in the event of a serious disruption to the Internet's functions and availability. During the 109th Congress, the Subcommittee studied the Department's existing plans to reconstitute the economic functioning of the Internet in the case of attack or other major disruption. On July 5, 2006, Members of the Subcommittee sent a letter to the Department requesting information on programs designed to address Internet reconstitution efforts in the case of a major Internet disruption. The Subcommittee also requested more information on the roles and responsibilities of the United States Computer Emergency Readiness Team (US–CERT) and the Federal Emergency Management Agency (FEMA) regarding Internet reconstitution. The Committee received a response on September 12, 2006, which delineated various programs that focus on Internet reconstitution, proposed goals of these programs, such

as the establishment of US–CERT/Private Sector Concept of Operations, and the timeframe for these goals.

RISK ASSESSMENT

The disruption and economic impact of a well-coordinated cyber-attack must be realized by all potentially affected individuals. A cyber-attack, combined with a physical assault, may cause widespread panic and disorder; a slow, unrelenting cyber-assault on the underlying processes of everyday life—such as ATM transactions or the storage of blood at hospitals—could result in general distrust in information technology and consequently affect economic stability.

In continuing the assessment of various risks, Members of the Subcommittee were briefed on July 25, 2006 by the Cyber Defense Agency on how a systematic, well-orchestrated attack on critical cyber infrastructure might be carried out, and how to identify some of the key public policy issues that are presented by such a threat. The Cyber Defense Agency described the process by which a cyber-based attack could cause a severe disruption or act as a "force multiplier" to a physical attack on critical infrastructure.

In a letter sent to the Under Secretary for Preparedness of the Department of Homeland Security on September 6, 2006, the Subcommittee expressed its support of increased training to reduce the risk of a cyber attack, and encouraged the Department to approve the creation of a National Cyber Academy through the Office of Grants and Training.

THE FUTURE OF CYBERSECURITY

During the 109th Congress, Subcommittee Members actively reviewed the Department's cybersecurity efforts and evaluated its performance in this critical area. On September 13, 2006, the Subcommittee held a hearing entitled "The Future of Cyber and Telecommunications Security at the Department of Homeland Security." The Subcommittee received testimony from Hon. George Foresman, Under Secretary for Preparedness, Department of Homeland Security; Mr. David Powner, Director, Information Technology Management Issues, Government Accountability Office; Mr. William Pelgrin, Director, New York State Office of Cyber Security and Critical Infrastructure; Mr. Guy Copeland, Chair, Information Technology Sector Coordinating Council; Mr. Paul B. Kurtz, Executive Director, Cyber Security Industry Alliance; and Mr. David Barron, Chair, Telecommunications Sector Coordinating Council. The purpose of this hearing was to discuss the Department's activities regarding cybersecurity, including the long vacancy for the position of Assistant Secretary for Cybersecurity and Telecommunications.

MASS TRANSIT AND RAIL SECURITY

Every day, millions of Americans use some combination of rail or mass transit to commute to work, school, or to go about their daily lives. Rail and mass transit systems, which include subways, commuter rail, trams, and buses, bring together hundreds of individuals in enclosed spaces, often underground or underwater. The threat to mass transit systems and their appeal to terrorist groups

are evident in the frequency by which they are attacked internationally. Countries like the United Kingdom, the Kingdom of Spain, the Russian Federation, Japan, the Republic of India, and the State of Israel have all been subject to attacks on their mass transit systems by terrorist groups.

During the 109th Congress, the Subcommittee conducted oversight of the Department of Homeland Security's initiatives to secure rail and mass transit systems in the United States. In particular, the Subcommittee examined various pilot projects that the Department, through the Transportation Security Administration (TSA), has conducted to test existing technologies to secure these systems. The Subcommittee reviewed various security measures put in place after the London bombings in July 2005, receiving numerous threat briefings and conducting oversight of the distribution of grants to transit systems.

On April 21, 2006, Subcommittee Staff conducted a site visit to the Hunt Valley Light Rail Stop located in Hunt Valley, Maryland and examined the TSA mobile security checkpoint pilot program at the railway stop. Subcommittee Staff also conducted a site visit of rail security initiatives undertaken by AMTRAK at Union Station in Washington, DC, on June 23, 2006. Staff explored the ongoing challenges in securing an open system such as passenger rail.

In continuing its oversight in this area, Subcommittee Staff conducted a site visit on August 23, 2006 of mass transit security initiatives at the Washington Metropolitan Area Transit Authority headquarters located in Washington, DC. The visit focused on the challenges faced by transit authorities in providing adequate security for their passengers.

This work culminated in the inclusion of rail and mass transit provisions in H.R. 5814, "the Department of Homeland Security Authorization Act for Fiscal Year 2007."

RAIL CORRIDOR PILOT PROJECT

The Rail Corridor Pilot Project is an ongoing initiative to test new technologies such as video cameras, radiological and chemical sensors, and "friend or foe" technology to detect when someone or something foreign enters the secure corridor. On June 1, 2005, Subcommittee Staff received a briefing from the Transportation Security Administration (TSA) and the Office of Infrastructure Protection of the Department of Homeland Security. The briefing focused on the "DC Rail Corridor Pilot Project," which includes the installation of security cameras and sensors along an eight-mile rail corridor.

PROTECTION AND RESPONSE

Rail and mass transit systems require different protection and response methods than have been traditionally applied to closed systems such as airports. The openness and accessibility of rail and mass transit systems are unique qualities in transportation, attracting daily commuters and terrorists alike. It is impossible to screen each passenger and his belongings prior to boarding while maintaining the very nature of these systems. Thus, unique, versatile, and flexible protection and response methods must be employed at rail and mass transit sites to be effective.

In reviewing rail and mass transit security initiatives at the Department, Subcommittee Staff received a briefing on February 1, 2006, from the Transportation Security Administration (TSA) on the "Visible Intermodal Protection and Response" (VIPER) program. This briefing allowed staff to receive additional information on the pilot program initiated by TSA. The program teams Federal Air Marshals, TSA Screeners, K–9 teams, and other security personnel to rapidly deploy to a variety of surface transportation systems.

Additionally, Subcommittee Staff received a briefing on February 2, 2006 from the National Transit Institute on "Terrorist Activity Recognition and Reaction." The purpose of the briefing was to gather information on the types of suspicious behavior recognition training provided to employees.

On May 15, 2006, Subcommittee Staff were briefed by the Technical Support Working Group (TSWG) on "Rail and Mass Transit Security Initiatives." The TSWG is the United States' national forum that identifies, prioritizes, and coordinates interagency and international research and development requirements for combating terrorism. The purpose of the briefing was to receive information about the ongoing projects conducted by TSWG.

As an additional oversight measure, Subcommittee Staff received a classified briefing on October 23, 2006 from the Department of Homeland Security on "Threats to the Rail and Mass Transit Environment." The purpose of the briefing was to provide Staff with a current threat picture of rail and mass transit systems.

EMPLOYEE TRAINING

In the aftermath of a terrorist attack on a mass transit system, before the traditional first responders may respond, the most immediate help will come from the civilians and transit employees who are present when the incident occurs. In the case of an attack on mass transit systems, the affected public must rely on transit employees for evacuation instructions. Without proper training, an employee can make matters worse, especially in a terrorist situation. For example, during the sarin gas attack on the Tokyo, Japan subway in 1995, unknowing conductors continued to operate trains after the sarin gas had been released. Resulting in the gas being spread to more stations, increasing public exposure. Additionally, transit employees may be in a position to identify suspicious behavior or packages. Without proper training, however, an employee cannot be expected to assist in preventing or responding to a terrorist attack. HR741.002

On September 15, 2006, Subcommittee Staff received a briefing from the Transportation Security Administration (TSA), the Office of Grants and Training, the Federal Transit Administration, and the Federal Railroad Administration on the training programs provided to rail and mass transit agencies. The purpose of the briefing was to ascertain the ongoing coordination between the Department of Homeland Security and the Department of Transportation on mass transit and rail training for employees.

The Subcommittee held a hearing on September 28, 2006 entitled "Front-Line Defense: Security Training for Mass Transit and Rail Employees." The Subcommittee received testimony from Mr. John

Sammon, Assistant Administrator for Transportation Sector Network Management, Transportation Security Administration, Department of Homeland Security; Mr. Terry Rosapep, Deputy Associate Administrator, Office of Program Management, Federal Transit Agency; and Mr. William Fagan, Director of Security, Federal Railroad Administration. The Subcommittee also received testimony from Mr. Ed Wytkind, President, Transportation Trades Department, AFL–CIO; Mr. John P. Tolman, Vice President and National Legislative Representative, Brotherhood of Locomotive Engineers; Chief Polly Hanson, Metro Transit Police Department, Washington Metro Area Transit Authority; and Mr. Edward Hamberger, President and Chief Executive Officer, American Association of Railroads. This hearing presented an opportunity to hear from Federal officials, local transit authorities, and front-line employees on their current needs and capabilities.

HAZARDOUS MATERIALS SECURITY

Hazardous Materials (HAZMAT) are substances in certain form and quantity, which may pose a danger to human health or the environment, or that must be handled safely for another reason. Goods such as chlorine and ammonia are HAZMATs, as well as paint, alcohol, gasoline, and hairspray. All goods that are on the HAZMAT list maintained by the Department of Transportation (DOT) must be placarded if transported.

Subcommittee Staff received a briefing on February 9, 2006, from the Transportation Security Administration (TSA) on "Hazardous Materials Security." The purpose of the briefing was to receive information on the Department's efforts to secure hazardous materials and an update on the Hazardous Materials Endorsement (HME) Security Threat Assessment Program.

On October 25, 2005, Subcommittee Staff received a briefing by TSA and DOT on the "Current Hazardous Materials list and background screening under the Hazardous Materials Endorsement Security Threat Assessment Program." The purpose of the briefing was to receive an update on the program and to discuss options for creating a new list of hazardous materials that is focused on security, rather than safety.

The Subcommittee held a hearing on November 1, 2005, entitled "Reforming HAZMAT Trucking Security." The Subcommittee received testimony from Mr. Justin Oberman, Assistant Director, Transportation Threat Assessment and Credentialing, Transportation Security Administration, Department of Homeland Security; Mr. Robert McGuire, Associate Administrator, Pipeline and Hazardous Materials Safety Administration, Department of Transportation; Mr. Stephen Russell, Chairman and CEO, Celadon Group Inc., testifying on behalf of the American Trucking Association; Mr. Michael Laizure, Owner-Operator, Time Critical Ordnance Transport, testifying on behalf of The Owner-Operator Independent Drivers Association; Mr. Gary Brown, General Counsel, Pyro Spectaculars, testifying on behalf of the American Pyrotechnics Association; Ms. Linda Lewis-Pickett, President and CEO, American Association of Motor Vehicle Administrators; and Mr. Scott Madar, Assistant Director, Safety and Health Department, International Brotherhood of Teamsters. The purpose of this hearing was to review the

effectiveness of the existing regulations governing background checks for individuals transporting hazardous materials by truck and the impact of these regulations on the trucking industry.

On November 16, 2005, Subcommittee Staff received a briefing from the Federal Bureau of Investigation on "Improvised Explosive Devices." The purpose of the briefing was to receive information on current methods, threats, and substances used to create and employ improvised explosive devices.

Additionally, on March 3, 2006, Subcommittee Staff was briefed by the Department of Homeland Security and the Department of Transportation on "Regulations of Hazardous Materials Transported by Rail." This briefing from TSA, the Federal Railroad Administration (FRA), and the Pipeline and Hazardous Material Safety Administration (PHMSA) discussed the issuance of rail security regulations to expand existing HM–232 regulations. The proposed regulations would have a separate section dedicated to securing the transportation of hazardous materials via rail. The briefing discussed the options for regulating the transportation of HAZMAT through high-threat urban areas, re-routing of materials around, such areas and other possible alternatives.

TRUCKING SECURITY

The trucking industry is a vital aspect to the overall economy, as it delivers both the necessary goods, but also the hazardous materials used to create materials. To protect the vitality of the economy, American citizens, and neighborhoods, and ensure that needed goods are delivered on a fast, reliable basis, the security of the trucking industry remains a significant concern.

On June 16, 2006 the Subcommittee held a hearing on H.R. 5604, the "Screening Applied Fairly and Equitably to Truckers Act of 2006." The Subcommittee received testimony from Mr. Robert Jamison, Deputy Administrator, Transportation Security Administration, Department of Homeland Security; Mr. David S. McClimon, President, Con-Way Freight Inc., on behalf of American Trucking Association; Mr. Todd Spencer, Executive Vice President, Owner-Operator Independent Drivers Association; and Ms. Cynthia Hilton, Executive Vice President, Institute of Makers of Explosives. This hearing examined the impact of legislation on the Transportation Security Administration (TSA) and trucking industry stakeholders.

See discussion of H.R. 5604, listed above.

TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

The Subcommittee focused intensely on the Transportation Worker Identification Credential (TWIC) being implemented by the Transportation Security Administration (TSA) and the United States Coast Guard. The purpose of the TWIC program is to provide a secure, biometric card to all transportation workers who need to enter secure areas of ports. This includes no only dock workers, longshoremen, and vessel crews, but also truck drivers hauling cargo. In 2003, TSA began a pilot program to test the enrollment, issuance, and use of TWIC cards at the ports. This pilot program began its final phase in early 2005.

During the 109th Congress, the Subcommittee received numerous briefings from both TSA and the Coast Guard. On May 12, 2005, Subcommittee Staff received a briefing from TSA and the Coast Guard. This briefing focused on the progress of the TWIC pilot project. On December 14, 2005, Subcommittee Staff received an additional briefing providing an update of the TWIC pilot program, preliminary results of the program, and integration concerns with other screening programs.

Subcommittee Staff attended a public hearing on the TWIC Notice of Proposed Rulemaking (71 Fed. Reg. 29396–29535 (May 22, 2006)) in St. Louis, Missouri on June 6, 2006. The public hearing was attended by officials from the Transportation Security Administration, the United States Coast Guard, and industry stakeholders.

The Subcommittee's oversight of the TWIC program resulted in the inclusion of legislative provisions on the subject in the Security and Accountability for Every Port Act (P.L. 109–711). These provisions provided an accelerated timeline for implementation of the program, which has been delayed for a number of years. The provisions also required additional pilot programs to test the feasibility of the card readers in the maritime environment.

SUBCOMMITTEE ON ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY HEARINGS HELD

Proposed Fiscal Year 2006 Budget: Integrating Homeland Security Screening Operations. Hearing held March 2, 2005. Serial No. 109–3.

H.R. 285, the Department of Homeland Security Cybersecurity Enhancement Act of 2005. Hearing held April 20, 2005. Serial No. 109–11.

The Transportation Security Administration's Screening of Airline Pilots: Sound Security Practice or Waste of Scarce Resources? Hearing held May 13, 2005. Serial No. 109–13.

H.R. 1509, Recreational Boaters Streamline Inspection Act. Hearing held May 19, 2005. Serial No. 109–14.

The Homeland Security Missions of the Post-9/11 Coast Guard. Hearing held June 8, 2005. Serial No. 109–18.

The Promise of Registered Traveler. Hearing held June 9 and 26, 2005. Serial No. 109–19.

Preventing Terrorist Attacks on America's Chemical Plants. Hearing held June 16, 2005. Serial No. 109–20.

Ensuring the Security of America's Borders through the Use of Biometric Passports and Other Identity Documents. Hearing held June 22, 2005. Serial No. 109–24.

Improving Pre-Screening of Aviation Passengers against Terrorist and Other Watch Lists. Hearing held June 29, 2006. Serial No. 109–27.

Leveraging Technology to Improve Aviation Security Screening. Hearing held July 13 and 19, 2005. Serial No. 109–31.

Improving Management of the Aviation Screening Workforce. Hearing held July 28, 2005. Serial No. 109–37.

The London Bombings: Protecting Civilian Targets from Terrorist Attacks: Part I. Hearing held September 7, 2005. Serial No. 109–39.

Solving the OTM Undocumented Alien Problem: Expedited Removal for Apprehensions along the U.S. Border. Hearing held September 28, 2005. Serial No. 109–43.

SCADA and the Terrorist Threat: Protecting the Nation's Critical Control Systems. Joint Hearing with the Subcommittee on Emergency Preparedness, Science, and Technology held October 18, 2005. Serial No. 109–45.

The London Bombings: Protecting Civilian Targets from Terrorist Attacks: Part II. Hearing held October 20, 2005. Serial No. 109–39.

Reforming HAZMAT Trucking Security. Hearing held November 1, 2005. Serial No. 109–52.

The Future of TSA's Registered Traveler Program. Hearing held November 3, 2005. Serial No. 109–54.

The President's Fiscal Year 2007 Budget: Coast Guard Programs Impacting Maritime Border Security. Hearing held February 15, 2006. Serial No. 109–64.

The President's Proposed FY07 Budget: Risk-Based Spending at the Transportation Security Administration. Hearing held February 16, 2006. Serial No. 109–66.

H.R. 5604, Screening Applied Fairly and Equitably to Truckers Act of 2006. Hearing held June 16, 2006. Serial No. 109–85

H.R. 5695, Chemical Facility Anti-terrorism Act of 2006. Hearing held June 29, 2006. Serial No. 109–90.

Fencing the Border: Construction Options and Strategic Placement. Joint hearing with the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform held July 20, 2006. Serial No. 109–92.

Assessing the Northern Border: Considerations for Maintaining Secure and Open Borders. Joint hearing with the Subcommittee on Emergency Preparedness, Science, and Technology held August 8, 2006. Serial No. 109–95.

The Future of Cyber and Telecommunications Security at the Department of Homeland Security. Hearing held September 13, 2006. Serial No. 109–102.

Front-Line Defense: Security Training for Mass Transit and Rail Employees. Hearing held September 28, 2006. Serial No. 109–107.

SUBCOMMITTEE ON ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY MARKUPS HELD

H.R. 285, "Department of Homeland Security Cybersecurity Enhancement Act of 2005."; was ordered favorably reported to the Full Committee for consideration, without amendment, by voice vote. April 20, 2005.

H.R. 4439, "Transportation Security Administration Reorganization Act of 2005."; was ordered forward to the Full Committee for consideration, amended, by voice vote. March 9 and 16, 2006.

H.R. 4954, "Security and Accountability For Every Port Act" or "SAFE Port Act."; was ordered favorably forwarded to the Full Committee for consideration, amended, by voice vote. March 30, 2006.

H.R. 5604, "Screening Applied Fairly and Equitably to Truckers Act of 2006" or the "SAFE Truckers Act of 2006"; was ordered favorably forwarded to the Full Committee for consideration, amended, by voice vote. June 22, 2006.

H.R. 5965,"Chemical Facility Anti-Terrorism Act of 2006."; was ordered favorably forwarded to the Full Committee for consideration, amended, by voice vote. July 11, 2006.

SUBCOMMITTEE ON ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY BRIEFINGS AND SITE VISITS HELD

Member briefing on the Federal Air Marshals. September 27, 2005.

Member briefing on the Computer Assisted Passenger Prescreening System (CAPPS). September 29, 2005.

Member briefing on rail security. November 1, 2005.

Member briefing with the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment on security vulnerabilities of portable electronic devices and U.S. government cyber systems. November 3, 2006.

Joint Member briefing with the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment on the overview and role of the Immigration and Customs Enforcement (ICE) Forensic Document Laboratory (FDL). December 7, 2005.

Member briefing on Transportation Security Administration (TSA) changes on prohibited items list. December 16, 2005.

Member briefing with the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment on the radicalization in United States prisons. February 8, 2006.

Member briefing with the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment on terrorist intentions toward United States aircraft. March 2, 2006.

Site Visit with the Subcommittee on Emergency Preparedness, Science, and Technology of the Port of Seattle, the Peace Arch Port of Entry, and the Bellingham Air and Marine Branch. August 7 through 8, 2006.

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

ROB SIMMONS, Connecticut, *Chairman*

CURT WELDON, Pennsylvania
MARK E. SOUDER, Indiana
DANIEL E. LUNGREN, California
JIM GIBBONS, Nevada
STEVAN PEARCE, New Mexico
BOBBY JINDAL, Louisiana
CHARLES W. DENT, Pennsylvania
GINNY BROWN-WAITE, Florida
PETER T. KING, New York *(Ex Officio)*

ZOE LOFGREN, California
LORETTA SANCHEZ, California
JANE HARMAN, California
NITA M. LOWEY, New York
SHEILA JACKSON-LEE, Texas
JAMES R. LANGEVIN, Rhode Island
KENDRICK B. MEEK, Florida
BENNIE G. THOMPSON, Mississippi *(Ex Officio)*

Jurisdiction: Intelligence and information sharing for the purpose of preventing, preparing for, and responding to potential terrorist attacks on the United States; the responsibility of the Department of Homeland Security for comprehensive, nationwide, terrorism-related threat, vulnerability, and risk analyses; the integration, analysis, and dissemination of homeland security information, including the Department of Homeland Security's participation in, and interaction with, other public and private sector entities for any of those purposes; communications of terrorism-related information by the federal government to State, local, and private sector entities; issuance of terrorism threat advisories and warnings (including administration of the Homeland Security Advisory System); liaison of the Department of Homeland Security with U.S. intelligence and law enforcement agencies; information gathering, analysis, and sharing by Department of Homeland Security entities; the role of intelligence in terrorism threat prioritization; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

The Subcommittee held 17 hearings, 13 Member briefings and numerous Subcommittee Staff level briefings focused on intelligence, information sharing, threat and risk assessment, privacy, radicalization and general departmental oversight. These activities resulted in, among other things, the Subcommittee's contribution to the Fiscal Year 2006 Department of Homeland Security Authorization Act, which passed the House on May 18, 2005, and to the formulation and passage through committee of H.R. 5001, H.R. 5002, H.R. 5003 and H.R. 5004, which were incorporated into the FY 2007 Department of Homeland Security Authorization Act.

LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

THE HOMELAND SECURITY INFORMATION SHARING AND ENHANCEMENT ACT OF 2005

Summary

The Committee Print entitled "The Homeland Security Information Sharing and Analysis Enhancement Act of 2005" strengthens the Homeland Security Terrorist Threat Analysis, improves the effectiveness of the Homeland Security Advisory System, and enhances the Department of Homeland Security's role in the sharing Homeland Security Information.

Legislative History

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment considered a Committee Print entitled "The Homeland Security Information Sharing and Enhancement Act of 2005" on April 26, 2005, and forwarded the measure to the Full Committee, without amendment, by voice vote.

Portions of the Committee Print were included in Title V of H.R. 5814, the Department of Homeland Security Authorization Act for FY 2007, which was ordered reported by the Committee on July 19, 2006. See discussion of H.R. 5814, listed above.

DIRECTORATE FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION REORGANIZATION

To reorganize the Directorate for Information Analysis and Infrastructure Protection of the Department of Homeland Security, to facilitate homeland security information sharing, and for other purposes.

Summary

The Committee Print entitled "To reorganize the Directorate for Information Analysis and Infrastructure Protection of the Department of Homeland Security, to facilitate homeland security information sharing, and for other purposes," established and assigned responsibilities to an Office of Intelligence and Analysis and Under Secretary for Intelligence and Analysis (I&A); assigned responsibilities for Intelligence Components of the Department to coordinate and support I&A and established training for Intelligence Components; assigned primary authority to I&A for the dissemination of homeland security information; revised and improved the Homeland Security Advisory System; directed the Department to establish a Department-wide Information Sharing Environment, including a comprehensive information technology architecture for the Office of Intelligence and Analysis; directed DHS to coordinate intelligence efforts with State, Local, Tribal and Regional Fusion Centers; and directed DHS to make full and efficient use of Open Source Information.

Legislative History

H.R. 5004, legislation resulting from the Subcommittee's consideration, was introduced in the House on March 16, 2006, and referred to the Committee on Homeland Security, and in addition to the Permanent Select Committee on Intelligence. As introduced, H.R. 5004 consisted of the text of H.R. 5001, H.R. 5002, and H.R. 5003.

The Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment considered a Committee Print "To reorganize the Directorate for Information Analysis and Infrastructure Protection of the Department of Homeland Security, to facilitate homeland security information sharing, and for other purposes," on March 29, 2006, and forwarded the measure to the Full Committee for consideration, without amendment, by voice vote. The Committee Print as agreed to consisted of modified text of H.R. 5004.

Portions of the Committee Print were also included in Title V of H.R. 5814, the Department of Homeland Security Authorization Act for FY 2007, which was ordered reported by the Committee on July 19, 2006. See discussion of H.R. 5814, listed above.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

ORGANIZATION AND SECOND-STAGE REVIEW

During the 109th Congress, the Subcommittee focused on the Department of Homeland Security's (DHS) ongoing reorganization of its intelligence activities. The Homeland Security Act of 2002 (P.L. 107–296) created an intelligence office in the Department known as the Office of Information Analysis. This Office was designed to report to the Secretary through the Under Secretary for Information Analysis and Infrastructure Protection. While the Homeland Security Act created this Office, it did not consolidate the intelligence functions of the previously existing components of the Department that were to become parts of Customs and Border Protection, the Transportation Security Administration, Immigration and Customs Enforcement, and the United States Coast Guard, among others.

Eventually, it became clear to both the Subcommittee and the Administration that a more effective approach would be to consolidate the Department's intelligence functions into a centralized office. On July 13, 2005, in a reorganization notification letter to Congress pursuant to provisions in the Homeland Security Act of 2002, the Secretary of Homeland Security outlined the plan to reorganize the ten different intelligence offices within the Department. As part of the reorganization, the Secretary elevated the Office of Information Analysis to a stand alone office reporting directly to the Secretary. The Secretary designated this office as the Office of Intelligence and Analysis. He also indicated that "the Information Analysis unit should be a DHS-wide analytic entity that is empowered to coordinate activities and fuse information from all intelligence offices in DHS."

Responsibility for the integration of these activities was given to the Chief Intelligence Officer in the January 30, 2006, DHS Management Directive entitled: "Intelligence Integration and Management." However, the Chief Intelligence Officer was not given additional budgetary authority over the other intelligence entities.

On October 19, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment of the Committee on Homeland Security and the Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence of the House Permanent Select Committee on Intelligence held a joint hearing entitled "The Department of Homeland Security Second Stage Review: The Role of the Chief Intelligence Officer." The Subcommittees received testimony from Mr. Charles Allen, Chief Intelligence Officer, Department of Homeland Security; and Mr. Richard Ben-Veniste, 9/11 Public Discourse Project. Witnesses for this hearing were fairly unanimous in their desire for a more unified Departmental intelligence enterprise.

As a follow up to the intervening budget and resource hearings, on April 19, 2006, Subcommittee Staff conducted a site visit to the

Office of Intelligence and Analysis and met with the DHS Chief Intelligence Officer to discuss the progress of the integration of the DHS Intelligence Enterprise. On May 10, 2006, the Chief Intelligence Officer for the Department sent the Chairman of the Subcommittee a letter outlying his progress in the integration of the DHS Intelligence Enterprise and the top five objectives for the office.

Monitoring this transition quickly became a priority for the Subcommittee, leading to a hearing on May 24, 2006, entitled "Progress of the DHS Chief Intelligence Officer." The hearing examined the progress of the DHS Chief Intelligence Officer and the efforts to integrate the DHS Intelligence Enterprise, reach out to State, local, tribal, and private sector officials, and integrate the office into the broader intelligence community. The Subcommittee received testimony from Mr. Charles E. Allen, Chief Intelligence Officer, Office of Intelligence and Analysis, Department of Homeland Security.

DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE BUDGET

Additional work overseeing the Office of Information Analysis (and its successor pursuant to the Department of Homeland Security's Second Stage Review, the Office of Intelligence and Analysis) was conducted through the traditional mechanism of budgetary oversight. Because the budget for this office is received through the National Intelligence Program (NIP) [previously the National Foreign Intelligence Program (NFIP)] the budget for the Office and many of the Subcommittee's oversight activities remain classified.

Reviewing the budgetary matters of the office began at the outset of the 109th Congress. On February 8, 2005, Subcommittee Staff received briefings on the Department's FY 2006 Budget Request. This was followed by a briefing on the Transportation Security Administration's budget on February 10, 2005, a briefing focused specifically on the intelligence and infrastructure protection activities of the Department on February 11, 2005, and a briefing on customs and border budget activities on February 14, 2005.

On February 16, 2005, the Subcommittee held a hearing entitled "The Proposed Fiscal Year 2006 Budget: Building the Information Analysis Capability of DHS." The Subcommittee received testimony from Lt. General Pat Hughes (Ret.), Acting Under Secretary, Information Analysis and Infrastructure Protection, Department of Homeland Security. This hearing was followed by a meeting with Committee Staff on February 18, 2005, to discuss the classified portions of the Information Analysis and Infrastructure Protection Budget.

Based on these hearings and briefings, on March 3, 2005, the Chairman of the Subcommittee testified at the House Budget Committee about the budget for the Department's Intelligence Activities. While the Chairman testified that the overall Information Analysis and Infrastructure Protection Budget was sufficient, he also testified to the probable need to re-allocate resources within the account. This belief led to many of the provisions contained within H.R. 5001, H.R. 5002, H.R. 5003 and H.R. 5004 which passed without objection through the Subcommittee and Committee.

In 2006, the Subcommittee continued its examination of the President's Budget Submission for the Department's Intelligence Activities. On February 2, 2006 Subcommittee Staff received a briefing on the FY 2007 Budget for the Department and held two classified briefings on the President's Proposed FY 2007 Budget request for the Office of Intelligence and Analysis, on February 8 and 15, 2005. These classified briefings afforded Members an opportunity to be briefed on the classified National Intelligence Program budget request for the Office of Intelligence and Analysis.

On February 15, 2006, the Subcommittee held a hearing entitled "The President's Proposed FY 2007 Budget for the Department of Homeland Security: The Office of Intelligence and Analysis." The Subcommittee received testimony from Mr. Charlie E. Allen, Chief Intelligence Officer, Department of Homeland Security.

In the 109th Congress further oversight activities were subsequently carried out through functional area hearings and briefings that included, where appropriate, discussions of resource allocation issues. In addition, subsequent hearings, briefings and Subcommittee activities were held to oversee the integration of other offices, such as the Transportation Security Administration Office of Intelligence. These activities are included below as part of the Subcommittee's oversight for these offices' intelligence functions and areas of responsibility.

THREAT AND RISK ASSESSMENT

The Subcommittee's Members and Staff regularly attended threat briefings at the Full Committee and Subcommittee level and examined a variety of topics related to threat and risk assessment. The Chairman and Ranking Member additionally attended several periodic threat update briefings provided by the Department of Homeland Security (DHS or the Department) and other members of the Intelligence Community. Subcommittee Staff received updates as events warranted.

A number of hearings and briefings were conducted at the request of Members of the Subcommittee. For example, on May 25, 2005, the Subcommittee held a hearing entitled "Evaluating the Threat of Agro-Terrorism." The Subcommittee received testimony from Dr. Rocco Casagrande, Gryphon Scientific; and Mr. Joseph W. Reardon, Food Administrator, Food and Drug Protection Division, North Carolina Department of Agriculture and Consumer Services. The hearing examined local concern, as represented by Dr. Casagrande, which revolved around the potential spread of a pest that could devastate the Nation's agricultural base. Others testified that the terrorist threat remained low and that natural pathogens remained the highest risk.

Based on Member interest and numerous informal requests on the topic, on June 14, 2005, the Subcommittee held a classified briefing for the Members of the Full Committee on Chemical Plant Security. Members of the Committee were briefed by representatives from the Department's Information Analysis and Infrastructure Protection (IAIP) Directorate on the terrorist threats to and vulnerabilities of chemical facilities.

Additionally, on March 2, 2006, the Subcommittee joined with the Subcommittee on Economic Security, Infrastructure Protection,

and Cybersecurity of the Committee on Homeland Security to host a classified Member briefing on terrorist intentions toward U.S. aircraft. The Administrator of the Transportation Security Administration (TSA) briefed Members on the decision-making process behind the prohibited-items list, as part of a larger picture of the strategic TSA security strategy.

While threat is a major component of risk analysis, it is only one of three components (the other two factors are vulnerability and consequence). To examine the issue in more depth, on November 17, 2005, the Subcommittee held a hearing entitled "Terrorism Risk Assessment at the Department of Homeland Security." Testimony was received from Ms. Melissa Smislova, Acting Director, Department of Homeland Security, Homeland Infrastructure Threat and Risk Analysis Center (HITRAC), Assistant Secretary for Intelligence and Analysis—Chief Intelligence Officer, Department of Homeland Security; Ms. Christine Wormuth, Senior Fellow—International Security Program, Center for Strategic and International Studies; Dr. Detlof von Winterfeldt, Director, Center for Risk and Economic Analysis of Terrorism Events, University of Southern California; and Dr. Henry Willis, Policy Researcher, The RAND Corporation.

Based on work at this hearing and coupled with the 2007 expiration of the extension of the Terrorism Risk Insurance Act of 2002 (TRIA) (P.L. 107–297), on July 25, 2006, the Subcommittee, along with the Subcommittee on Oversight and Investigations of the Committee on Financial Services held a joint hearing entitled "Terrorism Threats and the Insurance Market." The Subcommittees received testimony from Mr. D. Terry Fleming, Director for External Affairs, Risk and Insurance Management Society; Mr. Chris Lewis, Vice President of Alternative Market Solutions and Capital Management, The Hartford Financial Services Group, Inc.; Mr. Peter Ulrich, Senior Vice President for Model Management, Risk Management Solutions; and Mr. Jeffrey DeBoer, President and CEO, Real Estate Roundtable. The hearing addressed the lack of availability of terrorism risk insurance coverage after the September 11th attacks, and the problems insurance companies and risk modelers face in assessing terrorism risk. This hearing highlighted the difference in risk modeling for a terrorist attack versus modeling for a natural disaster. TRIA established a temporary three year program under which the Federal government would share future insured terrorism losses with the property and casualty insurance industry. A modified, two year, version of the program was reauthorized in 2005. Supporters of the program have advocated for another extension of TRIA when the program expires in 2007 and cite problems in assessing terrorism risk as the reason a private market for terrorism insurance has not emerged.

As a follow-up to earlier briefings and discussions, on May 24, 2006, the Chairman of the Subcommittee met with the Assistant Secretary for Infrastructure Protection, who discussed the new strategies being implemented for the Infrastructure Protection Directorate to catalog the nation's critical infrastructure and key resources and coordinate risk-based strategies and protective measures to secure them from terrorist attack.

PRIVACY

Privacy remains one of the cornerstones of American society. The Department of Homeland Security (DHS or Department) Privacy Officer has oversight of all privacy policy matters, including compliance with the Privacy Act of 1974 (5 U.S.C. 552a, as amended), the Freedom of Information Act of 1966 (5 U.S.C. 552, as amended), and the completion of Privacy Impact Assessments on all new programs, as required by the E-Government Act of 2002 (P.L. 107–347), and Section 222 of the Homeland Security Act of 2002 (P.L. 107–296). In this way, privacy is designed to be fully integrated into the Department's activities.

The Subcommittee's oversight activities reflected a consistent interest in privacy matters at the Department. The Chairman and other Members of the Subcommittee questioned witnesses during hearings and briefings about civil liberties, data integrity, computer system safeguards, and protection of "U.S. Persons" information. The Subcommittee's integrated approach to privacy uncovered some areas where privacy protections could be improved and dedicated specific efforts to ensure the subject received proper emphasis with Departmental authorities, by holding further hearings.

On April 6, and May 10, 2006, the Subcommittee held a hearing entitled "Protection of Privacy in the DHS Intelligence Enterprise." The hearing reviewed the specific privacy protection measures that the Department has implemented in protecting the use, acquisition, and disclosure of personal information being used to support the DHS Intelligence Enterprise. The Subcommittee received testimony from Ms. Maureen Cooney, Acting Chief Privacy Officer, Department of Homeland Security; Mr. Kirk Herath, Chief Privacy Officer, AVP-Associate General Counsel, Nationwide Insurance Companies; Mr. Jonathan Turley, Shapiro Professor of Public Interest Law, George Washington Law School; and Mr. Patrick Hughes, Lieutenant General, U.S. Army (Retired), Vice President—Homeland Security, L–3 Communications. On May 10, the Minority Members of the Subcommittee held a minority day of hearing, in which no testimony was received and no witnesses were present.

On May 23, 2006, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held an Executive Session Member briefing on classified information sharing among Federal intelligence partners and privacy protection. The brief was given by the Chief Intelligence Officer of the Department of Homeland Security and covered the use and control of classified information that is gathered by other Federal agencies.

Additionally, on June 7, 2006, Subcommittee Staff attended the Department of Homeland Security's Data Privacy and Integrity Advisory Committee meeting held in San Francisco, California. The meeting was attended by representatives from U.S. Immigration and Customs Enforcement (ICE), Sheffield University Centre for Criminological Research, US–VISIT, Google, Inc., the University of California at Berkeley, Electronic Privacy Information Center, California Department Motor Vehicles, Center for Democracy and Technology, Sun Microsystems, and heard from the general public.

In response to specific reports of privacy violations and as a result of allegations in a July 7, 2006, Los Angeles Times article that

California authorities were spying on war protesters the Subcommittee Chairman sent a letter requesting information on how civil liberties protections were built into the grant system so that DHS funds would not be used by States to violate civil liberties. On July 28, 2006, the Committee received a response to this letter.

TRAINING

The Department of Homeland Security (DHS or Department) was merged together from a variety of agencies and, with respect to the Office of Intelligence and Analysis, newly created. The Department exists in name and legislation but still lacks within its disparate agencies an "esprit d'corps" and common culture among its personnel. In order to develop a culture throughout the intelligence components of DHS, common standards of training and education were needed to solidify an integrated DHS Intelligence Enterprise. This issue has been stressed numerous times to Departmental officials, including the Chief Intelligence Officer and Assistant Secretary for Grants and Training, in meetings with Staff and Members. Members and Committee Staff have encouraged the Department to further develop an enterprise-wide approach in building curriculum and courses to support the growth and development of both DHS intelligence professionals and State, local, tribal and private sector homeland security intelligence professionals.

On May 1, 2006, the Chairman of the Subcommittee sent a letter to the Assistant Secretary of Grants and Training, Department of Homeland Security requesting information on DHS grants available for training to non-Federal homeland security partners. The Subcommittee received a response on May 31, 2006.

On July 24, 2006, Subcommittee Staff visited the Federal Law Enforcement Training Center (FLETC) facility in Cheltenham, Maryland to review the Intelligence Analyst training curriculum being developed by FLETC and the Office of Intelligence and Analysis. Additionally, on August 9, 2006, Subcommittee Staff participated in a site visit to FLETC's training facility at Glynco, Georgia. FLETC personnel presented counterterrorism and intelligence related curriculum being taught to both non-Federal and Federal law enforcement officers being trained at the Glynco facility.

On October 6, 2006, Subcommittee Staff met with the Director for Training, Education and Professional Development, Office of Intelligence and Analysis, Department of Homeland Security. The Director and Subcommittee Staff reviewed the DHS Intelligence Enterprise training, education, and professional development program.

The general focus of oversight from the Subcommittee has been to encourage the growth of an integrated DHS Intelligence Enterprise that is inclusive of non-Federal intelligence professionals. This included promoting an integrated DHS Intelligence Enterprise through the inclusion of State, local, tribal, and private sector intelligence professionals, expanded grant guidance to help fund greater participation by State, local, tribal, and private sector partners in intelligence training and educational opportunities, and continued partnership, investment, and expansion of FLETC training facili-

ties for the development of homeland security intelligence professionals.

This oversight resulted in the new Basic Intelligence Threat and Analysis Center (BITAC) and other intelligence career development courses being developed by the Office of Intelligence and Analysis' Director for Training, Education and Professional Development and is offered to both DHS and non-Federal homeland security intelligence professionals.

TRANSPORTATION AND MARITIME INTELLIGENCE

Every day, millions of Americans use airlines, rail or mass transit to commute for business, school, or to go about their daily lives. Billions of dollars of commerce flow through U.S. ports daily, in addition to maritime transit systems such as ferries and cruise ships. The threat to our transit systems and their interest to terrorist groups was apparent on 9/11 and remain apparent in the frequency by which they are attacked internationally. Countries like the United Kingdom, the Kingdom of Spain, the Russian Federation, Japan, the Republic of India, the State of Israel and others, have all been the focus of attacks on their mass transit systems by terrorist groups. The need for efficient and effective sharing of intelligence to prevent and disrupt acts of terrorism upon our Nation's transportation system is evident. The Subcommittee has focused on intelligence as the first line of defense in protecting this vital node of our economy and livelihood.

Given the demonstrated importance of transportation security to homeland security, the Homeland Security Act of 2002 (P.L. 107–296) consolidated many of the transportation security-related functions of the federal government into the Department of Homeland Security (DHS or the Department), including the United States Coast Guard and the Transportation Security Administration (TSA). Both the USGC and the TSA have intelligence functions that are integral into the national intelligence and homeland security effort. The TSA Office of Intelligence (OI) is mandated by the Aviation and Transportation Security Act of 2001 (ATSA) (P.L. 107–71) and is further revised by the Homeland Security Act of 2002 (P.L. 107–296). ATSA directs TSA to "receive, assess, and distribute intelligence information related to transportation security; assess threats to transportation; develop policies, strategies, and plans for dealing with threats to transportation security; [and] act as the primary liaison for transportation security to the intelligence and law enforcement communities . . ."

The TSA Office of Intelligence fuses high level intelligence with other information to produce intelligence on threats to aviation and other nodes of transportation. TSA Intelligence disseminates information to Federal Security Directors, airport staff, airline personnel and other transportation-related agencies and entities. TSA also works with the DHS Homeland Infrastructure Threat and Risk Analysis Center (HITRAC) on areas of mutual concern for critical infrastructure nodes. Under the Department of Homeland Security's Second Stage Review, TSA is responsible for supporting the overall DHS Intelligence Enterprise, headed by the DHS Chief Intelligence Officer.

To examine transportation security related intelligence issues, on January 31, 2005, and April 21, 2006 the Subcommittee Staff received a threat briefing and discussed the roles and responsibilities of the TSA's Office of Intelligence and reviewed their facilities at the TSA Headquarters in Arlington, Virginia. Additionally, in December of 2005, TSA provided another briefing to the Committee on the threat to aviation and the operations of the Office of Intelligence.

On June 12, 2006, Members of the Subcommittee visited the TSA's Office of Intelligence Headquarters located in Arlington, Virginia. Members of the Subcommittee received an overview brief and tour of TSA's Office of Intelligence.

The Office of Intelligence has undergone a number of minor and major reorganizations to meet both the operational intelligence requirements of its partners and stakeholders in transportation security and the strategic intelligence requirements levied by the integration into the DHS Intelligence Enterprise. To ensure that these requirements are being met and to better understand the needs of the Office on June 14, 2006, the Subcommittee held a hearing entitled "Transportation Security Administration's Office of Intelligence: Progress and Challenges." The hearing examined the role of the TSA Office of Intelligence in assuring transportation security and how the Office Intelligence is integrating and coordinating with the broader mission of the Department of Homeland Security. The Subcommittee received testimony from Mr. Bill Gaches, Assistant Administrator for Intelligence, Transportation Security Administration, Department of Homeland Security; and Ms. Cathleen A. Berrick, Director, Homeland Security and Justice, Government Accountability Office.

In order to effectively screen and identify passengers and cargo, TSA relies on entities such as the National Targeting Center and the Terrorist Screening Center to provide data for use in screening. Subcommittee Members and Staff visited the National Targeting Center and the Terrorist Screening Center on January 25, 2005, and had discussions on their operations and responsibilities. Additionally, on November 15, 2005, the Subcommittee hosted a briefing for all Committee Members with the Director of the Terrorist Screening Center.

Screening activities sometimes involve cases of mistaken identity, on July 13, 2006, Committee Staff received a brief from the Government Accountability Office reviewing the misidentifications and redress processes at Terrorist Screening Center and other screening agencies.

Another major component to U.S. transportation and commercial security involves the maritime domain. The Coast Guard has homeland security, transportation security, public safety and environmental duties. On an average day, the Coast Guard enforces 129 security zones, interdicts 15 illegal migrants at sea, boards 4 high interest vessels and 192 vessels of law enforcement interest, boards 122 large vessels for port safety checks, responds to 11 oil and hazardous chemical spills, and monitors the transit of 2,557 commercial ships through U.S. ports. The volume and diversity of the Coast Guard's responsibilities makes it essential that it be a robust

producer and consumer of intelligence in order to focus its limited resources on high priority homeland security mission areas.

On January 14, 2005, Subcommittee Staff attended a briefing on an overview of Coast Guard activities and on March 7, 2006, the Subcommittee joined with the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity of the Committee on Homeland Security to conduct a Member site visit to the Coast Guard Intelligence Coordination Center in Suitland Maryland. Members of the Subcommittee received an overview of the Coast Guard's role in homeland security-related maritime intelligence and on the overall Department's information sharing architecture.

Additionally, on August 10, 2006, Subcommittee Staff participated in a site visit to the Coast Guard Jacksonville Sector Command in Jacksonville, Florida. Representatives from the Florida Department of Law Enforcement, High Intensity Drug Trafficking Area (HIDTA), FBI Joint Terrorism Task Force, FBI Special Agent in Charge, Jacksonville Sheriff's Office, Jacksonville Port Authority, Customs and Border Protection, and the Coast Guard Jacksonville Sector Command briefed on how intelligence and terrorist related information is coordinated and shared between the different homeland security partners in the Jacksonville area. The site visit also included tour of the Jacksonville port onboard a U.S. Coast Guard vessel reviewing the vulnerabilities to the critical infrastructure within the port from terrorist attacks.

BORDER SECURITY

For terrorists and their supporters, the ability to move innocuously across international borders is vital to their ability to effectively plan, finance, and execute terrorist attacks. The September 11th hijackers were able to gain entry 33 times into the United States. Keeping terrorists out of the country, or detecting and following their movements depends on information and intelligence, and getting that information into the right hands.

In addition to regular Staff and Member threat briefings on border activities throughout the 109th Congress and regular briefings with intelligence components of the Department, the Subcommittee was engaged in a number of activities covering border intelligence issues.

On April 6, 2005, Subcommittee Staff attended a briefing from former members of the border security team of the National Commission on Terrorist Attacks Upon the United States, who studied how terrorists penetrate U.S. borders. On August 16–17, 2005 Subcommittee Staff visited border facilities in El Paso, Texas, including the Border Patrol Air Facility, the Border Patrol Tactical Unit (BORTAC), the Border Patrol Field Intelligence Center, the Department of Defense Joint Task Force-North, and the El Paso Intelligence Center (EPIC).

On October 24 through 25, 2005, the Department of Homeland Security (DHS or Department) held a conference to gather input from DHS and Intelligence Community partners to formulate better intelligence strategies to develop the DHS Chief Intelligence Officer's Intelligence Campaign Plan to support the Department's Secure Borders Initiative. Among the needed improvements identified as a result of the conference were greater focus on strategic anal-

ysis; coordination and integration of analytic efforts at both the tactical and strategic levels; inclusion of DHS agent and inspector insight in collection and exploitation activities; better-defined areas of responsibility for information sharing; and dissemination of, and identified repositories for, relevant information.

The Intelligence Campaign Plan (ICP) for Border Security was created by the Chief Intelligence Officer to develop and implement a comprehensive strategy for collection and analysis of border security intelligence. The overall approach for the ICP is to bring National intelligence resources to bear on the border while at the same time fusing intelligence from DHS border and immigration activities into an integrated threat picture. This approach is consistent with ongoing operational efforts to push the border outward and building a layered defense. The ICP effectively coordinates and streamlines interagency intelligence efforts on the border, notably the El Paso centers visited in 2005, where three valuable intelligence centers, run by elements of three different Cabinet agencies, are exploring new ways to work together on their common mission of securing the border.

On June 27, 2006, Subcommittee Staff received a brief from the DHS Office of Intelligence and Analysis on how the Department will integrate component agency information and intelligence being collected on the Southern border through the development of the Intelligence Campaign Plan.

The Subcommittee held a hearing on June 28, 2006, entitled "DHS Intelligence and Border Security: Delivering Operational Intelligence." The Subcommittee received testimony from Mr. Charles E. Allen, Chief Intelligence Officer, Office of Intelligence Analysis, Department of Homeland Security; Mr. James Sloan, Assistant Commandant for Intelligence, United States Coast Guard, Department of Homeland Security; Ms. Cynthia O'Connell, Acting Director, Office of Intelligence, Immigration and Customs Enforcement, Department of Homeland Security; Mr. L. Thomas Bortmes, Director, Office of Intelligence, Customs and Border Protection, Department of Homeland Security; Mr. Michael W. Cutler, Fellow, Center for Immigration Studies; and Mr. Michael O'Hanlon, Senior Fellow in Foreign Policy Studies, Brookings Institution. The hearing examined the progress of the Department's component agencies at fusing intelligence from DHS border and immigration activities into an integrated threat picture and the measures being taken to deliver actionable intelligence to the men and women securing our borders.

Additionally, given the interconnection between Department of Defense (DoD) border activities and DHS activities observed during the trip to El Paso and discussed during the border conference, on May 8, 2006 Subcommittee Staff met with DoD officials to discuss applicability of DoD Intelligence, Surveillance, and Reconnaissance (ISR) research and development and its application to help better secure the border. On June 12, 2006, Subcommittee Staff received a classified brief on existing and emerging innovations in ISR technologies operated by the DHS components and DoD ISR programs supporting missions abroad and domestically that could have potential applicability for use by DHS components from DHS and DoD program managers.

STATE AND LOCAL INFORMATION SHARING AND THE INFORMATION SHARING ENVIRONMENT

The Homeland Security Act of 2002 (P.L. 107–296) gave the Department of Homeland Security (DHS or Department) the lead role in integrating Federal, State, local and tribal information into a comprehensive picture of vulnerability and threat. The Subcommittee has led Congressional efforts to oversee this Departmental responsibility and has engaged in a variety of activities in order to strengthen cooperation and coordination of information sharing efforts. This includes regular meetings with DHS officials, the Government Accountability Office, officials from the Homeland Security Advisory Council (HSAC), the Homeland Security Council, regular contact with the office of the Information Sharing Program Manager and other stakeholders, including those involved with the Department of Justice Global Justice Information Sharing Initiative.

Since the Homeland Security Act was passed, many Federal agencies proceeded to develop their own systems, procedures and sharing mechanisms independently of one another. As a result, on December 2, 2005, the Chairman of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment sent a letter requesting the Government Accountability Office (GAO) update a report entitled "Homeland Security: Efforts to Improve Information Sharing Need to be Strengthened" (GAO–03–760). On December 13, 2005, GAO indicated that they would review the report, which is ongoing.

One example of a system created after the Homeland Security Act is the Homeland Security Information Network (HSIN). HSIN is a secure, unclassified, web-based communications system that serves as DHS' primary nation-wide information sharing and collaboration network. The network provides connectivity between DHS' Homeland Security Operations Center (HSOC), critical private industry and federal, state, and local organizations responsible for or involved in combating terrorism, responding to critical incidents, and managing special events. However, State and local law enforcement were already using other information sharing systems such as the Law Enforcement Online and Regional Information Sharing System. Many of the intended users for HSIN did not utilize the system because they believed it to be duplicative. Therefore, on October 17, 2005, the Chairman and Ranking Member of the Subcommittee on Intelligence, information Sharing, and Terrorism Risk Assessment sent a letter to the Director of the Homeland Security Operations Center to examine the HSIN. Specifically the Subcommittee requested further information on the system and the recent withdrawal of some entities from the network. The Director of the HSOC responded with staff briefings on October 21, 2005 and regular updates.

Additionally, on April 27, 2006, the Subcommittee held a Member briefing on the GAO report; "Information Sharing: The Federal Government Needs to Establish Policies and Processes for Sharing Terrorism-Related and Sensitive but Unclassified Information" (GAO–06–385). Representatives from the Government Accountability Office briefed Members on the content of the report. The

conclusion of the report is the Department's HSIN is not effectively supporting State and local information sharing. In response to these findings, the DHS Office of the Inspector General issued five recommendations to the acting Director of the Office of Operations Coordination to ensure the effectiveness of the HSIN system and information sharing approach. On July 13, 2006, personnel from the DHS Office of Inspector General presented their report, OIG–06–38, on the Homeland Security Information Network to Subcommittee Staff. Its findings were similar to those of GAO. On September 13, 2006, the Subcommittee held a hearing entitled "The Homeland Security Information Network: An Update on DHS Information Sharing Efforts." The hearing identified the Department's plans and activities for sharing information with State and local governments; determined how well HSIN supports these plans and activities; and identified existing challenges to information sharing between DHS and State, local, tribal, and private sector partners. The Subcommittee received testimony from Mr. Frank Deffer, Assistant Inspector General, Department of Homeland Security; Mr. Roger T. Rufe, Director, Operations Directorate, Department of Homeland Security; Mr. Charlie Allen, Chief Intelligence Officer, Department of Homeland Security; Mr. Ian Hay, President, SouthEast Emergency Response Network (SEERN) Interim Governance; Captain Charles Rapp, Director, Maryland Coordination and Analysis Center (MCAC); and Ms. Maureen Baginski, Director, BearingPoint Intelligence Sector.

THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT

Anticipating these and other difficulties with the disparate approach to information sharing, the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (P.L. 108–458) established the Information Sharing Environment (ISE) and the office of the Program Manager. The Program Manager was designated to assist, in consultation in the Information Sharing Council (ISC), in the development of policies, procedures, guidelines, rules and standards for the ISE at the Federal level, and to coordinate the development and operation of the ISE for Federal, State, local and tribal officials. The Program Manager must also manage the development and implementation of the ISE by Federal departments and agencies to ensure adequate progress, technological consistency, and policy compliance.

Understanding the difficulties with the Homeland Security Information Network (HSIN) and the mandate for the Department of Homeland Security (DHS or Department) and the Program Manager, on July 20, 2005, the Subcommittee held a hearing entitled "A Progress Report on Information Sharing for Homeland Security." The Subcommittee received testimony from Mr. John Cohen, Senior Homeland Security Policy Advisor, Executive Office of Public Safety, Commonwealth of Massachusetts; Mr. Gary Edwards, Chief Executive Officer, National Native American Law Enforcement Association; Dr. Lee Colwell, Executive Director, Pegasus Research Foundation; Mr. Matthew Broderick, Director, Homeland Security Operations Center, Department of Homeland Security; and Mr. Joshua D. Filler, Director, Office of State and Local Government Coordination, Department of Homeland Security. The con-

sensus of the witnesses was that information sharing had improved dramatically since 9/11, but still had plenty of room to improve.

Given the role of the Program Manager in the Nation's homeland security information sharing efforts, the Subcommittee remained engaged with the Program Manager's office from its inception. On November 2, 2005, the Chairman of the Subcommittee met with Mr. John Russack, Information Sharing Program Manager and on November 8, 2005, the Subcommittee held a hearing entitled "Federal Support for Homeland Security Information Sharing: The Role of the Information Sharing Program Manager." Testimony was received from Mr. John Russack, Information Sharing Program Manager, Office of the Director of National Intelligence; Hon. Lee Hamilton, Vice Chairman, 9/11 Public Discourse Project; and Mr. William Crowell, Markle Foundation Task Force on National Security in the Information Age.

On April 17 and 28, 2006, Subcommittee Staff met with staff from the Information Sharing Program Manager's office to review the progress of the office in implementing legislative mandates prescribed by the Intelligence Reform and Terrorism Prevention Act of 2004. Additionally, on April 26, 2006, the Chairman of the Subcommittee met with the newly designated Information Sharing Program Manager to discuss the progress of the implementation of the Information Sharing Environment.

On May 10, 2006, the Subcommittee held a hearing entitled "Building the Information Sharing Environment: Addressing the Challenges of Implementation." The hearing examined the progress and issues associated with the Federal government's information sharing efforts; future plans for the Information Sharing Environment; challenges and issues of establishing an information sharing environment that will include State, local, tribal, and private sector partners; and assess the level of cooperation the Program Manager has received from other Federal agencies. The Subcommittee received testimony from Ambassador Ted McNamara, Information Sharing Program Manager, Office of the Director of National Intelligence. On November 16, 2006, the Program Manager delivered to the Committee on Homeland Security the Implementation Plan Report for the Information Sharing Environment.

STATE AND LOCAL FUSION CENTERS

There are over 38 recognized State and Local Fusion Centers (SLFC) operating across the country. States are creating SLFCs to meet their internal needs and each is unique. Some SLFCs are based on an all-crimes, all-hazards approach, while others have adapted a purely counter-terrorism focus.

The Subcommittee has led Congressional efforts to understand, appreciate and build upon State and local efforts to develop fusion centers. On December 2, 2005, the Chairman of the Subcommittee sent a letter requesting the Government Accountability Office (GAO) to review issues relating to information "fusion" centers at the Federal, State, regional, and local levels. On December 13, 2005, GAO accepted the review of fusion centers, which is ongoing.

On April 12, and July 11 and 18, 2006, Subcommittee Staff met with officials from the Department of Homeland Security (DHS or Department) Office of Intelligence Analysis and received updates

on the DHS and State & Local Fusion Center Support Implementation Plan. The briefs reviewed the Department's ongoing efforts to develop and implement their mandated responsibilities to facilitate the flow of threat information among State, local, tribal, and private sector homeland security partners, national intelligence and law enforcement communities.

On May 11, 2006, the Subcommittee held an executive briefing for Members on the different governance structures of State and Local Fusion Centers and on June 6, 2006, the Chairman sent a letter to the Secretary of Homeland Security requesting an update on the status of DHS efforts surrounding State and local fusion centers. On June 28, 2006, the Assistant Secretary for Intelligence and Analysis, Department of Homeland Security indicated that he intended to keep the Committee informed and updated on the status of this program.

On March 7, 2006, the Subcommittee's efforts on fusion centers led to the approval and release of the Department of Homeland Security Support Implementation Plan for State & Local Fusion Centers. The leading principles behind the plan are to build on existing Federal relationships with State and local authorities; integrate and analyze information and intelligence; and encourage interagency cooperation and integrate intelligence into a system that can benefit homeland security and counterterrorism programs at all levels.

Because fusion centers are created and led by State, local, tribal, and private sector partnerships, the Subcommittee Staff and Members visited several fusion centers across the Nation to understand the unique needs, challenges, and requirements generated by the centers. On May 22, 2006, Members of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment conducted a site visit of the Maryland Coordination and Analysis Center (MCAC) in Baltimore, Maryland. The Members received an overview of the MCACs role in Maryland's security strategy and how it integrated into the overall Department of Homeland Security's missions. On June 8, and October 10, 2006, Subcommittee Staff met with the Los Angeles Joint Regional Intelligence Center (LA–JRIC) Unified Command, the DHS Regional California Intelligence Liaison Officer, and representatives of the Archangel project. Subcommittee Staff received an overview brief on the organizational structure and mission of the JRIC and how Federal information and intelligence is integrated into their fusion process. Following the briefing at the LA JRIC on June 8, Subcommittee Staff conducted a site visit of the Port of Long Beach aboard a Long Beach Port Police Boat to review the security risks from terrorist attacks.

On June 26, 2006, Subcommittee Staff visited the Virginia State Fusion Center to review and assess the level and quality of information sharing and intelligence support being given to the fusion center by the Department of Homeland Security. On August 8, 2006, Subcommittee Staff participated in a site visit to the Georgia Information Sharing and Analysis Center (GISAC) in Atlanta, GA. Personnel from the State of Georgia, DHS, and FBI gave presentations on how terrorist related information is gathered and processed for the State of Georgia. On August 11, 2006, Subcommittee

Staff participated in a site visit to Florida's State Fusion Center. Personnel from the Florida Department of Law Enforcement briefed Subcommittee Staff on how terrorist related information is gathered and processed for the State of Florida. Discussion focused on the coordination role of State, local, tribal, private sector, and Federal homeland security partners on terrorist related information; application of the Homeland Security Information Sharing Network, and intelligence training curriculum being developed by the State for Florida for State intelligence analysts.

On July 18, 2006, the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment hosted a briefing for the Members of the Committee on Homeland Security on the DHS State and Local Fusion Center Initiative. Representatives from the Department of Homeland Security's Office of Intelligence and Analysis were present to brief Members.

On July 26, 2006, the Chairman of the Subcommittee and Subcommittee Staff met with the FBI Assistant Director for the Directorate of Intelligence to discuss and clarify the FBI's role in the Information Sharing Environment and their responsibility to gather and disseminate information and intelligence to State, local, tribal, and private sector homeland security partners.

As a result of these oversight efforts, on September 7, 2006, the Subcommittee held a hearing entitled "State and Local Fusion Centers and the Role of DHS." The hearing examined the DHS implementation and support plan for State and Local Fusion Centers; determined how well the DHS SLFC plan will meet the information sharing needs of non-federal homeland security partners; and identified the existing challenges to information sharing between DHS and State, local, tribal, and private sector homeland security partners. The Subcommittee received testimony from Mr. Charlie Allen, Chief Intelligence Officer, Department of Homeland Security; Col. Ken Bouche, Deputy Director, Information & Technology Command, Illinois State Police; Ms. Amy Whitmore, Analyst Supervisor, Virginia Fusion Center, Virginia State Police; Mr. Richard Canas, Director, New Jersey Office of Homeland Security and Preparedness.

RADICALIZATION

According to the recent Department of State Country Reports on Global Terrorism 2005, the threat from radical Jihadists is becoming more widespread, diffuse, and increasingly homegrown. Domestic radicalization has manifested itself in the bombings in Madrid in 2004 and London in 2005, and operations recently uncovered in Canada, the United Kingdom, and the States of California, Florida, and Georgia involving Islamic extremists. According to the Federal Bureau of Investigations (FBI)—since the September 11th attacks, and as of August 31, 2006, 288 defendants have been convicted or have pleaded guilty in terrorism or terrorism-related cases arising from investigations conducted primarily after September 11, 2001. In addition to these convictions, there are approximately 168 other defendants who have been charged since September 11, 2001, in connection with terrorism or terrorism-related investigations. Those cases are either still pending in Federal courts, have not re-

sulted in criminal convictions, or involve defendants who are fugitives or are awaiting extradition.

The Subcommittee's interest in home-grown radicalism began in early 2005, when the Subcommittee requested threat information on domestic extremism. This threat information was received on April 26, 2005. Ongoing staff efforts led to a Subcommittee Staff briefing on prison radicalization in February of 2006 with representatives from the George Washington University. On February 8, 2006, the Subcommittee joined with the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity to host a Member briefing on radicalization in United States prisons. Representatives from the Homeland Security Policy Institute and Critical Incident Analysis Groups (CIAG) briefed Members on militant radicalization within U.S. prisons and its connection with terrorist cells.

Based on this briefing, further research and the arrest of home-grown terrorists in Toronto, Canada, the Subcommittee held a Member briefing on July 12, 2006, on the terrorist radicalization process, including specific examples of the process at work. The Members received information from representatives from National Counterterrorism Center (NCTC) and the FBI.

The Subcommittee Members and Staff conducted a Congressional Delegation (CODEL) to Toronto, Canada on July 16, 2006 to discuss the Toronto-area arrest of 17 individuals involved with a terrorist plot against Ontario, Canada. The Subcommittee also examined the Canadian experience with domestic radicalization and other intelligence and information-sharing issues. Members of the CODEL met with Canadian law enforcement and intelligence officials, including the Royal Canadian Mounted Police, Canadian Security and Intelligence Service, and local Muslim leaders. The CODEL also met with U.S. officials from the U.S. Consulate in Toronto and Customs and Border Protection officials to discuss cooperation between U.S. Federal agencies and Canada.

As a result of these activities, on September 20, 2006, the Subcommittee held a hearing entitled "The Homeland Security Implications of Radicalization." The hearing examined the trends in radicalization producing home grown terrorists and identified the current activities the NCTC, the FBI, and DHS are currently pursuing to mitigate the risk to homeland security posed from radicalization. The Subcommittee received testimony from Mr. Randall Blake, al Qa'ida Group Chief, National Counterterrorism Center; Mr. Don Van Duyn Assistant Director, Counterterrorism Division, Federal Bureau of Investigations; Mr. Javed Ali, Senior Intelligence Officer, Department of Homeland Security; Dr. Walid Phares, Senior Fellow, Foundation for the Defense of Democracies; Mr. Frank Cilluffo, Director, Homeland Security Policy Institute, The George Washington University; Mr. John Woodward, Associate Director, RAND Intelligence Policy Center; Mr. Steve Emerson, Executive Director, The Investigative Project on Terrorism. Immediately following the conclusion of the hearing, the Subcommittee held a briefing in Executive Session on the terrorist radicalization process. Representatives from the NCTC, the FBI, and DHS were present to brief Members.

On October 2, 2006, Subcommittee Staff received a briefing from the Federal Bureau of Prisons on the issues and challenges prison radicalization.

OPEN SOURCE INTELLIGENCE

Open Source Information is publicly available information (i.e., any member of the public could lawfully obtain the information by request or observation), as well as other unclassified information that has limited public distribution or access. Open Source Intelligence is the product of applying the intelligence process to open source information, turning that raw information into an intelligence product.

The Central Intelligence Agency Strategic Intelligence Plan, authored by the former Assistant Director of Central Intelligence for Analysis and Production, includes recommendations to improve the utilization and analysis of open source information. The plan recognizes that "harnessing open source information is a key challenge today and will be tomorrow because there is so much of it, and because a lot of it is critical to our needs." The National Commission on Terrorist Attacks Upon the United States recommended the creation of a new Open Source Agency under the Commission's proposed Deputy National Intelligence Director for Foreign Intelligence. The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction also had several recommendations regarding the use of open source information.

Given the potential for the use of open source intelligence, and the creation of a new department with intelligence responsibilities, on June 21, 2005, the Subcommittee held a hearing entitled "Using Open-Source Information Effectively" to examine how the Department of Homeland Security was using Open Source Information. The Subcommittee received testimony from Dr. John Gannon, Vice President for Global Analysis, BAE Systems, Information Technology; Mr. Eliot Jardines, President, Open Source Publishing, Inc.; and Mr. Joe Onek, Senior Policy Analyst, Open Society Institute. Based on interest generated by this hearing, on September 15, 2005, the Subcommittee hosted an Open Source Technology and Policy fair open to Members of Congress, their staff, and the public in order to provide more information on Open Source Intelligence.

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT HEARINGS HELD

The Proposed Fiscal Year 2006 Budget: Building the Information Analysis Capabilities of DHS. Hearing held February 16, 2005. Serial No. 109–2.

Evaluating the Threat of Agro-Terrorism. Hearing held May 25, 2005. Serial No. 109–16.

Using Open-Source Information Effectively. Hearing held June 21, 2005. Serial No. 109–22.

A Progress Report on Information Sharing for Homeland Security. Hearing held July 20, 2005. Serial No. 109–33.

The Department of Homeland Security Second Stage Review: The Role of the Chief Intelligence Officer. Joint hearing with the House

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence held October 19, 2005. Serial No. 109–47.

Federal Support for Homeland Security Information Sharing: The Role of the Information Sharing Program Manager. Hearing held November 8, 2005. Serial No. 109–55.

Terrorism Risk Assessment at the Department of Homeland Security. Hearing held November 17, 2005. Serial No. 109–58.

The President's Proposed FY07 Budget for the Department of Homeland Security: The Office of Intelligence and Analysis. Hearing held February 17, 2005. Serial No. 109–63.

Protection of Privacy in the DHS Intelligence Enterprise. Hearing held April 6 and May 10, 2005. Serial No. 109–72.

Building the Information Sharing Environment: Addressing the Challenges of Implementation. Hearing held May 10, 2006. Serial No. 109–74.

Examining the Progress of the DHS Chief Intelligence Officer. Hearing held May 24, 2006. Serial No. 109–80.

Transportation Security Administration's Office of Intelligence: Progress and Challenges. Hearing held June 14, 2006. Serial No. 109–83.

DHS Intelligence and Border Security: Delivering Operational Intelligence. Hearing held June 28, 2006. Serial No. 109–89.

Terrorism Threats and the Insurance Market. Joint hearing with the Subcommittee on Oversight and Investigations of the Committee on Financial Services held July 25, 2006. Serial No. 109–93.

State and Local Fusion Centers and the Role of DHS. Hearing held September 7, 2006. Serial No. 109–99.

The Homeland Security Information Network: An Update on DHS Information Sharing Efforts. Hearing held September 13, 2006. Serial No. 109–101.

The Homeland Security Implications of Radicalization. Hearing held September 20, 2006. Serial No. 109–105.

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT MARKUPS HELD

Committee Print entitled "The Homeland Security Information Sharing and Enhancement Act of 2005."; was ordered favorably forwarded to the Full Committee for consideration, without amendment, by Voice Vote. April 26, 2005.

Committee Print entitled "To reorganize the Directorate for Information Analysis and Infrastructure Protection of the Department of Homeland Security, to facilitate homeland security information sharing, and for other purposes."; was ordered favorably forwarded to the Full Committee, without amendment, by Voice Vote. March 29, 2006.

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT BRIEFINGS AND SITE VISITS HELD

Executive, Member Briefing on Chemical Facilities Security. June 14, 2005.

Executive, Member Briefing on Assessing the Threat to America's Ports.

Open Source Technology and Policy Fair. June 22, 2005. September 15, 2005.

Member Briefing with the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment on security vulnerabilities of portable electronic devices and U.S. government cyber systems. November 13, 2005.

Site visit to the Transportation Security Operation Center and receive a briefing on the Transportation Security Administration's intelligence unit. November 7, 2005.

Member Briefing with the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity on the overview and role of the Immigration and Customs Enforcement (ICE) Forensic Document Laboratory (FDL). December 7, 2005.

Member site visit of the National Counterterrorism Center (NCTC). February 7, 2006.

Member Briefing on the President's Proposed FY 2007 Budget request for the Office of Intelligence and Analysis, Department of Homeland Security. February 8, 2006.

Member Briefing with the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity on the radicalization in United States prisons. February 8, 2006.

Member Briefing on the President's Proposed FY 2007 Budget request for the Office of Intelligence and Analysis, Department of Homeland Security. February 15, 2006.

Member Briefing with the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity on terrorist intentions toward U.S. aircraft. March 2, 2006.

Site visit to US Northern Command, Peterson Air Force Base, Colorado. March 22 through 24, 2006.

Member Briefing on the GAO report Information Sharing: The Federal Government Needs to Establish Policies and Processes for Sharing Terrorism-Related and Sensitive but Unclassified Information (GAO–06–385). April 27, 2006.

Executive, briefing on the different governance structures of State and Local Fusion Centers. May 11, 2006.

Site visit to the Maryland Coordination and Analysis Center (MCAC) located near Baltimore, Maryland. May 22, 2006.

Executive, briefing on the sharing of classified information among Federal intelligence partners: DHS access and information controls. May 23, 2006.

Site visit of the Transportation Security Administration's (TSA) Office of Intelligence Headquarters. June 12, 2006.

Member Briefing on the terrorist radicalization process, including specific examples of the process at work. July 12, 2006.

Member Briefing on the terrorist radicalization process, including specific examples of the process at work. September 20, 2006.

SUBCOMMITTEE ON MANAGEMENT, INTEGRATION, AND OVERSIGHT

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JOHN LINDER, Georgia
MARK E. SOUDER, Indiana
TOM DAVIS, Virginia
KATHERINE HARRIS, Florida
DAVID G. REICHERT, Washington
MICHAEL T. MCCAUL, Texas
PETER T. KING, New York (Ex Officio)

KENDRICK B. MEEK, Florida
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ZOE LOFGREN, California
SHEILA JACKSON-LEE, Texas
BILL PASCRELL, Jr., New Jersey
BENNIE G. THOMPSON, Mississippi (Ex Officio)

Jurisdiction: Oversight of Department of Homeland Security progress in implementing the management and organizational directives of the Homeland Security Act and other homeland security-related mandates; Department of Homeland Security offices responsible for the provision of department-wide services, including the Under Secretary for Management, the Chief Information Officer, and the Chief Financial Officer; cross-directorate, Department-wide standardization and programmatic initiatives; investigations and reports by the Inspector General of the Department of Homeland Security; standardization and security of Department of Homeland Security communications systems and information technology infrastructure; harmonization and effectiveness of Department of Homeland Security budgeting, acquisition, procurement, personnel, and financial management systems; incentives and barriers to hiring that affect Department components; Department of Homeland Security-initiated internal reorganizations; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE ON MANAGEMENT, INTEGRATION, AND OVERSIGHT

DEPARTMENT OF HOMELAND SECURITY CYBERSECURITY ENHANCEMENT ACT OF 2005

H.R. 285

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

Summary

H.R. 285, establishes within the Department of Homeland Security (DHS) a National Cybersecurity Office, headed by an Assistant Secretary for Cybersecurity, who would have primary authority within the Department for both, all cybersecurity-related critical infrastructure programs of DHS as well as the National Communications System. The bill enumerates the responsibilities of the Assistant Secretary including establishing and managing a national cybersecurity response system; a National cybersecurity threat and vulnerability reduction program; a national cybersecurity awareness and training program; a Government cybersecurity program; and a national security and international cybersecurity cooperation program. The bill also requires the Assistant Secretary to coordinate and share information with the private sector as well as other Federal agencies regarding cybersecurity-related programs, policies and operations.

Legislative History

H.R. 285 was introduced on January 6, 2005, by Mr. Thornberry and Ms. Zoe Lofgren of California, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 285 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, and the Subcommittee on Management, Integration, and Oversight.

On April 20, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on H.R. 285. The Subcommittee received testimony from Mr. Amit Yoran, President, Yoran Associates; Mr. Harris Miller, President, Information Technology Association of America; Mr. Paul Kurtz, Executive Director, Cyber Security Industry Alliance; Ms. Catherine Allen, President and CEO, BITS, Financial Services Roundtable; and Mr. Ken Silva, Chairman of the Board of Directors, Internet Security Alliance.

On April 20, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity considered H.R. 285 and ordered the measure favorably reported to the Full Committee for consideration, without amendment, by voice vote. On that same date, the Subcommittee on Management, Integration, and Oversight discharged itself from further consideration of H.R. 285. No further action occurred on H.R. 285.

DEPARTMENT OF HOMELAND SECURITY MANAGEMENT AND OPERATIONS IMPROVEMENT ACT OF 2006

Summary

The Committee Print entitled "Department of Homeland Security Management and Operations Improvement Act of 2006," contained a number of provisions intended to provide for more effective and efficient management of the Department of Homeland Security and its resources, including directives to control the costs of hiring, training, and deploying new Border Patrol agents; integrating and consolidating DHS management systems, and monitoring of contracts for border security valued at greater than $20 million.

Legislative History

The Subcommittee on Management, Integration, and Oversight considered a Committee Print entitled "Department of Homeland Security Management and Operations Improvement Act of 2006." on March 15, 2006, and forwarded the measure to the Full Committee for consideration, amended, by voice vote.

The text of the Committee Print, as agreed to by the Subcommittee on Management, Integration, and Oversight provided the basis for major portions of Title II of H.R. 5814, the "Department of Homeland Security Authorization Act for FY 2007," as introduced. H.R. 5814 was ordered reported by the Committee on July 19, 2006. See discussion of H.R. 5814, listed above.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE ON MANAGEMENT, INTEGRATION, AND OVERSIGHT

9/11 FEDERAL ASSISTANCE TO NEW YORK

In December 2005, the Chairman of the Full Committee requested the Subcommittee review allegations of waste, fraud, and abuse of Federal assistance provided to New York City after the terrorist attacks of September 11, 2001. As part of this review, Subcommittee Staff met with officials from Federal, State, and local government agencies, as well as non-governmental organizations involved in the response, recovery, and rebuilding of New York City after the terrorist attacks of September 11th. Subcommittee Staff traveled to New York City on February 23 and 24, 2006; March 20 through 22, 2006; May 31, 2006; and June 1, 2006, to meet with senior officials in Federal, State and local offices, including: the Federal Transit Administration; the Department of Housing and Urban Development; the Small Business Administration Office of Inspector General; the Department of Housing and Urban Development Office of Inspector General; the Empire State Development Corporation; the Lower Manhattan Development Corporation; the Port Authority of New York and New Jersey; the New York City Department of Design and Construction; the New York City Department of Investigation; the U.S. District Attorney's Office; and Good Jobs New York. Additional meetings were conducted in Washington, DC, with: the Department of Homeland Security Office of Inspector General; the Federal Emergency Management Agency; the Small Business Administration; the Government Accountability Office; the Department of Labor Office of Inspector General; and the American Red Cross. These meetings focused on the expenditure of Federal assistance funds; the Federal, State, and local programs that channeled those funds to support the response, recovery, and rebuilding of Lower Manhattan; fraud and abuse controls; and investigations of fraud and abuse. The information gathered through the Subcommittee's review led to a series of three hearings on July 12 and 13, 2006, entitled "An Examination of 9/11 Federal Assistance to New York: Lessons Learned in Preventing, Waste, Fraud, Abuse, and Mismanagement." For the purpose of the hearings, the major themes and findings of the Subcommittee's review were separated into three categories reflecting the events following 9/11: response, recovery, and rebuilding.

The first hearing—"Response"—held on July 12, 2006, addressed the initial response efforts at and around the World Trade Center disaster site, including debris removal operations, individual assistance, and air quality programs. Witnesses at this hearing provided an overview of the Federal, State, and local governments' efforts to provide immediate assistance to those affected by the attacks. The Subcommittee received testimony from Mr. Joe Picciano, Deputy Director for Region II, Federal Emergency Management Agency, Department of Homeland Security; Hon. Richard Skinner, Inspector General, Department of Homeland Security; Mr. Greg Kutz, Director, Financial Management and Assurance, Government Accountability Office; Hon. Rose Gill Hearn, Commissioner, New York City Department of Investigation; Mr. David J. Varoli, General Counsel, New York City Department of Design and Construction;

Mr. Neil Getnick, President, International Association of Independent Private Sector Inspectors General; Ms. Carie Lemack, Co-Founder, Families of September 11th; and Ms. Leigh Bradley, Senior Vice President for Enterprise Risk, American Red Cross.

The second hearing—"Recovery"—held on July 13, 2006, focused on the Federally-funded initiatives to help Lower Manhattan recover from the attacks of 9/11, including programs to compensate businesses and individuals for the loss of life and property; provide rental and housing assistance; retrain displaced workers; and track and treat those physically or mentally harmed by the attacks. The Subcommittee received testimony from Ms. Ruth Ritzema, Special Agent in Charge for New York, Office of Inspector General, Department of Housing and Urban Development; Hon. Eric Thorson, Inspector General, Small Business Administration; Mr. Douglas Small, Deputy Assistant Secretary, Employment and Training, Department of Labor; Mr. Leroy Frazer, Bureau Chief, Special Prosecutions Bureau, New York County District Attorney's Office; Ms. Eileen Mildenberger, Chief Operating Officer, Empire State Development Corporation; Mr. Stefan Pryor, President, Lower Manhattan Development Corporation; Mr. John Wang, Founder and President, Asian American Business Development Center; and Ms. Bettina Damiani, Project Director, Good Jobs New York.

The third hearing—"Rebuilding"—also held on July 13, 2006, looked towards the future and addressed how the remaining Federal funds would be spent, with particular focus on transportation projects. Although most of the recovery and response funds have been obligated, more than $6 billion, primarily committed to rebuilding infrastructure in Lower Manhattan and restoring activity at Ground Zero, remain to be disbursed. The Subcommittee received testimony from Mr. Bernard Cohen, Director, Lower Manhattan Recovery Office, Federal Transit Administration, Department of Transportation; Mr. Todd J. Zinser, Acting Inspector General, Department of Transportation; Mr. Ron Calvosa, Director of Fraud Prevention, Lower Manhattan Construction Command Center; and Mr. Michael Nestor, Director, Office of Investigations, Port Authority of New York and New Jersey. The Subcommittee also obtained technical assistance from the Government Accountability Office and submitted formal requests to 17 Federal agencies to conduct a comprehensive accounting of the Federal assistance funds that were committed, obligated, and disbursed after 9/11.

As a result of these hearings, the Subcommittee released a staff report of its findings on October 12, 2006, entitled "An Examination of Federal 9/11 Assistance to New York: Lessons Learned in Preventing Waste, Fraud, Abuse, and Lax Management" (Committee Print 109–C). This resulted in the introduction of H.R. 6378, the "September 11th Lessons Learned in Preventing Waste, Fraud, and Abuse Implementation Act of 2006," on December 6, 2006.

INTEGRATION AND COORDINATION OF U.S. CUSTOMS AND BORDER PROTECTION AND U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

The Subcommittee on Management, Integration, and Oversight closely examined the division of border security and interior enforcement missions at the Department of Homeland Security (DHS or the Department) and its impact upon the overall homeland secu-

rity mission. Through a series of hearings, briefings, and letters, the Subcommittee examined the progress the Department made in improving coordination and communication, eliminating bureaucratic inefficiencies between Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), and implementing the DHS Inspector General's (IG) November 2005 recommendations.

On March 9, 2005, the Subcommittee on Management, Integration, and Oversight held its first in a series of three hearings on this issue entitled "CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests?" The Subcommittee received testimony from Dr. James Carafano, Senior Research Fellow, The Heritage Foundation; Mr. Michael Cutler, Former Senior Special Agent, Immigration and Naturalization Service; Mr. David Venturella, Former Director, Office of Detention and Removal Operations, Immigration and Customs Enforcement, Department of Homeland Security; Mr. T.J. Bonner, President, National Border Patrol Council; Mr. Randy Allen Callahan, Executive Vice President, American Federation of Government Employees, AFL–CIO; and Mr. Kenneth C. Klug, Former Special Agent in Charge, Immigration and Customs Enforcement, Department of Homeland Security. While there was no clear consensus among the witnesses whether a merger of the two agencies should occur, all witnesses testified about the need for greater cooperation and coordination between the two agencies and the need to eliminate bureaucratic walls.

As part of its continuing oversight of whether CBP and ICE should be merged and in conjunction with the public release of the DHS IG report endorsing such a merger, on November 15, 2005, the Subcommittee held its second hearing on this issue entitled "CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests? Part II." The Subcommittee received testimony from Mr. Robert L. Ashbaugh, Assistant Inspector General for Inspections and Special Reviews, Office of Inspector General, Department of Homeland Security; and Hon. Stewart A. Baker, Assistant Secretary for Policy, Department of Homeland Security. At the hearing the Inspector General testified on the current organizational structure, and that it was fostering an environment characterized by conditions the Department was forged to eliminate.

This resulted in the introduction of H.R. 4317, the "Border Security and Terrorism Prevention Act of 2005", which: required the Secretary to ensure full coordination of border security efforts among agencies within DHS and to remedy any failure of coordination and appropriate integration; required the Secretary to establish a Secure Borders Program Office; created a mechanism to ensure greater sharing of intelligence information; the establishment of task forces to better coordinate border enforcement activities; enhance coordination of investigations; examine proper allocations of border security related resources throughout the Department; and establish measures and metrics to determine the effectiveness of coordinated border enforcement efforts.

On November 28, 2006, the Chairman and Ranking Member of the Full Committee, along with the Chairman and Ranking Mem-

ber of the Subcommittee on Management, Integration, and Oversight, sent a letter to the Secretary of Homeland Security requesting a response to lingering questions regarding the Department's decision to maintain the separate organizational structure of CBP and ICE. The letter also inquired how the Secretary's Second Stage Review (2SR) reforms would address the problems of coordination and information sharing between the agencies.

The Secretary's February 22, 2006, response to the Committee reiterated the Department's position that the merger of CBP and ICE "would be a significant and costly setback" resulting in "confusion and disruption" that would seriously divert attention from critical homeland and border security missions. The Secretary also outlined changes that had or would soon be made in lieu of the merger of the two agencies. This included: the creation of a Department-wide Office of Policy, an Office of Operations Coordination, and a more robust Office of Intelligence and Analysis to be managed by a new Chief Intelligence Officer; the implementation of the Secure Border Initiative (SBI) as a collective effort to improve Department-wide coordination with respect to illegal aliens; the placement of the SBI Program Office within the Department's Office of Policy; directing CBP and ICE to report directly to the Secretary of DHS; the creation of an ICE/CBP Coordination Council; the establishment of mechanisms to ensure the Under Secretary of Management and the Chief Financial Officer collaborate with CBP and ICE on budget and strategic planning issues; and the establishment of Border Enforcement and Security Task Forces.

In order to more fully explore the specifics of each of the changes enumerated by the Secretary and how these changes addressed the DHS Inspector General's recommendations, on May 11, 2006, the Subcommittee on Management, Integration, and Oversight held its third hearing entitled "CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests? Part III." The Subcommittee received testimony from Hon. Stewart A. Baker, Assistant Secretary for Policy, Department of Homeland Security; Hon. Julie L. Myers, Assistant Secretary, Immigration and Customs Enforcement, Department of Homeland Security; Ms. Deborah J. Spero, Acting Commissioner, Customs and Border Protection, Department of Homeland Security; Mr. T.J. Bonner, President, National Border Patrol Council; Mr. Arthur Gordon, President, Federal Law Enforcement Officers Association; and Seth Stodder, Esq., Akin Gump Strauss Hauer & Feld, LLP. The witnesses testified about the remaining challenges that the Secretary still needs to address, including issues of employee retention and morale, and provided their recommendations on how to address those challenges.

INFORMATION SECURITY

As part of the Committee's oversight of information security efforts within the Department of Homeland Security, the Subcommittee on Management, Integration, and Oversight held a hearing on April 14, 2005, entitled "The Need to Strengthen Information Security at the Department of Homeland Security." This hearing examined the security procedures in place within the Department to ensure all sensitive information is secure. The Sub-

committee received testimony from Mr. Steven I. Cooper, Chief Information Officer, Department of Homeland Security; Mr. Gregory C. Wilshusen, Director, Information Security Issues, Government Accountability Office; Mr. Mark MacCarthy, Senior Vice President for Public Policy, Visa U.S.A.; and Mr. Marc J. Zwillinger, Partner, Sonnenschein Nath & Rosenthal, LLP. At the hearing, witnesses discussed the lack of adequate security for information systems at the Department of Homeland Security and provided their recommendations for improving the transfer and storing of sensitive information within the Department. As part of its continuing oversight, the Subcommittee, along with the Subcommittee on Government Management, Finance, and Accountability of the Committee on Government Reform, revisited this issue to gauge the Department's progress at a hearing on March 29, 2006, entitled "Department of Homeland Security Information Technology Challenges and the Future of eMerge2." The Subcommittee received testimony from Mr. McCoy Williams, Director, Financial Management and Assurance, Government Accountability Office; Mr. Randy Hite, Director, Information Technology Architecture and Systems, Government Accountability Office; Mr. Eugene Schied, Acting Chief Financial Officer, Department of Homeland Security; and Mr. Scott Charbo, Chief Information Officer, Department of Homeland Security.

DEPARTMENTAL OPERATIONS

The creation of the Department of Homeland Security on March 1, 2003, marked one of the most ambitious reorganizations of the Federal Government in American history. The Department's creation required the merger of more than 180,000 employees from 22 different Federal agencies with a $40 billion annual budget. Given the challenges inherent in such a reorganization, the Government Accountability Office (GAO) added the new Department to its "high-risk" list in January 2003, prior to the Department's formation. In its assessment of the Department as a high-risk agency, GAO cited such things as the Department's lack of clear annual goals and timeframes and the elimination of middle-management layers which required the affected agencies to report directly to the Secretary, as cause for concern.

In December 2004, the Department of Homeland Security Office of Inspector General released a similar report regarding the organizational challenges facing the Department. The report highlighted several problems, including the lack of consistent contract management throughout the Department and the lack of accountability of critical support personnel to key operating officers, such as the Chief Procurement Officer and the Chief Financial Officer.

To examine the issues raised by the GAO and the Inspector General, the Subcommittee held a hearing on April 20, 2005, entitled "Management Challenges Facing the Department of Homeland Security." The Subcommittee received testimony from Mr. Richard L. Skinner, Acting Inspector General, Office of Inspector General, Department of Homeland Security; Mr. Norman Rabkin, Managing Director, Homeland Security and Justice, Government Accountability Office; Hon. Asa Hutchinson, Chairman of the Homeland Security Practice, Venable, LLC; Hon. James S. Gilmore, III,

Chairman, National Council on Readiness and Preparedness; and Hon. Clark Kent Ervin, Director, Homeland Security Initiative, The Aspen Institute. At the hearing, witnesses identified significant management and organizational challenges facing the Department of Homeland Security and provided their recommendations to improve the Department's operations.

BORDER PATROL TRAINING

During the 109th Congress, the Subcommittee closely monitored the expansion of the Border Patrol, with particular attention to the recruitment, training, and deployment of new agents. On May 24, 2005, the Subcommittee on Management, Integration, and Oversight held a hearing entitled "Training More Border Patrol Agents: How the Department of Homeland Security Can Increase Training Capacity More Effectively." The Subcommittee received testimony from Chief Thomas Walters, Assistant Commissioner for Training and Development, Customs and Border Protection, Department of Homeland Security; Ms. Connie Patrick, Director, Federal Law Enforcement Training Center, Department of Homeland Security; Mr. T.J. Bonner, President, National Border Patrol Council; and Mr. Gary Jackson, President, Blackwater USA. Through this hearing, the Subcommittee learned that it costs the Federal Government approximately $188,000 to hire, train, equip, and deploy one new Border Patrol agent.

Prior to the May 24 hearing, the Chairman and Ranking Member of the Subcommittee sent a letter to the Department of Homeland Security on May 11, 2005, requesting information on the costs associated with hiring, training, and deploying Border Patrol agents. On June 17, 2005, the Assistant Secretary for Legislative Affairs sent a response outlining nine general categories that compose the costs to hire, train, and deploy one new Border Patrol agent. Continuing the Subcommittee's review of these costs, the Chairman and Ranking Member of the Subcommittee requested additional cost and training information through a letter sent on July 15, 2005, and a second on November 3, 2005. The Department's responses to these letters were received on August 22, 2005, and January 17, 2006, respectively.

As a result, on February 14, 2006, the Subcommittee Chairman wrote to the Comptroller General of the Government Accountability Office to request a review of the Border Patrol's training curriculum, as well as the costs to hire, train, and deploy one new Border Patrol agent. On March 8, 2006, the Government Accountability Office agreed to conduct the requested review.

On February 28, 2006, the Subcommittee Chairman met with senior officials from Customs and Border Protection and the Federal Law Enforcement Training Center to discuss the training curriculum and costs for new Border Patrol Agents. On March 9, 2006, the Subcommittee Chairman wrote to U.S. Customs and Border Protection to follow up on training and staffing issues discussed during the February 28, 2006, meeting. On August 16, 2006, the Subcommittee Chairman visited the Federal Law Enforcement Training Center in Artesia, New Mexico, to tour the Border Patrol Academy and the facilities being constructed to meet increased training needs.

ISIS AND SBINET

As part of its efforts to ensure that the Nation's borders are secure, as well as to ensure that Federal resources are being used efficiently and effectively, the Subcommittee on Management, Integration, and Oversight conducted an in-depth review, including a series of three hearings, examining the Integrated Surveillance Intelligence System (ISIS) and the Remote Video Surveillance (RVS) program in place along the borders. The initial hearing, entitled "Mismanagement of the Border Surveillance System and Lessons for the New America's Shield Initiative" was held on June 16, 2005. The Subcommittee received testimony from Mr. Joel S. Gallay, Deputy Inspector General, General Services Administration; Mr. Joseph A. Saponaro, President, L–3 Communications, Government Services, Inc., accompanied by Mr. Thomas Miiller, General Counsel; and Mr. Greg Pellegrino, Global Managing Director—Public Sector, Deloitte Touche Tohmatsu.

The second hearing, held on December 16, 2005, was entitled "Mismanagement of the Border Surveillance System and Lessons for the New Secure Border Initiative." The Subcommittee received testimony from Hon. Richard L. Skinner, Inspector General, Department of Homeland Security; and Mr. Carl Mann, Chief Inspector, Office of Inspections and Special Reviews, Office of Inspector General, Department of Homeland Security. Following up on this second hearing, the Chairman of the Subcommittee on Management, Integration, and Oversight sent a letter on December 19, 2005, to the Inspector General of the Department of Homeland Security and the Inspector General of the General Services Administration requesting a collaborative review of one of the contracts under the ISIS program. The Subcommittee received a response on January 20, 2006.

The third hearing was held on February 16, 2006, and was entitled "Mismanagement of the Border Surveillance System and Lessons for the New Border Initiative, Part 3." The Subcommittee received testimony from Mr. Gregory L. Giddens, Director, Secure Border Initiative Program, Department of Homeland Security; and Mr. James C. Handley, Regional Administrator, Great Lakes Region 5, General Services Administration.

The Subcommittee held a follow-up hearing on November 15, 2006, entitled "The Secure Border Initiative: Ensuring Effective Implementation and Financial Accountability of SBInet." The Secure Border Initiative (SBI) is the successor program to ISIS and RVS. SBI is a comprehensive, multi-year program composed of a mix of personnel, infrastructure, and technology to gain operational control of the Nation's borders. SBInet, the contract for which was announced by the Secretary of Homeland Security in September 2006, is the technology portion of SBI. At this hearing, the Subcommittee received testimony from Mr. Gregory L. Giddens, Director, Secure Border Initiative Program, Department of Homeland Security; Ms. Deborah J. Spero, Deputy Commissioner, Customs and Border Protection, Department of Homeland Security; Ms. Elaine Duke, Chief Procurement Officer, Department of Homeland Security; Hon. Richard L. Skinner, Inspector General, Department of Homeland Security; Mr. Jerry W. McElwee, Vice President

SBInet, Boeing Advanced Systems; Mr. Brian Seagrave, Vice President for Border Security, Unisys; and Mr. Tom Miiller, General Counsel, L–3 Services Group.

In addition, Subcommittee Staff met with senior Canadian Embassy Officials on November 29, 2006, to discuss current coordination efforts between the Department of Homeland Security and Canadian agencies to ensure that all resources are integrated and leveraged in the implementation of SBInet. Subsequently, on November 30, 2006, the Subcommittee informed the Director of the Program Executive Office of the Secure Border Initiative of the necessity to collaborate and share information with Canadian officials in the design and implementation of SBInet along the northern border of the United States.

FIRST RESPONDER TRAINING

As part of its review of redundancies throughout the Department of Homeland Security and to ensure that Departmental programs are efficient and effective, the Subcommittee on Management, Integration, and Oversight and the Subcommittee on Emergency Preparedness, Science, and Technology held a joint hearing on June 23, 2005, entitled "The National Training Program: Is Anti-Terrorism Training for First Responders Efficient and Effective?" The Subcommittees received testimony from Hon. Raymond W. Kelly, Commissioner, Police Department, City of New York; Mr. Shawn Reese, Analyst in American National Government, Government and Finance Division, Congressional Research Service; Mr. Steven Edwards, Director, Maryland Fire and Rescue Institute, testifying on behalf of North American Fire Training Directors; Sheriff Patrick D. McGowan, Chairman, Weapons of Mass Destruction Committee, National Sheriffs' Association; Captain Jack Reall, National Fire Academy Board of Visitors; and Dr. Van D. Romero, Vice President, Research and Economic Development, New Mexico Institute of Mining and Technology. During the hearing, witnesses discussed the need for enhanced coordination, consistency, and inclusiveness in programs sponsored by the Federal government.

MISSION-BASED BUDGETING

As part of the Subcommittee's review of budgeting procedures and performance measurement within the Department of Homeland Security, the Subcommittee held a hearing on June 29, 2005, entitled "Transforming the Department of Homeland Security Through Mission-based Budgeting." This hearing examined the need for budget allocations and financial statements of the Department of Homeland Security to correspond with and identify spending related to each of the Department's core mission areas. The Subcommittee received testimony from Hon. David M. Walker, Comptroller General of the United States, Government Accountability Office; Hon. Maurice P. McTigue, Distinguished Visiting Fellow and Director, Government Accountability Project, Mercatus Center, George Mason University; Mr. Jonathan B. Breul, Partner, IBM Business Consulting Services and Senior Fellow, IBM Center for The Business of Government; and Mr. Carl J. Metzger, Director, Government Results Center. At the hearing the Subcommittee heard testimony regarding the potential improvements mission-

based budgeting could bring to the Department, and heard suggestions for linking program performance and effectiveness with budget allocations, and improvements in Departmental integration.

STATE AND LOCAL IMMIGRATION ENFORCEMENT: THE 287(G) PROGRAM

During the 109th Congress, the Subcommittee on Management, Integration, and Oversight examined efforts by State and local law enforcement agencies to assist Immigration and Customs Enforcement with enforcement of Federal immigration laws. Section 133 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (P.L. 104–208) (8 U.S.C. 1357(g) and 287(g)), provides State and local officers with specific immigration enforcement authority. Under the 287(g) Program, as it is commonly known, States or localities voluntarily enter into a Memorandum of Understanding with the Secretary of Homeland Security under which local or State officers are trained as immigration specialists. The State and local police officers are essentially "deputized" as immigration officers after undergoing intensive special training by Immigration and Customs Enforcement. The Subcommittee found that State and local police officers are often in the best position to come into contact with alien terrorists who may be operating in the United States, and their efforts to identify criminal and possible terrorist aliens can serve as a force multiplier for current Federal homeland security efforts.

On July 27, 2005, the Subcommittee held a hearing entitled "The 287(g) Program: Ensuring the Integrity of America's Border Security System through Federal-State Partnerships" to examine the Department of Homeland Security's efforts to support and promote use of the 287(g) Program. The Subcommittee received testimony from Mr. Paul M. Kilcoyne, Deputy Assistant Director, Office of Investigations, Immigration and Customs Enforcement, Department of Homeland Security; Mr. Mark F. Dubina, Special Agent Supervisor, Tampa Bay Regional Operations Center, Florida Department of Law Enforcement, Regional Domestic Security Task Force Supervisor; Major Charles E. Andrews, Chief, Administrative Division, Alabama Department of Public Safety; Dr. Kris W. Kobach, Professor, University of Missouri-Kansas City School of Law; and Chief Jimmy R. Fawcett, Sixth Vice President, International Association of Chiefs of Police. The witnesses representing law enforcement agencies from the States of Florida and Alabama (the only two States participating in the 287(g) Program), testified about the success of the program in their respective States. The Departmental witnesses testified about the challenges for further expansion of the 287(g) Program because of the lack of Federal resources to support its training efforts.

Due in part to the Subcommittee's oversight efforts illustrating the need to provide Federal funding for support and further expansion of the 287(g) Program, the FY 2006 Department of Homeland Security Appropriations Act (P.L. 109–90) provided $5 million to Immigration and Customs Enforcement to support its training efforts for the 287(g) Program. The Department's FY 2007 Appropriations Act (P.L. 109–295) provides $5.4 million for the continued expansion of the 287(g) Program due to the widespread interest from

numerous State and local law enforcement agencies across the United States.

CANINE DETECTION TEAMS

During the 109th Congress, the Subcommittee closely reviewed the Department of Homeland Security's supply and use of canine detection teams to secure the homeland. On September 28, 2005, the Subcommittee received a Member briefing and demonstration on canine detection teams used by Customs and Border Protection (CBP), the Transportation Security Administration, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The Subcommittee, on that same day, also held a hearing entitled "Sniffing Out Terrorism: The Use of Dogs in Homeland Security." The Subcommittee received testimony from Mr. Lee Titus, Director of Canine Programs, Customs and Border Protection, Department of Homeland Security; Mr. David Kontny, Director, National Explosives Detection Canine Team Program, Transportation Security Administration, Department of Homeland Security; Special Agent Terry Bohan, Chief, National Canine Training and Operations Support Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice; Chief Ralph Eugene Wilson, Jr., Chief of Police, Metropolitan Atlanta Rapid Transit Authority (MARTA); Dr. C. Michael Moriarty, Associate Provost and Vice President for Research, Auburn University; and Ms. Terri Recknor, President, Garrison and Sloan Canine Detection. This hearing discussed the unique role canines play in helping Federal, State, and local law enforcement officials fulfill their security missions. Witnesses discussed how canine detection teams are trained, deployed, and funded, as well as the lack of standardization for training and certification purposes.

The Subcommittee Chairman and Staff made several visits to canine training programs, including the canine training programs of the ATF, and CBP, both located in Front Royal, Virginia, on March 23, 2006. In addition, on August 17, 2006, they also visited the Transportation Security Administration's National Explosives Detection Canine Team Program located at Lackland Air Force Base in San Antonio, Texas.

This resulted on February 9, 2006, with the introduction of H.R. 4285, the "Detection Canine Augmentation Act of 2005." On March 14, 2006, the Subcommittee Chairman and Ranking Member introduced H.R. 4958, the "Canine Detection Team Augmentation and Certification Act of 2006," which expands upon H.R. 4285 by requiring the establishment of a Homeland Security Canine Detection Accreditation Board. As part of its continuing oversight of canine detection training, including canine breeding programs and procurement of untrained canines, the Subcommittee Chairman sent a letter to CBP on April 27, 2006, requesting more information on the announcement of a new contract for the procurement of untrained canines. In response to this letter, senior officials from CBP met with the Subcommittee Chairman to discuss the contract on May 10, 2006.

Sections of H.R. 4985 were included in H.R. 5814, the Full Committee's authorization bill for the Department of Homeland Secu-

rity for Fiscal Year 2007. See discussion of H.R. 5814 listed under Full Committee legislation.

DEPARTMENT OF HOMELAND SECURITY REORGANIZATION

As part of the Committee's oversight of the effectiveness of the Department of Homeland Security's organizational structure, the Subcommittee held a hearing on October 27, 2005, entitled "The Department of Homeland Security Second-Stage Review: The Role of the Chief Medical Officer." This hearing examined the reorganization of the Department proposed by the Secretary of Homeland Security, with particular focus on the creation of a Chief Medical Officer. Testimony was received from Dr. Jeffrey W. Runge, Chief Medical Officer, Department of Homeland Security; Mr. Timothy Moore, Director of Federal Programs, National Agricultural Biosecurity Center, Kansas State University; Dr. Jeffrey A. Lowell, Professor of Surgery and Pediatrics, Washington University School of Medicine; and Mr. David Heyman, Director and Senior Fellow, Homeland Security Program, Center for Strategic and International Studies. The Subcommittee scrutinized the role of the new Chief Medical Officer and the role in planning for a pandemic, such as avian influenza.

HUMAN SMUGGLING AND TRAFFICKING CENTER

The Subcommittee examined the interagency implementation of section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004—also referred to as the 9/11 Reform Act (P.L. 108–458) which statutorily authorized establishment of the Human Smuggling and Trafficking Center (HSTC). Congress intended for the HSTC to fulfill the recommendation of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) to focus the Federal Government's counterterrorism efforts on combating terrorist travel. On March 9, 2006, the Subcommittee on Management, Integration, and Oversight held a hearing entitled "The 9/11 Reform Act: Examining the Implementation of the Human Smuggling and Trafficking Center." The Subcommittee received testimony from Mr. John Clark, Deputy Assistant Secretary, Immigration and Customs Enforcement, Department of Homeland Security; Mr. Chris Swecker, Acting Executive Assistant Director of Law Enforcement Services, Department of Justice; and Mr. Marc Gorelick, Acting Director, Human Smuggling and Trafficking Center, Department of State.

The hearing examined whether HSTC is fulfilling its statutory mission by: serving as the focal point for interagency efforts to address terrorist travel; serving as a clearinghouse in support of the United States strategy to prevent separate, but related issues of clandestine terrorist travel and facilitation of migrant smuggling and trafficking in persons; ensuring cooperation among all relevant policy, law enforcement, diplomatic, and intelligence agencies of the Federal Government to improve effectiveness; and ensuring that all information available to the Federal Government relating to clandestine terrorist travel and facilitation, migrant smuggling, and trafficking of persons is converted into tactical, operational, and strategic intelligence that can be used to combat such illegal activities.

The hearing witnesses testified that the HSTC needed more resources and personnel in order to successfully fulfill its mission. As a result, section 508 of H.R. 5814, the Department of Homeland Security Authorization Act for Fiscal Year 2007, entitled "Strengthening the Capabilities of the Human Smuggling and Trafficking Center," improved and strengthened the capabilities of the HSTC.

FINANCIAL MANAGEMENT

Since its creation in March 2003, the Department of Homeland Security has faced a number of management challenges including improving its financial management and consolidating the number of financial systems. Part of the Department's efforts in this regard included a program called eMerge2 to build a single financial system for the Department and its components. To discuss this program and the announcement of its cancellation, the Subcommittee, along with the Subcommittee on Government Management, Finance, and Accountability of the Committee on Government Reform, held a hearing on March 29, 2006, entitled "Department of Homeland Security Information Technology Challenges and the Future of eMerge2." The Subcommittees received testimony from Mr. McCoy Williams, Director, Financial Management and Assurance, Government Accountability Office; Mr. Randy Hite, Director, Information Technology Architecture and Systems, Government Accountability Office; Mr. Eugene Schied, Acting Chief Financial Officer, Department of Homeland Security; and Mr. Scott Charbo, Chief Information Officer, Department of Homeland Security. Witnesses at this hearing discussed why the eMerge2 program was cancelled; the steps being taken to improve financial management and accounting procedures throughout the Department; the steps being taken to implement the requirements of the Department of Homeland Security Financial Accountability Act (Public Law 108–330), for an audit of internal controls; and the steps that should be taken to coordinate the consolidation of financial management systems with information technology.

DEPARTMENTAL TRANSPORTATION SERVICES

As part of its oversight of the procurement process at the Department of Homeland Security, the Subcommittee on Management, Integration, and Oversight conducted an in-depth review of two transportation services contracts involving Shirlington Limousine and Transportation, Inc. Throughout May and June 2006, Subcommittee Staff met with representatives of the Office of Procurement Operations, the Office of Small and Disadvantaged Business Utilization, and the Office of General Counsel of the Department of Homeland Security; the Small Business Administration; the HUBZone Contractors Association; and Shirlington Limousine and Transportation, Inc., a HUBZone business providing shuttle bus and sedan services to the Department of Homeland Security.

On May 10, 2006, the Subcommittee Chairman sent a letter to the Department of Homeland Security's Chief Procurement Officer requesting information on the contract with Shirlington Limousine, along with information on other contract and bid procedures. The Subcommittee Chairman and Ranking Member subsequently sent letters to the Department's Chief Procurement Officer, the Sec-

retary of Homeland Security, and the President of Shirlington Limousine requesting further information. In response to these requests, the Department and Shirlington Limousine provided information regarding the procurement process for these contracts, contract documents, and other information concerning the contract.

On June 15, 2006, the Subcommittee held a hearing, entitled "An Examination of the Department of Homeland Security's Procurement Process Regarding its Contracts with Shirlington Limousine and Transportation, Inc." This hearing built upon the results of the Subcommittee's review and examined the need for a transportation services contract and how these services were procured. The Subcommittee received testimony from Ms. Elaine C. Duke, Chief Procurement Officer, Department of Homeland Security; Mr. Kevin Boshears, Director, Office of Small and Disadvantaged Business Utilization, Department of Homeland Security; and Mr. Calvin Jenkins, Deputy to the Associate Deputy Administrator, Small Business Administration. At the hearing, witnesses discussed the Department's procurement process, the method by which contracts are set-aside for small and disadvantaged businesses, and allegations of fraud involving Shirlington Limousine and Transportation, Inc., and procurement officials.

By letter of June 29, 2006, the Subcommittee Chairman and Ranking Member officially transmitted the Subcommittee's findings to the Inspector General of the Department of Homeland Security for further review. The Inspector General of the Department of Homeland Security responded by letter on September 8, 2006, stating that the investigation into the Shirlington Limousine contract was ongoing and upon completion, Subcommittee Staff would be briefed on all findings therein.

As a result of these efforts, the Committee included provisions to improve procurement processes and increase general oversight of acquisitions within the Department in Title III of H.R. 5814, the Department of Homeland Security Authorization Act for Fiscal Year 2007. H.R. 5814 was reported by the Full Committee in November 2006.

Due to the oversight efforts of the Subcommittee, the Department of Homeland Security is presently collecting proposals from small businesses to issue a new contract that will replace the services offered by Shirlington Limousine. The Department released a Request for Information on June 23, 2006, to receive information from businesses able to provide services similar to those offered by Shirlington Limousine. The Department's Request for Proposal was posted on November 20, 2006, to obtain actual proposals from small businesses.

HUMAN CAPITAL CHALLENGES

Throughout the 109th Congress, the Subcommittee has closely monitored the Department of Homeland Security's efforts to strengthen its management and administration, with a particular focus on the chief operating officers, such as the Chief Financial Officer, the Chief Procurement Officer, and the Chief Human Capital Officer. On May 18, 2006, the Subcommittee on Management, Integration, and Oversight held a hearing entitled "Retention, Security Clearances, Morale, and Other Human Capital Challenges Facing

the Department of Homeland Security." The Subcommittee received testimony from Mr. K. Gregg Prillaman, Chief Human Capital Officer, Department of Homeland Security; Mr. Dwight Williams, Director, Office of Security, Department of Homeland Security; Ms. Kathy L. Dillaman, Associate Director, Federal Investigations Processing Center, Office of Personnel Management; Mr. John Gage, National President, American Federation of Government Employees; Ms. Colleen M. Kelley, President, National Treasury Employees Union; and Professor Charles Tiefer, Professor of Law, University of Baltimore School of Law. This hearing examined the human capital challenges facing the Department, including the implementation of the new personnel system, known as MaxHR; employee morale and retention; and the impact of vacancies in senior positions throughout the Department. This hearing also addressed the Department's policies and procedures regarding security clearances, and the Department's actions after it was learned that a senior Department official with a security clearance who misused his identification credentials and office computer faced criminal charges.

SUPPORT FOR ANTI-TERRORISM BY FOSTERING EFFECTIVE TECHNOLOGIES (SAFETY) ACT OF 2002

As part of its general oversight activities of the Department of Homeland Security's Office of Procurement, the Subcommittee on Management, Integration, and Oversight examined the implementation of the "Support Anti-terrorism by Fostering Effective Technology Act" (SAFETY Act) (P.L. 107–296). The SAFETY Act provides limited liability from claims arising out of acts of terrorism for sellers of qualified anti-terrorism technologies. Through hearings, briefings, and meetings, the Subcommittee focused on the Department's implementation of the SAFETY Act, including: burdens in the application process; confidentiality of information; general program awareness; effectiveness of liability protections against legal action; option for expedited review; and the Department's coordination of the SAFETY Act's implementation with procurement.

On September 13, 2006, the Subcommittee on Management, Integration, and Oversight and the Subcommittee on Emergency Preparedness, Science, and Technologies held a joint hearing entitled "Helping Business Protect the Homeland: Is the Department of Homeland Security Effectively Implementing the SAFETY Act?" The Subcommittees received testimony from Hon. Jay Cohen, Undersecretary for Science and Technology, Department of Homeland Security; Ms. Elaine C. Duke, Chief Procurement Officer, Department of Homeland Security; Mr. Andrew Howell, Vice President, Homeland Security Policy Division, Chamber of Commerce; Mr. Michael M. Meldon, Executive Director, Homeland Security and Defense Business Council; Mr. Stan Z. Soloway, President, Professional Services Council; and Brian E. Finch, Esq., Dickstein Shapiro, LLP.

The Subcommittee's oversight in this area contributed to the Department's decision to revamp its implementation of the SAFETY Act by updating the application process, ensuring that the certification process is consistent with existing procurement processes, and minimizing the burdens imposed on businesses so that liability

is not an impediment to developing and deploying anti-terrorism technologies for Federal, State, and local homeland security programs and personnel.

In addition, the Subcommittee's oversight in this area supported the development of provisions to streamline the SAFETY Act application process in Section 303 of H.R. 5814, the Department of Homeland Security Authorization Act for Fiscal Year 2007. H.R. 5814 was reported by the Full Committee in November 2006. See discussion of H.R. 5814 listed above.

SUBCOMMITTEE ON MANAGEMENT, INTEGRATION, AND OVERSIGHT
HEARINGS HELD

CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests? Hearing held March 9, 2006. Serial No. 109–4.

The Need to Strengthen Information Security at the Department of Homeland Security. Hearing held April 14, 2005. Serial No. 109–9.

Management Challenges Facing the Department of Homeland Security. Hearing held April 20, 2005. Serial No. 109–12.

Training More Border Agents: How the Department of Homeland Security Can Increase Training Capacity Most Effectively. May 24, 2005. Serial No. 109–15.

Mismanagement of the Border Surveillance System and Lessons for the New America's Shield Initiative. Hearing held June 16, 2005. Serial No. 109–21.

The National Training Program: Is Anti-Terrorism Training for First Responders Effective, Efficient, and Coordinated? Joint hearing with the Subcommittee on Emergency Preparedness, Science, and Technology June 23, 2005. Serial No. 109–25.

Transforming the Department of Homeland Security Through Mission-based Budgeting. Hearing held June 29, 2005. Serial No. 109–28.

The 287(g) Program: Ensuring the Integrity of America's Border Security System through Federal-State Partnerships. Hearing held July 27, 2005. Serial No. 109–36.

Sniffing Out Terrorism: The Use of Dogs in Homeland Security. Hearing held September 28, 2005. Serial No. 109–42.

The Department of Homeland Security Second-Stage Review: The Role of the Chief Medical Officer. Hearing held October 27, 2005. Serial No. 109–51.

CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests? Part 2. Hearing held November 15, 2005. Serial No. 109–57.

Mismanagement of the Border Surveillance System and Lessons for the New Secure Border Initiative. Hearing held December 16, 2005, and February 16, 2006. Serial No. 109–21.

The 9/11 Reform Act: Examining the Implementation of the Human Smuggling and Trafficking Center. Hearing Held March 8, 2006. Serial No. 109–68.

Department of Homeland Security Information Technology Challenges and the Future of eMerge2. Joint hearing with the Subcommittee on Government Management, Finance, and Accountability of the Committee on Government Reform held March 29,

2006. Serial No. 109–70. (Printed by the Committee on Government Reform).

CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests? Part 3. Hearing held May 11, 2006. Serial No. 109–57.

Retention, Security Clearances, Morale, and Other Human Capital Challenges Facing the Department of Homeland Security. Hearing held May 18, 2006. Serial No. 109–78.

An Examination of the Department of Homeland Security's Procurement Process Regarding Shirlington Limousine and Transportation, Inc. Hearing held June 15, 2006. Serial No. 109–84.

An Examination of Federal 9/11 Assistance to New York: Lessons Learned in Fraud Detection, Prevention, and Control. Hearings held July 12 and 13, 2006. Serial No. 109–91.

Helping Business Protect the Homeland: Is the Department of Homeland Security Effectively Implementing the SAFETY Act? Joint hearing with the Subcommittee on Emergency Preparedness, Science, and Technology held September 13, 2006. Serial No. 109–100.

The Secure Border Initiative: Ensuring Effective Implementation and Financial Accountability of SBInet. Hearing held November 15, 2006. Serial No. 109–108.

SUBCOMMITTEE ON MANAGEMENT, INTEGRATION, AND OVERSIGHT MARKUP HELD

Committee Print entitled "Department of Homeland Security Management and Operations Improvement Act of 2006."; was favorably forwarded to the Full Committee for consideration, amended, by voice vote. March 15, 2006.

SUBCOMMITTEE ON MANAGEMENT, INTEGRATION, AND OVERSIGHT BRIEFINGS AND SITE VISITS HELD

Member Briefing on canine detection capabilities. September 27, 2005.

Site Visit to the Federal Law Enforcement Training Center (FLETC), Artesia, New Mexico. August 16, 2006.

Site Visit to the Transportation Security Administration (TSA) detection canine training facility at Lackland Air Force Base, San Antonio, Texas. August 17, 2006.

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, SCIENCE, AND TECHNOLOGY

DAVID G. REICHERT, Washington, *Chairman*

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CURT WELDON, Pennsylvania
ROB SIMMONS, Connecticut
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CHARLIE DENT, Pennsylvania
GINNY BROWN-WAITE, Florida
PETER T. KING, New York (Ex Officio)

BILL PASCRELL, Jr., New Jersey
LORETTA SANCHEZ, California
NORMAN D. DICKS, Washington
JANE HARMAN, California
NITA M. LOWEY, New York
ELEANOR HOLMES NORTON, District of Columbia
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BOB ETHERIDGE, North Carolina
BENNIE G. THOMPSON, Mississippi (Ex Officio)

Jurisdiction: Preparedness for and collective response to terrorism, including federal support to first responders; terrorism-related incident management and response; consequence mitigation; Department of Homeland Security-administered homeland security grants to first responders; conduct and coordination of exercises and training relating to mitigating the effects of and responding to terrorist attacks (including nuclear, biological, radiological, and chemical attacks on civilian populations); federal government coordination of terrorism-related emergency preparedness and response with and among state and local governments, the private sector, and the public; research, development and deployment of technology for combating terrorism; adaptation of existing technologies to homeland security prevention priorities; coordination and enhancement of Department of Homeland Security interaction on science and technology matters with the private sector, federally funded research and development centers, educational institutions, the National Laboratories, and other scientific resources; Department of Homeland Security-based science and technology entities and initiatives; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

The Subcommittee on Emergency Preparedness, Science, and Technology actively conducted oversight on a wide range of issues through public hearings, briefings, and meetings during the 109th Congress. The Subcommittee held 15 hearings on emergency preparedness and response issues, leading to the introduction and/or enactment of legislation enhancing public safety emergency communications, reforming the Department of Homeland Security's (DHS) Directorate of Preparedness and Federal Emergency Management Agency, and revising Federal homeland security assistance for first responders. The Subcommittee held 7 hearings on science and technology issues, leading to the introduction and/or passage of legislation reforming the Department's Directorate of Science and Technology (S&T). Members and Staff also met on a frequent basis with emergency response providers, academic experts, industry representatives, non-governmental organizations, in addition to officials from DHS, other Federal departments and agencies, and State, local, and tribal governments across the country. These hearings, briefings, and meeting were central to the Subcommittee's legislative and oversight activities, which focused on the following topics: (1) reforming first responder grant programs to make them "faster and smarter"; (2) preparedness and planning for and response to catastrophic incidents, whether man-

made or natural; (3) public safety emergency communications; (4) the mission and management of the S&T Directorate; (5) research, development, testing, and evaluation of homeland security technologies; and (6) the transfer of homeland security technology between the Department, industry, and other domestic and international partners in the global war on terrorism.

LEGISLATIVE ACTIVITIES OF THE SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, SCIENCE, AND TECHNOLOGY

FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT OF 2005

H.R. 1544

To provide faster and smarter funding for first responders, and for other purposes.

Summary

H.R. 1544, the "Faster and Smarter Funding for First Responders Act of 2005," reforms the manner in which the Department of Homeland Security issues Federal grants to enhance the ability of States, local governments, regions, Indian tribes, and first responders to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism. H.R. 1544 does not create a new grant program. Rather, it establishes a common set of rules for three of the Department's existing terrorism preparedness grant programs—the State Homeland Security Grant Program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program.

At its most fundamental level, H.R. 1544 is designed to expedite the delivery of Federal terrorism preparedness assistance to first responders where it is needed most and, at the same time, end undisciplined homeland security spending. It does so by: (1) requiring States, territories, regions, localities, Indian tribes, and first responders to decide how to spend their terrorism preparedness grant funding before they submit their applications; (2) allocating grant awards to States, territories, regions, and directly eligible tribes based on an assessment of risk and need; (3) ensuring that grant recipients use their awards to achieve, maintain, and enhance clear and measurable essential capabilities, and providing a substantial role for State and local governments and first responders in determining such capabilities; (4) requiring and providing incentives to States to pass through their awarded funds to localities within tight time-frames and penalizing States that fail to do so; (5) requiring States to prioritize their allocation of Federal anti-terrorism grants to address their greatest threats, vulnerabilities, and consequences; and (6) holding grant recipients accountable for how they spend their Federal terrorism preparedness funds.

Legislative History

H.R. 1544 was introduced on April 12, 2005, by Mr. Cox, Mr. Thompson of Mississippi, and all 34 Members of the Committee on Homeland Security. The bill was referred solely to the Committee on Homeland Security.

Prior to introduction, on April 12, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held an over-

sight hearing entitled "The Need for Grant Reform and The Faster and Smarter Funding for First Responders Act of 2005." The Subcommittee received testimony from Mr. J. Richard Berman, Assistant Inspector General for Audits, Office of Inspector General, Department of Homeland Security; William O. Jenkins, Jr., Ph.D., Director, Homeland Security and Justice Issues, Government Accountability Office; Veronique de Rugy, Ph.D., Fellow, American Enterprise Institute; Hon. Bryan E. Beatty, Secretary, North Carolina Department of Crime Control and Public Safety; Mr. Michael Chapman, Director, Missouri Office of Homeland Security; and Mr. David L. Miller, Administrator, Iowa Homeland Security and Emergency Management Division.

On April 14, 2005, the Committee on Homeland Security held an oversight hearing entitled "Grant Reform: The Faster and Smarter Funding for First Responders Act of 2005." The Committee received testimony from Hon. Lee H. Hamilton, Vice Chair, National Commission on Terrorist Attacks Upon the United States; Ms. Mary Fetchet, Founding Director, Voices of September 11; Inspector Louis P. Cannon, testifying on behalf of the National Fraternal Order of Police; Chief Gregg Lord, Director, National Association of Emergency Medial Technicians, Division Chief—EMS, Cherokee County Fire-Emergency Services; and Mr. Kevin B. O'Connor, Associate to the General President, International Association of Fire Fighters.

On April 19, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology considered H.R. 1544, and ordered the measure favorably reported to the Full Committee for consideration, amended, by voice vote.

The Chairman of the Committee on the Judiciary sent a letter to the Speaker of the House on April 19, 2005, requesting a sequential referral of H.R. 1544 to the Committee on the Judiciary.

On April 21, 2005, the Full Committee considered H.R. 1544 and ordered the bill be reported to the House, favorably, amended, by voice vote.

The Chairman of the Committee on Transportation and Infrastructure sent a letter to the Chairman of the Committee on Homeland Security on April 25, 2005, agreeing to not seek a sequential referral of H.R. 1544. That same day, the Chairman of the Committee on Science sent a letter to the Chairman of the Committee on Homeland Security indicating that although section 1807 of the bill as reported falls within the jurisdiction of the Committee on Science, the Committee would waive its right to consider the bill in order to expedite consideration on the House Floor.

On April 28, 2005, the Committee on Homeland Security reported H.R. 1544 to the House as H. Rpt. 109–65.

The Chairman of the Committee on Homeland Security sent letters to the Chairman of the Committee on Energy and Commerce and the Chairman of the Committee on Science on April 29, 2005, agreeing to support the appointment of Conferees from the Committee should a House-Senate Conference arise.

On May 10, 2005, the Committee on Rules met and granted a Rule providing for the consideration of H.R. 1544, the Rule was filed in the House as H. Res. 269 (H. Rpt. 109–77). The House considered H. Res. 269 on May 12, 2005, and agreed to the Rule by

voice vote. The House then considered H.R. 1544 on May 12, 2005, and passed the bill, amended, by a recorded vote of 409 yeas and 10 nays.

H.R. 1544 was received in the Senate, read twice, and referred to the Senate Committee on Homeland Security and Governmental Affairs on May 12, 2005.

On July 21, 2005, the text of H.R. 1544 was offered as an amendment on the House Floor during consideration of H.R. 3199 and included as section 128 of the House-passed bill. During the House-Senate Conference on H.R. 3199, section 128 was removed. See discussion of H.R. 3199 listed above.

PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION ACT

H.R. 4942

To establish a capability and office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments.

Summary

H.R. 4942, the "Promoting Antiterrorism Capabilities Through International Cooperation Act," is intended to stimulate, promote, and support cooperation between the United States and its allies in the Global War on Terrorism on research, development, testing, and evaluation of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism. Specifically, H.R. 4942 directs the Under Secretary for Science and Technology of the Department of Homeland Security to establish a Science and Technology Homeland Security International Cooperative Programs Office to facilitate international cooperative activities, such as international homeland security technology workshops and conferences and joint ventures between public and private sector entities within the United States and those of our allies with technological expertise in combating terrorism. At its most fundamental level, H.R. 4942 is designed to expedite the deployment of safe and effective homeland security technologies to first responders and others in need.

Legislative History

H.R. 4942 was introduced on March 14, 2006, by Mr. King of New York, Mr. Thompson of Mississippi, Mr. Reichert, and Mr. Pascrell, and referred solely to the Committee on Homeland Security. Within the Committee the bill was referred to the Subcommittee on Emergency Preparedness, Science, and Technology.

On March 15, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology considered H.R. 4942 and ordered the measure favorably forwarded to the Full Committee for consideration, without amendment, by voice vote. The Full Committee

considered H.R. 4942 on June 14, 2006, and ordered H.R. 4942 reported to the House, amended, by voice vote.

The Chairman of the Committee on Science sent a letter to the Chairman of the Committee on Homeland Security on September 21, 2006, agreeing that, in order to expedite consideration of H.R. 4942 on the House Floor, the Committee on Science would not seek a sequential referral of the measure.

The Chairman of the Committee on Homeland Security acknowledges this agreement with the Chairman of the Committee on Science on September 22, 2006.

The Committee on Homeland Security reported H.R. 4942 to the House on September 25, 2006 (H. Rpt. 109–674).

The House agreed to suspend the Rules and pass H.R. 4942 on September 26, 2006, by voice vote. H.R. 4942 was received in the Senate on September 27, 2006, and on November 13, 2006, was referred to the Senate Committee on Homeland Security and Governmental Affairs.

HOMELAND SECURITY SCIENCE AND TECHNOLOGY ENHANCEMENT ACT OF 2006

H.R. 4941 (H.R. 3270)

To reform the science and technology programs and activities of the Department of Homeland Security, and for other purposes.

Summary

H.R. 4941, the "Homeland Security Science and Technology Enhancement Act of 2006," is intended to enhance the ability of the Department of Homeland Security's Directorate of Science and Technology to develop and disseminate technologies that will help our Nation's emergency response providers and other "end-users" prevent, prepare for, respond to, recover from, and mitigate against acts of terrorism and other emergencies. Among other things, this bill directs the Secretary of Homeland Security, acting through the Under Secretary for Science and Technology, to: develop a strategic plan for the Department's science and technology activities; support the development, promulgation, and updating of national voluntary consensus standards for equipment and training for emergency response providers and components of the Department; establish a technology development and transfer program to facilitate the identification, modification, and commercialization of promising homeland security technologies and equipment; establish a regional technology integration program to facilitate the transition of innovative technologies and operational concepts to urban and other high risk areas; support research and development, including fundamental, long-term research, in cybersecurity; and report to Congress on how the Department will consider privacy and civil rights and civil liberties issues in conducting its activities. H.R. 4941 provides the Department with additional legislative guidance to support its mission of ensuring that our Nation possesses the technology necessary to handle catastrophic incidents, especially those involving chemical, biological, radiological, nuclear, and explosive weapons.

Legislative History

H.R. 4941 was introduced on March 14, 2006, by Mr. Reichert and Mr. Pascrell and referred solely to the Committee on Homeland Security. Within the Committee on Homeland Security, H.R. 4941 was referred to the Subcommittee on Emergency Preparedness, Science, and Technology.

The Subcommittee on Emergency Preparedness, Science, and Technology considered H.R. 4941 on March 15, 2006, and forwarded the measure to the Full Committee, with a favorable recommendation, amended, by voice vote.

The Committee on Homeland Security met to consider H.R. 4941 on June 14, 2006, and ordered the measure reported to the House, amended, by voice vote.

Provisions of H.R. 3270 relating to rail security research and development were included in H.R. 4941 during the Full Committee consideration of that measure in section 14.

The Committee on Homeland Security reported H.R. 4941 to the House on December 8, 2006, as H. Rpt. 109–729, Pt. I.

OVERSIGHT ACTIVITIES OF THE SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, SCIENCE, AND TECHNOLOGY

FISCAL YEAR 2006 AND 2007 BUDGET REVIEW

The Subcommittee examined the Administration's proposed budget requests for Fiscal Years (FY) 2006 and 2007 for the Department of Homeland Security's Directorates of Preparedness and Science and Technology (S&T), the Office of State and Local Government Coordination and Preparedness (OSLGCP), and the Federal Emergency Management Agency (FEMA), through various briefings and hearings.

On Thursday, February 10, 2005, the Subcommittee held a hearing entitled "The Proposed Fiscal Year 2006 Budget: Enhancing Terrorism Preparedness for First Responders." The Subcommittee received testimony from Hon. Penrose "Parney" Albright, Ph.D., Assistant Secretary, S&T Directorate, Department of Homeland Security; Mr. Matt A. Mayer, Acting Executive Director, OSLGCP, Department of Homeland Security; and General Dennis Reimer (Ret.), Director, National Memorial Institute for the Prevention of Terrorism. The hearing reviewed the Administration's proposed budget plans and authorization needs for OSLGCP and the S&T Directorate with respect to enhancing terrorism preparedness for first responders and State, local, and tribal governments. The hearing also examined the evolving programmatic relationship between OSLGCP and the S&T Directorate and the homeland security assistance programs administered by OSLGCP.

On March 8, 2006, the Subcommittee held a hearing entitled "The Proposed Fiscal Year 2007 Budget: Enhancing Preparedness for First Responders." The Subcommittee received testimony from Hon. George W. Foresman, Under Secretary for Preparedness, Department of Homeland Security. The hearing reviewed the Administration's proposed FY 2007 budget plans and authorization needs for the Directorate of Preparedness. The hearing also examined the organization and structure of the Directorate, which the Department established in October 2005 by consolidating and realigning

its preparedness activities and programs, and the nature of its relationship with FEMA.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND HURRICANES KATRINA AND RITA

In the aftermath of Hurricanes Katrina and Rita in August and October 2005, the Subcommittee held numerous hearings, briefings, and meetings to examine the response by Federal, State and local governments, with particular emphasis on the actions of the Federal Emergency Management Agency (FEMA), to the devastation caused to the Nation's Gulf Coast. The Subcommittee dedicated considerable effort to discern the lessons learned from Hurricanes Katrina and Rita and to identifying the obstacles that impeded our Nation's ability to respond more effectively.

On October 30, 2005, the Subcommittee conducted a site visit to Houston and Beaumont, Texas to examine the Federal, State, and local preparations for and response to Hurricane Rita. Members received an aerial tour of affected areas in eastern Texas and western Louisiana and discussed a variety of issues with Federal, State, and local officials, the private sector, and other stakeholders, including the effectiveness of the mass evacuation of the Galveston and Houston metropolitan areas; incident command, control, and communications; and the relationship between all levels of Government.

On February 6, 2006, the Chairman and Ranking Member of the Full Committee, and the Chairman and Ranking Member of the Subcommittee on Emergency Preparedness, Science, and Technology sent a letter to the Secretary of Homeland Security requesting that the Department adequately consult the Committee prior to implementation of any proposed plans to reorganize FEMA. In response, on June 14, 2006, the Subcommittee hosted a Member only briefing for the Members of the Full Committee on Homeland Security on the Department of Homeland Security's preparations for hurricane season and reforms to FEMA. Senior officials from FEMA briefed the Members on changes to FEMA's response teams, command structure, logistics capabilities, and assistance programs.

The Subcommittee's efforts led to the development of H.R. 5351, the "National Emergency Management Reform and Enhancement Act," comprehensive legislation to enhance the ability of our Nation to address the full range of potential catastrophic incidents, whether man-made or natural. Authored by the Subcommittee and unanimously reported by the Full Committee in May 2006, H.R. 5351 was one of three bills that formed the basis for FEMA reform in Title VI of H.R. 5441, the "FY 2007, Department of Homeland Security Appropriations Act," which was enacted into law in October 2006 (P.L. 109–295).

EMERGENCY COMMUNICATIONS

As part of the Subcommittee's oversight of emergency preparedness and response issues during the 109th Congress, the Subcommittee held a series of hearings as well as numerous briefings and meetings on Federal, State, and local efforts to ensure that first responders and government officials are able to communicate effectively in the event of acts of terrorism, natural disasters, and

other emergencies. These hearings and briefings examined a number of issues critical to emergency communications including: the complexities and challenges involved in achieving and maintaining interoperable emergency communications; the status of the Federal Government's efforts to address the vulnerabilities of our Nation's wired, wireless, and broadcast communications infrastructure; the steps that the Federal government is taking to assist State, local, and tribal governments in establishing and maintaining incident command and control when communications are severely disrupted; what research and development programs the Department of Homeland Security has established to investigate promising technological solutions; the level of coordination between the Department and other Federal departments and agencies charged with ensuring communications capabilities, such as the Departments of Commerce, Defense, and Justice and the Federal Communications Commission; and potential solutions for solving this longstanding problem.

On October 26, 2005, the Subcommittee held a hearing entitled "Ensuring Operability During Catastrophic Events." The Subcommittee received testimony from Hon. Mark Rey, Under Secretary, Natural Resources and Environment, Department of Agriculture; Dr. David Boyd, Director, SAFECOM, Office of Interoperability and Communications, Department of Homeland Security; Dr. Peter Fonash, Deputy Manager, National Communications System, Department of Homeland Security; Mr. Ken Moran, Director, Office of Homeland Security, Enforcement Bureau, Federal Communications Commission; and Dr. Linton Wells II, Acting Assistant Secretary, Networks and Information Integration and Chief Information Officer, Department of Defense.

The Subcommittee held a series of hearings to receive perspectives of different constituencies on the state of interoperable communications. On February 15, 2006, the Subcommittee held a hearing entitled "The State of Interoperable Communications: Perspectives from the Field." The Subcommittee received testimony from Trooper Casey L. Perry, Wisconsin State Patrol, Chairman, National Troopers Coalition; Mr. Tim Bradley, Senior Deputy State Fire Marshal, North Carolina Office of State Fire Marshal, National Volunteer Fire Council; Ms. Diane Linderman, Director-at-Large, Public Works Management/Leadership, American Public Works Association; Mr. William Moroney, President and Chief Executive Office, United Telecom Council; and Dr. William W. Pinsky, Executive Vice President & Chief Academic Officer, Ochsner Clinic Foundation, American Hospital Association.

On March 1, 2006, the Subcommittee held a hearing entitled "The State of Interoperable Communications: Perspectives from State and Local Governments." The Subcommittee received testimony from Hon. Robert Drake, Mayor, Beaverton, Oregon, testifying on behalf of National League of Cities; Hon. Gino Menchini, Commissioner, Department of Information Technology and Telecommunications, City of New York, State of New York; Chief Charles Werner, Charlottesville Fire Department, Commonwealth of Virginia, testifying on behalf of Virginia's Statewide Interoperability Executive Committee; and Mr. Steve Proctor, Executive Di-

rector, The Utah Communications Agency Network testifying on behalf of Association of Public-Safety Communications Officials.

On April 25, 2006, the Subcommittee held a hearing entitled "The State of Interoperable Communications: Perspectives on Federal Coordination of Grants, Standards, and Technology." The Subcommittee received testimony from Hon. Tracy A. Henke, Assistant Secretary, Office of Grants and Training, Directorate of Preparedness, Department of Homeland Security; Dr. David G. Boyd, Director, Office for Interoperability and Compatibility, Directorate of Science and Technology, Department of Homeland Security; Mr. Kenneth P. Moran, Director, Office of Homeland Security, Federal Communications Commission; Mr. Carl Peed, Executive Director, Office of Community Oriented Policing Services (COPS), Department of Justice; Mr. John Morgan, Assistant Director for Science and Technology, National Institute of Justice, Department of Justice; Mr. Dereck Orr, Program Manager, Public Safety Communications Systems, National Institute of Standards and Technology; Mr. James Gass, Deputy Director, National Memorial Institute for the Prevention of Terrorism; and Mr. Bruce Walker, Chairman, Subcommittee on Government Affairs, Homeland Security and Defense Business Council.

The Subcommittee's oversight in this area led to the development and subsequent enactment of legislation to enhance the ability of our Nation's first responders to communicate with each other on demand, in real time, during catastrophic incidents, whether manmade or natural. The record developed by these hearings and briefings, led to the introduction of H.R. 5852, the "21st Century Emergency Communications Act," which passed the House of Representatives in July 2006. This language was also incorporated into Title VI, Subtitle D of H.R. 5441, the "FY 2007, Department of Homeland Security Appropriations Act," which was enacted into law October 2006 (P.L. 109–295).

FEDERAL HOMELAND SECURITY ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST RESPONDERS

As part of the Subcommittee's oversight of first responder issues during the 109th Congress, the Subcommittee 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 highlighted numerous problems with the Department's grant programs including: the need for the Department to allocate terrorism preparedness grants on the basis of risk, not arbitrary or political formulas; the burdensome nature of the application process; the slow rate of spending (i.e., draw-down) of homeland security funding by grant recipients; and the lack of preparedness standards or goals to guide the spending of such funds at the State and local levels of government.

To further investigate the rationale, on April 12, 2005, the Subcommittee held a hearing entitled "The Need for Grant Reform and The Faster and Smarter Funding for First Responders Act of 2005." The Subcommittee received testimony from Mr. J. Richard Berman, Assistant Inspector General for Audits, Office of Inspector

General, Department of Homeland Security; Dr. William O. Jenkins, Jr., PhD., Director, Homeland Security and Justice Issues, Government Accountability Office; Dr. Veronique de Rugy, PhD., Fellow, American Enterprise Institute; Hon. Bryan E. Beatty, Secretary, North Carolina Department of Crime Control and Public Safety; Mr. Michael Chapman, Director, Missouri Office of Homeland Security; and Mr. David L. Miller, Administrator, Iowa Homeland Security and Emergency Management Division. The hearing examined problems with the Department's terrorism preparedness grant programs and potential reforms to enhance their effectiveness, including evaluations of the provisions of H.R. 1544, the "Faster and Smarter Funding for First Responders Act."

On January 6, 2006, representatives from the Department's Preparedness Directorate briefed Subcommittee Staff on the Department's recently released Fiscal Year (FY) 2006 Homeland Security Grant Program guidance and application kit for the Urban Area Security Initiative (UASI), the State Homeland Security Grant Program (SHSGP), and the Law Enforcement Terrorism Prevention Program (LETPP). Based upon the information gathered, the Subcommittee hosted a classified Member briefing on February 8, 2006 on Department's Fiscal Year (FY) 2006 Homeland Security Grant Program guidance and application kit. Senior officials from the Department's Preparedness Directorate, including the Offices of Grants and Training and Infrastructure Protection, discussed numerous dramatic changes to the risk assessment process, application procedures, and funding formula for UASI, SHSGP, and the LETPP.

In April 2006, Subcommittee Staff visited Jackson, Mississippi to meet with State and local officials and first responders to discuss the Department's terrorism preparedness and all hazards grant programs.

On June 7, 2006, the Subcommittee hosted a Full Committee Member briefing on the Department's FY 2006 grant awards to States and urban areas under UASI, SHSGP, and LETPP. Senior officials from the Department's Preparedness Directorate briefed Members on the methodologies and processes used to assess grant applications and determine awards to States and urban areas.

The Subcommittee's oversight in this area supported the development of H.R. 1544, the "Faster and Smarter Funding for First Responders Act," legislation reforming the Department's terrorism preparedness grant programs. This legislation passed the House of Representatives—as a stand alone measure in May 2005, and as an amendment to H.R. 3199, the "USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005" in July 2005—and spurred the Department to make significant changes in how it administers these grant programs and awards funding to State and local governments.

NATIONAL RESPONSE PLAN/INCIDENT MANAGEMENT

As part of the Subcommittee's oversight of emergency preparedness and response issues during the 109th Congress, the Subcommittee reviewed the Department of Homeland Security's implementation and management of the National Response Plan (NRP) and the National Incident Management System (NIMS). Through

numerous hearings, briefings, and meetings, the Subcommittee examined the status of Federal, State and local government efforts to adopt and implement the NIMS; the effectiveness of the NIMS Integration Center as the Department's component with responsibility for administering and maintaining the NRP and NIMS; the comfort of non-fire service first responder disciplines with the Incident Command System; the level and extent of coordination between the Department of Defense (DoD) and the Department of Homeland Security before, during, and after catastrophic events; the DoD's responsibilities under the NRP and whether the NRP, as drafted, sufficiently facilitates military support to civilian authorities; and the ability of the NRP and NIMS to deal with the challenges posed by biological incidents, such as an influenza pandemic.

On September 29, 2005, the Subcommittee held a hearing entitled "Incident Command, Control, and Communications during Catastrophic Events." The Subcommittee received testimony from Mr. Chuck Canterbury, National President, Fraternal Order of Police; Chief William D. "Bill" Killen, President, International Association of Fire Chiefs; Mr. Bob Freudenthal, President, American Public Works Association; Mr. Robert L. Garner, President and CEO, American Ambulance Association; Mr. David E. Liebersbach, Immediate Past President, National Emergency Management Association; and Mark Edward Gebhart, M.D., Assistant Professor of Emergency Medicine, Boonshoft School of Medicine at Wright State University.

The Subcommittee on Emergency Preparedness, Science, and Technology and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a joint briefing, on October 7, 2005, on the Department's Interagency Incident Management Group (IIMG). Representatives from the IIMG provided an overview of the IIMG and its role under the NRP for coordinating the Federal government's response to catastrophic incidents.

On November 9, 2005, the Subcommittee and the Subcommittee on Terrorism, Unconventional Threats and Capabilities of the Committee on Armed Services held a joint hearing entitled "Responding to Catastrophic Events: the Role of the Military and National Guard in Disaster Response." The Subcommittees received testimony from Hon. Michael P. Jackson, Deputy Secretary, Department of Homeland Security; Hon. Paul McHale, Assistant Secretary of Defense, Homeland Defense, Department of Defense; Admiral Thomas H. Collins, Commandant, U.S. Coast Guard, Department of Homeland Security; Major General Richard J. Rowe, Jr., Director of Operations, U.S. Northern Command, Department of Defense; and Lieutenant General H. Steven Blum, Chief, National Guard Bureau, Department of Defense.

From March 22 through 24, 2006, Staff from the Subcommittee and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a joint site visit to U.S. Northern Command, Peterson Air Force Base, Colorado to discuss military support to civil authorities during catastrophic incidents.

On February 8, 2006, the Subcommittee on Emergency Preparedness, Science and Technology and the Subcommittee on Prevention of Nuclear and Biological Attack held a joint hearing entitled "Pro-

tecting the Homeland: Fighting Pandemic Flu From the Front Lines." The Subcommittees received testimony from Dr. Tara O'Toole, Chief Executive Officer and Director, Center for Biosecurity, University of Pittsburgh Medical Center; Hon. David B. Mitchell, Secretary, Department of Safety and Homeland Security, State of Delaware; Ms. Frances B. Phillips, RN, MHA, Health Officer, Anne Arundel County, Maryland Department of Health; Mr. Ernest Blackwelder, Senior Vice President, Business Force, Business Executives for National Security; and Dr. David C. Seaberg, Department of Emergency Medicine, University of Florida.

The Subcommittee's oversight in this area supported the development of provisions of H.R. 5351, the "National Emergency Management Reform and Enhancement Act," which Congress incorporated into H.R. 5441, the "FY 2007, Department of Homeland Security Appropriations Act" (P.L. 109–270).

EMERGENCY PREPAREDNESS AND PLANNING

As part of the Subcommittee's oversight of emergency preparedness and response issues during the 109th Congress, the Subcommittee held several hearings, briefings, and meetings on emergency preparedness and planning at the Federal, State, regional, and local levels of Government. In addition to monitoring the Department's progress in establishing the National Preparedness Goal, the Subcommittee focused on the Department's assessment of catastrophic planning at all levels of government and its work with State and local Governments to strengthen their catastrophic emergency preparedness planning processes.

On June 6, 2005, the Subcommittee held a site visit in New York City, New York to examine the emergency preparedness plans and capabilities of the City of New York. In addition to visiting the World Trade Center site, a fire station, and a municipal counterterrorism facility, Members discussed the city's emergency management and intelligence activities and programs with fire and police officials.

On April 12, 2006, Subcommittee held a field hearing in Orting, Washington, entitled "Emergency Planning and Preparedness: Federal, State, and Local Coordination." The Subcommittee received testimony from Hon. George Foresman, Under Secretary of Preparedness, Department of Homeland Security; Mr. James Mullen, Director, Emergency Management Division, Washington Military Department; Mr. Steven Bailey, Director, Pierce County Department of Emergency Management; Mr. Mario H. Treviño, Fire Chief Bellevue Fire Department, City of Bellevue, Washington; Mr. William "Bill" Mitzel, Risk Control Specialist, Home Office Commercial Lines, Unigard Insurance Group; Sheriff Paul A. Pastor, Jr., Pierce County Sheriff's Office, State of Washington; Mr. A.D. Vickery, Assistant Chief, City of Seattle Fire Department, Seattle, Washington; Mr. Michael Loehr, Director of Preparedness, Public Health—Seattle and King County; Mr. William "Bill" Pugh, Director of Public Works/Assistant City Manager, City of Tacoma, Washington; and Mr. Roger C. Serra, Director of Security and Emergency Management, Seattle City Light, City of Seattle, Washington.

On June 26, 2006, the Subcommittee held a field hearing in Wayne, New Jersey, entitled "Preparing for, Responding to, and Preventing Terrorist Attacks, Natural Disasters and Other Emergencies: Is Northern New Jersey Ready?" The Subcommittee received testimony from Hon. Jerry Speziale, Sheriff, Passaic County, State of New Jersey; Hon. Armando Fontoura, Sheriff, Essex County, State of New Jersey; Mr. Joseph Rotonda, Chief of Police, Township of Belleville, State of New Jersey; Mr. Michael Postorino, Fire Chief, City of Paterson, State of New Jersey; Mr. Richard Canas, Director, Office of Homeland Security and Preparedness, State of New Jersey; Mr. Walter Gramm, Executive Director, New Jersey Business Force, Business Executives for National Security; Mr. Steve Kempf, Regional Director, Region II, Federal Emergency Management Agency, Department of Homeland Security; and Mr. Timothy Beres, Director, Preparedness Programs Division, Office of Grants and Training, Department of Homeland Security.

On July 26, 2006, the Subcommittee held a hearing entitled "Emergency Care Crisis: A Nation Unprepared for Public Health Disasters." The Subcommittee received testimony from Dr. Robert R. Bass, Member, Committee on the Future of Emergency Care, Institute of Medicine; Dr. Frederick Blum, President, American College of Emergency Physicians; Ms. Mary Jagim, Member, Emergency Nurses Association; and Dr. Steven Krug, Chairman, Committee on Pediatric Emergency Medicine, American Academy of Pediatrics.

The Subcommittee's oversight in this area supported the development of the preparedness and planning provisions of H.R. 5351, the "National Emergency Management Reform and Enhancement Act," which Congress incorporated into H.R. 5441, the "FY 2007, Department of Homeland Security Appropriations Act" (P.L. 109–270).

FIRST RESPONDER EXERCISES AND TRAINING

With respect to first responder training and exercises, the Subcommittee focused on the need for more coordination, consistency, and inclusiveness in programs sponsored by the Federal Government. The Subcommittee held hearings and site visits to evaluate the effectiveness of the Department of Homeland Security's National Exercise and Training Program, including the Top Officials Three Exercise (TOPOFF 3) exercise held in May 2005, and regularly met with representatives of the National Domestic Preparedness Consortium (NDPC) and other entities that provide terrorism preparedness training to the Nation's first responders.

In May 2005, Staff of the Subcommittee and the Subcommittee on Management, Integration, and Oversight visited Anniston, Alabama to meet with officials of the Center for Domestic Preparedness, which serves as a weapons of mass destruction training center for the NDPC, and the Noble Training Center, which is operated by the Department and trains hospital and healthcare professionals in disaster preparedness and response, to observe their first responder training activities and programs.

On June 23, 2005, the Subcommittee and the Subcommittee on Management, Integration, and Oversight held a joint hearing entitled "The National Training Program: Is Anti-Terrorism Training for First Responders Efficient and Effective?" Testimony was re-

ceived from Hon. Raymond W. Kelly, Commissioner, Police Department, City of New York; Mr. Shawn Reese, Analyst in American National Government, Government and Finance Division, Congressional Research Service; Mr. Steven Edwards, Director, Maryland Fire and Rescue Institute, testifying on behalf of the North American Fire Training Directors; Sheriff Patrick D. McGowan, Chairman, Weapons of Mass Destruction Committee, National Sheriff's Association; Captain Jack Reall, National Fire Academy Board of Visitors; Dr. Van D. Romero, Vice President, Research and Economic Development, New Mexico Institute of Mining and Technology.

On July 26, 2005, the Subcommittee held a hearing entitled "The London Attacks: Training to Respond in a Mass Transit Environment." The Subcommittee received testimony from Mr. Timothy Beres, Director, Preparedness Programs Division, Office for Domestic Preparedness, Office of State and Local Government Coordination and Preparedness, Department of Homeland Security; Mr. Robert Jamison, Deputy Administrator, Federal Transit Administration; Ms. Polly Hanson, Chief of Metro Police, Washington Metro Area Transit Authority; Chief William A. Morange, Deputy Executive Director/Director of Security, State of New York; Mr. Paul Lennon, Director of Intelligence and Emergency Preparedness Management, Los Angeles County Metropolitan Transit Authority; and Mr. Christopher Kozub, Associate Director, National Transit Institute.

The Subcommittee's oversight in this area supported the development of the training and exercise provisions of the "National Emergency Management Reform and Enhancement Act," which Congress incorporated into H.R. 5441, the "FY 2007, Department of Homeland Security Appropriations Act" (P.L. 109–270).

SCIENCE AND TECHNOLOGY DIRECTORATE MANAGEMENT AND COORDINATION

During the 109th Congress, the Subcommittee conducted extensive hearings, briefings, and meetings with Federal officials, academic experts, the private sector, and other stakeholders on the mission and operations of the Science and Technology (S&T) Directorate, the component of the Department of Homeland Security responsible for research, development, testing, and evaluation of homeland security technologies. Unlike many of other components of the Department, the S&T Directorate is not a legacy agency transferred from other Federal departments in March 2003. Rather, the S&T Directorate is a new entity and, as such, has experienced considerable growing pains in its more than three years of existence. The Subcommittee's oversight, therefore, focused on concerns related to: (1) a lack of transparent strategic planning; (2) inadequate detail in its budget justifications; (3) systemic deficiencies in its financial and accounting controls; (4) poor response to the needs of its customers and end-users; and (5) failing to more rapidly develop and adopt technologies for homeland security purposes.

On September 7, 2006, the Subcommittee held a hearing entitled "The Department of Homeland Security's Science and Technology Directorate: Is it Structured for Success?" The Subcommittee re-

ceived testimony from Hon. Jay Cohen, Under Secretary for Science and Technology, Department of Homeland Security. The hearing examined Under Secretary Cohen's plans to reorganize the S&T Directorate to enhance its ability to fulfill its responsibilities more effectively.

On November 3, 2006, senior officials from the S&T Directorate briefed Subcommittee Staff on the status of the Directorate's reorganization and delivered separate presentations on the missions of and programmatic priorities through Fiscal Year 2011 for each of the Directorate's new divisions.

The Subcommittee's oversight in this area supported the development of H.R. 4942, the "Promoting Antiterrorism Capabilities Through International Cooperation Act" and H.R. 4941, the "Homeland Security Science and Technology Enhancement Act," two pieces of legislation intended to improve the S&T Directorate's ability to harness public and private sector research and development capabilities, both domestically and internationally. H.R. 4942 passed the House of Representatives on September 26, 2006; H.R. 4941 was reported by the Full Committee in June 2006.

IMPLEMENTATION OF THE SUPPORT FOR ANTI-TERRORISM BY FOSTERING EFFECTIVE TECHNOLOGIES (SAFETY) ACT OF 2002

As part of its oversight of the Science and Technology (S&T) Directorate of the Department of Homeland Security, the Subcommittee examined the efficacy of the "Support Anti-terrorism by Fostering Effective Technology Act" (SAFETY Act) 6 U.S.C. 441 et seq.; Title VIII, Subtitle G of Public Law 107–296, the "Homeland Security Act of 2002." The SAFETY Act provides limited liability from claims arising out of acts of terrorism for sellers of qualified anti-terrorism technologies. Through hearings, briefings, and meetings, the Subcommittee focused on the S&T Directorate's implementation of the SAFETY Act, including: application burden; confidentiality of information; general program awareness; effectiveness of liability protections against legal action; option for expedited review; and the SAFETY Act's coordination with procurement.

On September 13, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology and the Subcommittee on Management, Integration, and Oversight held a joint hearing entitled "Helping Business Protect the Homeland: Is the Department of Homeland Security Effectively Implementing the SAFETY Act?" The Subcommittees received testimony from Hon. Jay Cohen, Under Secretary for Science and Technology, Department of Homeland Security; Ms. Elaine C. Duke, Chief Procurement Officer, Department of Homeland Security; Mr. Andrew Howell, Vice President, Homeland Security Policy Division, U.S. Chamber of Commerce; Mr. Michael M. Meldon, Executive Director, Homeland Security and Defense Business Council; Mr. Stan Z. Soloway, President, Professional Services Council; and Brian E. Finch, Esq., Dickstein Shapiro, LLP.

The Subcommittee's oversight in this area contributed to the Department of Homeland Security's decision to revamp its implementation of the SAFETY Act by updating the application process, ensuring that the certification process dovetails with existing procure-

ment processes, and minimizing the burdens imposed on businesses so that liability is not an impediment to developing and deploying anti-terrorism technologies for Federal, State, and local homeland security personnel. In addition, the Subcommittee's oversight supported the development of provisions to streamline the SAFETY Act application process in H.R. 5814, the "Department of Homeland Security Authorization Act for Fiscal Year 2007." H.R. 5814 was reported by the Full Committee in November 2006.

TECHNOLOGY CLEARINGHOUSE AND TECHNOLOGY TRANSFER

With respect to technology transfer, the Subcommittee examined the extent of collaboration between the Department of Defense (DoD) and the Department of Homeland Security in identifying and adapting military technologies for homeland security missions. In order to provide Federal, State, and local homeland security personnel with the most advanced operational tools available and to eliminate redundant research and development programs, the Subcommittee examined: the nature of cooperative agreements, if any, between DoD and the Department and the extent and level of communication between officials of the two Departments; the extent and level of programmatic coordination between the two Departments in developing technologies that have potential utility for both military and homeland security purposes; the processes, if any, for identifying and prioritizing military technologies suitable for transfer; and the Department's progress in adapting and modifying already transferred technologies.

On July 21, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a joint hearing with the Subcommittee on Terrorism, Unconventional Threats and Capabilities of the Committee on Armed Services entitled "Technology Transfer: Leveraging Military Technology to Enhance Homeland Security." The Subcommittees received testimony from Ms. Sue Payton, Deputy Under Secretary of Defense for Advanced Systems and Concepts, Department of Defense; Dr. Tony Tether, Director, Defense Advanced Research Projects Agency, Department of Defense; Dr. John Kubricky, Director, Office of Systems Engineering and Development, Science and Technology Directorate, Department of Homeland Security; and Mr. Peter F. Verga, Principal Deputy Assistant Secretary of Defense for Homeland Defense, Department of Defense.

The Subcommittee's oversight in this area supported the development of the technology transfer provisions in H.R. 4941, the "Homeland Security Science and Technology Enhancement Act of 2006." The Subcommittee passed H.R. 4941 in March 2006. It was reported by the Full Committee in June 2006.

PROJECT BIOSHIELD

The Subcommittee evaluated the Department of Homeland Security's effectiveness in assessing and determining the materiality of chemical, biological, radiological, and nuclear (CBRN) threats pursuant to the Project Bioshield Act of 2004 (P.L. 108–276). Initially proposed by President Bush in January 2003, Project Bioshield is designed to address the lack of a commercial market for countermeasures against CBRN weapons by creating incentives for bio-

technology and pharmaceutical companies to invest in the research and development of such countermeasures. The Subcommittee focused on the role of the Department's Science and Technology (S&T) Directorate in conducting material threat assessments, prioritizing existing biological threats, and coordinating the Project Bioshield process with the Department of Health and Human Services.

On Tuesday, July 12, 2005, the Subcommittee held a hearing entitled "Project BioShield: Linking Bioterrorism Threats and Countermeasure Procurement to Enhance Terrorism Preparedness." The Subcommittee received testimony from Hon. Stewart Simonson, Assistant Secretary, Office of Public Health Emergency Preparedness, Department of Health and Human Services; Dr. John Vitko, Jr., Director, Biological Countermeasures Portfolio, Science and Technology Directorate, Department of Homeland Security; Ms. Karen T. Morr, Acting Assistant Secretary, Office of Information Analysis, Information Analysis and Infrastructure Protection Directorate, Department of Homeland Security; Dr. Marcus Eugene Carr, Jr., Executive Director, Clinical Research-Hemostasis, Novo Nordisk, Inc.; Mr. Michael Greenberger, Director, Center for Health and Homeland Security, University of Maryland School of Law; Mr. Richard Hollis, Chief Executive Officer, Hollis-Eden Pharmaceuticals, Inc.; Mr. James A. Joyce, Chairman and Chief Executive Officer, Aethlon Medical, Inc.; Mr. David P. Wright, President & Chief Executive Officer, PharmAthene, Inc.; and Ms. Nancy Wysenski, President, EMD Pharmaceuticals.

The Subcommittee's oversight in this area contributed to the development of legislation by the Subcommittee on Prevention of Nuclear and Biological Attack to accelerate the material threat assessment process.

RADIOLOGICAL AND NUCLEAR DETECTION

The Subcommittee examined the effectiveness of radiation detection monitors currently deployed at the Nation's ports of entry and other radiation detection technologies and ongoing research, development, testing, and evaluation efforts in pursuit of next generation detention technologies.

On June 21, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology and the Subcommittee on Prevention of Nuclear and Biological Attack held a joint hearing entitled "Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology?" The Subcommittees received testimony from Mr. Gene Aloise, Director, Natural Resources and Environment, Government Accountability Office; Dr. Richard L. Wagner, Jr., Chair, Defense Science Board Task Force on Prevention of, and Defense Against, Clandestine Nuclear Attack and Senior Staff Member, Los Alamos National Laboratory; Ms. Bethann Rooney, Manager, Port Security, Port Authority of New York & New Jersey; Dr. Benn Tannenbaum, American Association for the Advancement of Science; Mr. Vayl Oxford, Acting Director, Domestic Nuclear Detection Office, Department of Homeland Security; Mr. Michael K. Evenson, Acting Director, Combat Support Directorate, DTRA, Department of Defense; and Mr. David Huizenga, Assistant Deputy

Administrator, International Materials Protection and Cooperation, National Nuclear Security Administration, Department of Energy.

The Subcommittee's oversight in this area contributed to the development of legislation by the Subcommittee on Prevention of Nuclear and Biological Attack on radiological and nuclear detection.

CYBERSECURITY RESEARCH AND DEVELOPMENT

The Subcommittee examined the Department of Homeland Security's Science and Technology (S&T) Directorate's cybersecurity research and development program and the safeguards to minimize the vulnerabilities of our Nation's electronic information infrastructure and to develop meaningful countermeasures to thwart terrorist threats from cyberspace.

On October 18, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology and the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a joint hearing entitled "SCADA and the Terrorist Threat: Protecting the Nation's Critical Control Systems." The Subcommittees received testimony from Mr. Donald "Andy" Purdy, Acting Director, National Cyber Security Division, Department of Homeland Security; Mr. Larry Todd, Director, Security, Safety and Law Enforcement, Bureau of Reclamation, Department of the Interior; Dr. Sam Varnado, Director of Information Operations Center, Sandia National Laboratory; Dr. K.P. Ananth, Associate Laboratory Director—National & Homeland Security, Idaho National Laboratory; Dr. William Rush, Institute Physicist, Gas Technology Institute; and Mr. Alan Paller, Director of Research, The SANS Institute.

On August 8, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology and the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a joint field hearing in Bellingham, Washington entitled "Assessment of Risks at the Northern Border and the Infrastructure Necessary to Address Those Risks." The Subcommittees received testimony from Mr. Thomas Hardy, Director of Field Operations, Seattle Field Office, Customs and Border Protection, Department of Homeland Security; Mr. Ronald Henley, Chief Patrol Agent, Blaine Sector, Customs and Border Protection, Department of Homeland Security; Major General Timothy J. Lowenberg, Adjutant General of Washington, Washington National Guard; Hon. Dale Brandland, Senator, Washington State Senate; Mr. David B. Harris, Senior Fellow for National Security, Canadian Coalition for Democracies; Ambassador Martin Collacott, Former Canadian Ambassador to Syria and Lebanon; Mr. K. Jack Riley, Director, Homeland Security Center, RAND Corporation; and Mr. Gregory Johnson, President, Chapter 164, National Treasury Employees Union.

The Subcommittee's oversight in this area supported the development of the cybersecurity research and development provisions in H.R. 4941, the "Homeland Security Science and Technology Enhancement Act of 2006." Following the Subcommittee's action, the Full Committee reported H.R. 4941 to the House in June 2006.

LIQUID EXPLOSIVE DETECTION

The Subcommittee examined the Department of Homeland Security Science and Technology (S&T) Directorate's research and de-

velopment program for liquid explosive detection technologies. In the aftermath of the foiled terrorist plot in August 2006 to detonate liquid explosives on international airplane flights originating from the United Kingdom, the Subcommittee held extensive briefings to assess the status of the Department of Homeland Security's activities in this area.

On August 16, 2006, senior officials from the S&T Directorate briefed Staff from the Subcommittee and the Subcommittee on Prevention of Nuclear and Biological Attack on the research and development activities of the Directorate's Rapid Response Team on liquid explosive detection.

On August 23, 2006, senior officials from the S&T Directorate briefed Staff from the Subcommittee and the Subcommittee on Prevention of Nuclear and Biological Attack on the maturity and development of liquid explosives detection equipment for future deployment at airport security checkpoints.

On October 25, 2006, Subcommittee Staff visited the Transportation Security Lab in Atlantic City, New Jersey to receive briefings on the Department's efforts to develop technologies to identify liquid explosives and examine technology under review and testing for the next generation passenger and baggage screening systems.

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, SCIENCE, AND TECHNOLOGY HEARINGS HELD

The Proposed Fiscal Year 2006 Budget: Enhancing Terrorism Preparedness for First Responders. Hearing held February 10, 2005. Serial No. 109–1.

The Need for Grant Reform and The Faster and Smarter Funding for First Responders Act of 2005. Hearing held April 12, 2005. Serial No. 109–6.

Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology? Joint hearing with the Subcommittee on Prevention of Nuclear and Biological Attack held June 21, 2005. Serial No. 109–22.

The National Training Program: Is Anti-Terrorism Training for First Responders Effective, Efficient, and Coordinated? Joint hearing held with the Subcommittee on Management, Integration, and Oversight held June 23, 2005. Serial No. 109–25.

Project BioShield: Linking Bioterrorism Threats and Countermeasure Procurement. Hearing held July 12, 2005. Serial No. 109–29.

Technology Transfer: Leveraging Military Technology to Enhance Homeland Security. Joint hearing with the Subcommittee on Terrorism, Unconventional Threats and Capabilities of the Committee on Armed Services held July 21, 2005. Serial No. 109–34.

The London Attacks: Training to Respond in a Mass Transit Environment. Hearing held July 26, 2005 Serial No. 109–35.

Incident Command, Control, and Communications during Catastrophic Events. Hearing held September 29, 2005. Serial No. 109–44.

SCADA and the Terrorist Threat: Protecting the Nation's Critical Control Systems. Joint Hearing held with the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held October 18, 2005. Serial No. 109–45.

Ensuring Operability During Catastrophic Events. Hearing held October 26, 2005. Serial No. 109–49.

Responding to Catastrophic Events: The Role of the Military and National Guard in Disaster Response. Joint hearing with the Subcommittee on Terrorism, Unconventional Threats and Capabilities of the Committee on Armed Services held November 9, 2005. Serial No. 109–56.

Protecting the Homeland: Fighting Pandemic Flu From the Front Lines. Joint hearing with the Subcommittee on Prevention of Nuclear and Biological Attack held February 8, 2006. Serial No. 109–61.

The State of Interoperable Communications: Perspectives from the Field. Hearing held February 15, 2006. Serial No. 109–62.

The State of Interoperable Communications: Perspectives from State and Local Governments. Hearing held March 1, 2006. Serial No. 109–62.

Proposed Fiscal Year 2007 Budget: Enhancing Preparedness for First Responders. Hearing held March 8, 2006. Serial No. 109–67.

Emergency Planning and Preparedness: Federal, State, and Local Coordination. Hearing held in Orting, Washington April 12, 2006. Serial No. 109–73.

The State of Interoperable Communications: Perspectives on Federal Coordination of Grants, Standards, and Technology. Hearing held April 25, 2006. Serial No. 109–62.

Preparing for, Responding to, and Preventing Terrorist Attacks, Natural Disasters and Other Emergencies: Is Northern New Jersey Ready? Hearing held in Wayne, New Jersey June 26, 2006. Serial No. 109–88.

Emergency Care Crisis: A Nation Unprepared for Public Health Disasters. Hearing held July 26, 2006. Serial No. 109–94.

Assessing the Northern Border: Considerations for Maintaining Secure and Open Borders. Joint field hearing held in Blaine, Washington with the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity on August 8, 2006. Serial No. 109–94.

The Department of Homeland Security's Science and Technology Directorate: Is it Structured for Success? Hearing held September 7, 2006. Serial No. 109–98.

Helping Business Protect the Homeland: Is the Department of Homeland Security Effectively Implementing the SAFETY Act? Joint hearing with the Subcommittee on Management, Integration, and Oversight on September 13, 2006. Serial No. 109–100.

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, SCIENCE, AND TECHNOLOGY MARKUPS HELD

H.R. 1544, "Faster and Smarter Funding for First Responders Act of 2005."; was ordered favorably reported to the Full Committee for consideration, amended, by Voice Vote. April 19, 2005.

H.R. 4941, "Homeland Security Science and Technology Enhancement Act of 2006."; was ordered favorably forwarded to the Full Committee for consideration, amended, by voice vote. March 15, 2006.

H.R. 4942, "Promoting Antiterrorism Capabilities Through International Cooperation Act."; was ordered favorably forwarded to the

Full Committee for consideration, amended, by voice vote. March 15, 2006.

Committee Print entitled "Department of Homeland Security Technology Development and Transfer Act of 2005"; was ordered favorably forwarded to the Full Committee for consideration, without amendment, by Voice Vote. April 18, 2005.

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, SCIENCE, AND TECHNOLOGY BRIEFINGS AND SITE VISITS HELD

Site Visit to New York City, New York on Terrorism preparedness activities and programs. June 6, 2005.

Site Visit to Houston and Beaumont, Texas to examine border security issues. October 30, 2005.

Member briefing on Department of Homeland Security Fiscal Year 2006 terrorism preparedness grants. February 8, 2006.

Site Visit to the U.S. Northern Command, Peterson Air Force Base, Colorado. March 22 through 24, 2006.

Joint Member briefing with the Subcommittee on Prevention of Nuclear and Biological Attack on the implementation plan for the President's National Strategy for Pandemic Influenza. April 6, 2006.

Joint Site Visit with the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity of the Port of Seattle, the Peace Arch Port of Entry, and the Bellingham Air and Marine Branch. August 7 and 8, 2006.

SUBCOMMITTEE ON INVESTIGATIONS

MICHAEL T. MCCAUL, Texas, *Chairman*

CHRISTOPHER SHAYS, Connecticut
DANIEL E. LUNGREN, California
DAVID G. REICHERT, Washington
GINNY BROWN-WAITE, Florida
PETER T. KING, New York (Ex Officio)

BOB ETHERIDGE, North Carolina
BILL PASCRELL, Jr., New Jersey
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BENNIE G. THOMPSON, Mississippi (Ex Officio)

Jurisdiction: Conduct of investigations into matters within the jurisdiction of the full Committee and referred to the subcommittee by the Chairman.

The Subcommittee on Investigations conducted investigations on several key issues during the 109th Congress, including criminal activity and incursions along the Southwest border, and the rampant waste, fraud and abuse that occurred in the aftermath of Hurricanes Katrina and Rita. The activities of the Subcommittee included several hearings, numerous briefings, site visits and extensive interviews with relevant Federal, State, and local government officials, academic experts, industry representatives, and non-governmental organizations. As a result of its investigation into criminal activity along the Texas border with Mexico, the Subcommittee Chairman McCaul issued an interim report containing findings and recommendations relating to this important issue.

SUBCOMMITTEE ON INVESTIGATIONS ACTIVITIES

BORDER SECURITY

Border Incursions

On January 23, 2006, individuals appearing to be members of the Mexican military crossed into the sovereign territory of the United States in Hudspeth County, Texas. Reports indicated that these individuals were attempting to protect a drug shipment as it came across the border. When confronted by law enforcement officers, the men retreated back into Mexico.

On January 26, 2006, the Chairman of the Committee on Homeland Security, the Chairman of the Subcommittee on Investigations, and the Chairman of the Subcommittee on Management, Integration, and Oversight sent letters to the Secretary of Homeland Security, the Secretary of State, and the Ambassador for Mexico requesting information on these events. The letters also requested information on the procedures and policies in place to respond to such incursions.

On January 27, 2006, the Department of Homeland Security and the Department of State responded, respectively, to the Committee's letter by scheduling staff briefings. The briefings took place on January 31, 2006, and were held jointly by the U.S. Border Patrol and the Office of Mexican Affairs at the Department of State. The

U.S. Border Patrol provided information relating to a January 23, 2006 incursion and reported that the incident was being investigated by both the Federal Bureau of Investigations (FBI) and Immigration and Customs Enforcement (ICE). The Department of State reported that the U.S. Ambassador to Mexico sent a diplomatic note to the Mexican government regarding concern about the incursion and the increased violence along the Southwest border.

On January 30, 2006, the Committee received a response from the Mexican Embassy to the Committee's letter in the form of a telephone call from the Ambassador's office. On February 7, 2006, Committee Members received a briefing by the Ambassador of Mexico to the United States.

Subcommittee Staff traveled to El Paso, Texas on February 2 and 3, 2006 and were briefed by the U.S. Border Patrol, local sheriffs, the FBI and ICE on the events related to the January 23, 2006 border incursion. Subcommittee Staff also toured the location of the incursion, where sheriff's deputies described the events. The FBI and ICE subsequently briefed Subcommittee Staff on the investigation of the incursion. On February 3, 2006, the Chairman of the Subcommittee met with the U.S. Border Patrol, Texas Department of Public Safety, ICE, and the U.S Attorney's office and received a briefing on the events and their investigation. The Subcommittee received a State police video of the incursion and photographs taken at the scene.

On February 7, 2006, the Subcommittee on Investigations held a hearing entitled "Armed and Dangerous: Confronting the Problem of Border Incursions." The Subcommittee received testimony from Ms. Elizabeth Whitaker, Deputy Assistant Secretary, Bureau of Western, Hemisphere Affairs, Department of State; Mr. David Aguilar, Chief, U.S. Border Patrol, Department of Homeland Security; Sheriff Arvin West, Hudspeth County Sheriff's Department, Hudspeth County, State of Texas; Mr. Leo Samaniego, Vice Chair, Texas Border Sheriff's Coalition, Sheriff, El Paso County, State of Texas; Mr. Esequiel Legarreta, Deputy Sheriff, Hudspeth County, State of Texas; Mr. T.J. Bonner, President, National Border Patrol Council; and Hon. Silvestre Reyes, a Representative in Congress from the 16th District, State of Texas. The hearing examined reports of incursions across the United States border by Mexican military and law enforcement personnel; trends in border incursion incidents; the present state of diplomatic relations between the United States and Mexico; and the challenges posed to Federal, State and local law enforcement in deterring, responding to, and investigating these crimes.

Criminal Activity and Violence Along the Southwest Border

The border incursion investigation led the Subcommittee to initiate a more comprehensive study of the escalating criminal activity and violence taking place along the Southwest border. Subcommittee Staff met with numerous Federal, State and local law enforcement officials, county attorneys, and local residents and ranchers to gather facts relevant to this investigation. From May 31 through June 2, 2006, Subcommittee Staff traveled to New Mexico and met with the New Mexico National Guard and U.S. Border Patrol agents at the Deming, New Mexico border patrol station for

briefings related to drug and human smuggling along the New Mexico border with the United Mexican States. Subcommittee Staff inspected newly constructed vehicle barriers and observed demonstrations of camera surveillance technology by the U.S. National Guard. From July 18 through 21, 2006, Subcommittee Staff traveled to Arizona and met with local sheriffs and District Attorneys in Cochise and Maricopa Counties, the Border Patrol, and local ranchers to gather additional information relevant to the Southwest border investigation. Subcommittee Staff received briefings by Border Patrol, toured detention facilities, visited a check point, and toured the Nogales, Arizona border with the United Mexican States. Each law enforcement briefing emphasized the increasing violence used by smugglers against law enforcement personnel and the general public.

On August 14 and 15, 2006, representatives from the Subcommittee attended the Third Annual Border Security Conference in El Paso, Texas to discuss regional, national and international border security cooperation. The Subcommittee Chairman was a featured speaker on the Border Strategies Panel.

On August 16, 2006, the Subcommittee on Investigations held a field hearing in Houston, Texas entitled "Criminal Activity and Violence Along the Southern Border." The Subcommittee received testimony from Mr. Steve McCraw, Homeland Security Director, Office of the Governor, State of Texas; Colonel Russell Malesky, Counter-Drug Commander, Texas National Guard; Mr. Alonzo Pena, Special-Agent-in-Charge, Immigration and Customs Enforcement, U.S. Department of Homeland Security; Mr. Rick Flores, Sheriff, Webb County, State of Texas; Mr. D'Wayne Jernigan, Sheriff, Val Verde County, State of Texas; Mr. Gordon Quan, Resident, Houston, Texas; Mr. T.J. Bonner, President, National Border Patrol Council; Mr. Robert Eckels, County Judge, Harris County, State of Texas; Major Michael O'Brien, Sheriff's Office, Harris County, State of Texas; Mr. John Moriarty, Inspector General, Department of Criminal Justice, State of Texas; Hon. Adrian Garcia, Member, Houston City Council, State of Texas; Mr. Harold Hurtt, Chief of Police, City of Houston, State of Texas; Mr. Steven Stone, State Trooper, Department of Public Safety, State of Texas; Mrs. Carrie Ruiz, Resident, Houston, Texas; Mr. Dennis Nixon, Chairman, International Bank of Commerce; and Mr. Jaime Esparza, District Attorney, El Paso County, State of Texas. This hearing examined several key issues, including: (1) the vulnerability of the Nation's porous borders to terrorist infiltration and weapons of mass destruction; (2) the resources required to effectively manage the ever-increasing flow of illegal aliens; (3) the viability of the Department of Homeland Security's "catch and return" policy; (4) the successes of the new Border Enforcement and Security Task Force; and (5) the societal costs of illegal immigration.

From August 20 through 24, 2006, Subcommittee Staff traveled to Texas and met with local sheriffs; representatives of Immigration and Customs Enforcement, the Federal Bureau of Investigations, and Customs and Border Protection; and local ranchers to examine border security and criminal activity along the Southwest border. Subcommittee Staff was briefed by Federal law enforcement officials on the activities and brutal violence associated with

Mexican drug cartels and other criminal networks. Subcommittee Staff was also briefed on special interest alien smuggling, working relationships between U.S. and Mexican Federal law enforcement and Federal law enforcement initiatives to reduce crimes rates. Moreover, local law enforcement officials from several counties of southern Texas briefed staff on the increased criminal activity and violence of drug and human smuggling.

On October 17, 2006, the Subcommittee issued an interim report containing findings of its investigation into the criminal activity and violence along the Southwest border of the United States between Texas and Mexico. The report examined the roots of the criminal enterprise; its effects on the local populations; and the significance of these issues for the overall homeland security of the United States. The Subcommittee found that highly sophisticated and organized drug trafficking organizations and human smuggling networks are strengthening their control of key corridors along the Southwest border. The Subcommittee subsequently issued recommendations to ensure the existing resources of the U.S. Border Patrol and local law enforcement are utilized to counter the criminal networks that operate along the border and threaten our national security.

FEDERAL EMERGENCY MANAGEMENT AGENCY REFORM

Emergency Preparedness and Response

On March 21, 2006, Members and Staff of the Committee on Homeland Security conducted a site visit to the Gulf Coast of Louisiana and Mississippi where Members and Staff witnessed the devastation wrought by Hurricane Katrina. The Committee gained a better understanding of what went wrong in the aftermath of the hurricane and explored prospects for improved emergency preparedness and response. The visit included meetings with Louisiana and Mississippi National Guardsmen, relief charities, and State and local government officials. The Committee visited the levee system; met with the President of St. Bernard's Parish; conducted a coastal over flight of the affected area; and was briefed by State and local officials in Mississippi as to the challenges posed by the longer term recovery.

From March 31 through April 10, 2006, Subcommittee Staff met with several State emergency management and homeland security officials, including Texas Homeland Security Director, Mr. Steve McCraw; Florida Emergency Management Director, Mr. Craig Fugate; and North Carolina Emergency Management Director, Mr. Doug Hoell, for a series of briefings on emergency preparedness and response procedures. Subcommittee Staff gained a better understanding of the preparedness and response capabilities needed on the part of Federal, State, and local governments to improve the Nation's response to catastrophic events, including acts of terrorism and natural disasters.

Based on these investigative activities, the Subcommittee recommended several key Federal Emergency Management Agency (FEMA) reform provisions included in H.R. 5441 (P.L. 109–295), the "Department of Homeland Security Appropriations Act of 2007," including provisions to ensure greater communication and

cooperation through enhancement of FEMA's existing regional office structure. For additional information on H.R. 5441 (P.L. 109–295), see discussion under legislation above.

Waste Fraud and Abuse

On June 14, 2006, the Subcommittee held an investigative hearing entitled "Waste, Fraud and Abuse in the Aftermath of Hurricane Katrina." The Subcommittee received testimony from Mr. Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations, Government Accountability Office; Ms. Donna M. Daniels, Acting Deputy Director of Recovery, Federal Emergency Management Agency, Department of Homeland Security; and Mr. Joseph Becker, Senior Vice President for Preparedness and Response, the American National Red Cross.

During the hearing, Members examined waste, fraud and abuse in the Federal disaster assistance programs administered by the Federal Emergency Management Agency (FEMA) in the aftermath of Hurricanes Katrina and Rita. Members reviewed: (1) controls to limit disaster assistance to qualified applicants only; (2) control of debit card use to prevent duplicate disaster assistance payments and improper usage; and (3) the existing potential for widespread waste, fraud, and abuse in the application for and receipt of expedited assistance and other Federal disaster assistance payments. This hearing highlighted significant deficiencies in FEMA's disaster assistance programs, including a lack of meaningful controls to detect or prevent fraud; insufficient verification of names, addresses or Social Security numbers for applicants of Federal disaster assistance; and limited inspection of damaged property. These deficiencies and lack of protection resulted in thousands of benefit checks issued to applicants with duplicate or false information.

As a result of the Subcommittee's oversight activities, significant problems in the Expedited Assistance program were exposed. FEMA is in the process of implementing fraud prevention recommendations issued by the U.S. Government Accountability Office. Moreover, the Subcommittee recommended several key fraud provisions in FEMA reform legislation contained in H.R. 5441, the "Department of Homeland Security Appropriations Act of 2007" (P.L. 109–295). For additional information on H.R. 5441 (P.L. 109–295), see discussion under legislation above.

SUBCOMMITTEE ON INVESTIGATIONS HEARINGS HELD

"Armed and Dangerous: Confronting the Problem of Border Incursions." Hearing held February 7, 2006. Serial No. 109–60.

"Waste, Fraud, and Abuse in the Aftermath of Hurricane Katrina." Hearing held June 14, 2006. Serial No. 109–82.

"Criminal Activity and Violence along the Southern Border." Field hearing held in Houston, Texas, held August 16, 2006. Serial No. 109–96.

COMMITTEE ON HOMELAND SECURITY OVERSIGHT PLAN FOR THE 109TH CONGRESS

Rule X. Clause 2(d) of the Rules of the House of Representatives for the 109th 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 109th Congress which the Full Committee considered and adopted by a voice vote of February 9, 2005, 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 109th 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

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

This is the oversight plan of the Committee on Homeland Security for the 109th Congress. It includes the areas in which the Committee expects to conduct oversight during the 109th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

PREVENTION OF NUCLEAR AND BIOLOGICAL TERRORISM BIODEFENSE

In the 109th Congress, the Committee will examine the continuing efforts of the Department of Homeland Security (DHS) to establish a biological terrorism threat assessment capability, and the relationship of such threat assessments to countermeasure research and development activities. In addition, the Committee will

conduct oversight of the Department's activities as outlined in Homeland Security Presidential Directive (HSPD) 10 ("Biodefense for the 21st Century"). Specific areas of consideration will include the BioWatch Program, Project BioShield, and the National Biodefense Analysis and Countermeasures Center (NBACC), including its National Bioforensic Analysis Center. The Committee will examine the short and long-term effectiveness of these programs, as well as the overall coordination of the Federal government's biodefense initiatives, to include defenses against agro-terrorism and the safety of nation's food supply. The Committee also will conduct oversight of the Plum Island Animal Disease Center in the 109th Congress, particularly its integration into NBACC's biodefense enterprise and the Department's wider biodefense plans, and its support to the Department's "One Face at the Border" initiative.

NUCLEAR TERRORISM/NUCLEAR SMUGGLING

In the 109th Congress, the Committee will conduct oversight of Department of Homeland Security (DHS) programs focused on assessing threats related to nuclear terrorism, including the development of threat certification, characterization, and source attribution techniques. The Committee will review the integration of such threat assessments with the development of detection capabilities and countermeasures, and the new nuclear forensic program being developed by the Department. The Committee will review the efforts of the Department's Science & Technology Directorate (S&T) to establish and operate a radiological countermeasures test bed (CMTB) to protect critical elements of our transportation system, and other efforts by the Department and other agencies of the Federal government to develop and deploy sensors to detect nuclear weapons that may be deployed against the United States. The Committee will monitor how performance results of specific detection technologies are evaluated and communicated to end users.

In addition, during the 109th Congress, the Committee will examine the continuing efforts of the Department to refine risk-based methods for identifying and screening 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 and biological weapons, components, and precursors. The Committee will review the domestic and international deployment and operation of radiation portal monitors at air, land, and seaports, and alternative approaches to tracking and monitoring cargo in transit.

R&D INVESTMENT AND COORDINATION

In the 109th Congress, the Committee will review the Department of Homeland Security's efforts to strategically invest in those areas of basic research and development (R&D) that will enhance the long-term prevention mission of the Department, particularly with respect to biological and nuclear terrorism. The Committee also will examine the Department's efforts to carry out its statutory responsibilities for coordinating government-wide R&D in these areas, and the various roles and responsibilities of the Departments of Homeland Security, Defense and Health and Human Services.

COUNTER-PROLIFERATION ACTIVITIES

In the 109th Congress, the Committee will review the efforts of the Department of Homeland Security relating to 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 the related efforts of other Federal agencies.

ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY PORT AND MARITIME SECURITY

In the 109th 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; the development of secure identification cards for maritime employees; and the balance between ensuring security and the rapid movement of commerce. As part of this oversight, the Committee plans to review the efficiency and effectiveness of the Department's supply chain security programs, such as the Container Security Initiative (CSI), the Customs-Trade Partnership Against Terrorism (C–TPAT), and Operation Safe Commerce (OSC); the implementation of the Maritime and Transportation Safety Act of 2002; and the relevant provisions of the Intelligence Reform and Terrorism Prevention Act of 2004.

In the 109th Congress, the Committee will monitor the Coast Guard's efforts to enhance maritime domain awareness. The Committee intends to examine existing programs that contribute to achieving this enhanced awareness, as well as other ways to improve the overall Department of Homeland Security effort to understand and deal with threats in the maritime environment. As part of this effort, the Committee will review the Coast Guard's efforts to refine the Deepwater Program to more effectively account for the agency's prominent homeland security-related missions and functions.

TERRORIST TRAVEL

In the 109th Congress, the Committee intends to conduct oversight of the implementation of the Terrorist Travel and Effective Screening subtitle of the Intelligence Reform and Terrorism Prevention Act of 2004 (the Act). In particular, the Committee will review Federal government efforts to ensure the deployment and implementation of technology and training to assist border and consular officials in identifying, intercepting, and disrupting terrorists attempting to travel into and within the United States, through improved detection of fraudulent documents and terrorist travel techniques, patterns, and indicators. As part of this oversight, the Committee will review the training provided by the Federal Law Enforcement Training Center in these areas, and the relevant activities of the Department of Homeland Security's Forensic Document Laboratory.

BORDER SECURITY TECHNOLOGY

The Intelligence Reform and Terrorism Prevention Act of 2004 established an advanced technology pilot program along the northern border and mandated a comprehensive surveillance plan for the southwest border. Both plans emphasize the use of technology—particularly sensors, video, and unmanned aerial vehicles (or remotely piloted aircraft)—to enhance border security. In the 109th Congress, the Committee will monitor the Department of Homeland Security's efforts to implement these programs, and review other technologies that may be utilized to enhance the security of U.S. borders in a cost-effective manner. The Committee also will examine the relationship between the activities of the Department's Border and Transportation Security Directorate and the Science & Technology Directorate in this regard.

BORDER SCREENING SYSTEMS

The US–VISIT Program—United States Visitor and Immigrant Status Indicator Technology—is a complex, multi-year project designed to manage the pre-entry, entry, and exit of foreign nationals who travel to the United States. During the 109th Congress, the Committee will examine the progress of the US-VISIT program and future implementation deadlines; the relationship of the State Department in visa applications and its progress in equipping consular offices with machines to capture biometrics; the integration, security, and reliability of criminal, immigration, and terrorist databases used by the program; 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 of Homeland Security (DHS) to use overstay reports generated by the program for enforcement purposes; and the integration of the US-VISIT program with other expedited inspection programs into a single system for speeding qualified travelers, as recommended by the 9/11 Commission. Within this context, 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 new border security programs.

DETENTION AND REMOVAL OF TERRORISTS

In the 109th Congress, the Committee will review the efforts of the Department of Homeland Security to detain, monitor, and remove aliens subject to deportation, particularly those from countries of terrorist concern and who were apprehended at U.S. borders and ports of entry. The Committee specifically will focus on how the Department prioritizes available bed space to ensure that high-risk aliens are not released into the United States pending deportation proceedings, as well as the Department's policies and practices with respect to the actual detention of aliens in such facilities.

NATIONAL STRATEGY FOR TRANSPORTATION SECURITY

During the 109th Congress, the Committee will 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. In particular, the Committee will examine the Department's efforts to develop sensible, cost-effective strategies for dealing with terrorist threats in these complex and varied environments, including with respect the transportation of hazardous materials (HAZMAT). 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 the appropriate distribution and use of DHS transportation security grants.

PASSENGER AND BAGGAGE SCREENING

During the 109th Congress, the Committee expects to review the Transportation Security Administration's (TSA) progress in developing and deploying advanced passenger, baggage screening technologies, including the cost-effectiveness and accuracy of such technologies and their impact on passenger and baggage throughput at airport checkpoints. The Committee also will review TSA's efforts to establish sensible and appropriate passenger search policies and practices, and to develop a new passenger pre-screening program to improve the use of no-fly and selectee lists, including the development of 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 will examine TSA's current and anticipated staffing needs and current plans to permit airports to "opt-out" of the use of Federal screeners and to authorize the use of private screeners subject to Federal supervision and oversight.

OTHER AVIATION SECURITY MATTERS

In the 109th Congress, the Committee will examine the risks and consequences of different types of terrorist attacks on or utilizing aircraft, and the development of appropriate and cost-effective security measures, to include supply-chain security programs such as "Known Shipper" and related efforts, 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, 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 flight planning and training practices of the Federal Air

Marshals Service, and the effectiveness of the Federal Flight Deck Officer Program in protecting commercial aircraft from hostile takeover.

AIRSPACE SECURITY

During the 109th Congress, the Committee will review efforts of the Department of Homeland Security's Office of Air and Marine Operations (AMO) 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) located in Riverside CA 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 of Homeland Security (DHS) 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 109th 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 under applicable laws and Presidential directives. The Committee also will oversee efforts by the Department 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, as applicable, 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 also will evaluate the Protective Security Division's efforts to expand the site visit and buffer zone protection programs for critical assets.

CYBERSECURITY

In creating the Department of Homeland Security (DHS), Congress brought together for the first time under a single organization numerous elements of the Federal government devoted to

cybersecurity and protecting the critical information infrastructure. In the 109th Congress, the Committee will examine the Department's continuing efforts to develop a comprehensive program to fully 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 innovative mechanisms for information sharing on cybersecurity threats, vulnerabilities and solutions. Finally, the Committee will examine the Department's efforts to support research and development and educational activities to improve cybersecurity products and services that keep pace with changes in risk and with advances in technology.

INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

DHS' OFFICE OF INFORMATION ANALYSIS

During the 109th Congress, the Committee will review efforts to build the intelligence, analytical, and assessment capabilities of the Department of Homeland Security (DHS) Office of Information Analysis (IA), and to ensure its full participation in the Intelligence Community in furtherance of its homeland security mission. The Committee will examine whether IA is receiving all 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. The Committee also will monitor the Department's efforts to fill its numerous personnel vacancies in IA, develop analysts with appropriate skills, and establish training programs and enhanced career tracks for DHS analysts. As part of this oversight, the Committee will examine issues relating to personnel hiring flexibility, competition from other Federal employers, and the efficiency and length of the security clearance process.

In addition, during the 109th Congress, the Committee will explore IA's interaction with the new National Counterterrorism Center (NCTC), and how the NCTC's development affects IA's ability to carry out its statutory mandates to assess terrorist threats against the United States and to coordinate the dissemination of such threat information among Federal, State and local governments and the private sector.

DHS' INTELLIGENCE AND INFORMATION COLLECTION ACTIVITIES

In the 109th Congress, the Committee will examine the Department of Homeland Security'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's Information Analysis and Infrastructure Protection Directorate to coordinate and integrate the activities of the various intelligence and analytic units and offices throughout the Department, and to ensure that national-level terrorist threat intelligence is being disseminated to the operational entities in the Department that need it to carry out their homeland security missions. 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 make better use of Open Source Information, as recommended in the 9/11 Commission Report and the Intelligence Reform and Terrorism Prevention Act of 2004.

INFORMATION SHARING

The Homeland Security Act of 2002, and a subsequent Memorandum of Understanding on Information Sharing entered into by the Attorney General, Director of Central Intelligence, and Secretary of Homeland Security, mandated routine sharing of homeland security-related information between and among Federal, State and local officials, in order to assess the nature and scope of terrorist threats to the United States and to evaluate and act on that information in light of U.S. vulnerabilities. During the 109th Congress, the Committee will examine ways to further improve information sharing among Federal, State and local governments, law enforcement entities, first responders, and emergency management personnel. As part of this effort, the Committee will examine the deployment and operations of the Homeland Security Information Network (HSIN), including the integration of HSIN with other information sharing systems such as RISS.Net (the Regional Information Sharing System Network) and the FBI's LEO (Law Enforcement Online). The Committee also will examine the development and implementation of the information sharing environment mandated under the Intelligence Reform and Terrorism Prevention Act of 2004, and whether the Department is meeting the terrorism threat-related information requirements of State, local, and private sector officials in a timely and responsive manner. In addition, the Committee will examine the issue of unclassified information designations by DHS and other Federal agencies, such as "Sensitive Security Information," and any impact such designations may have on the ability of the Department or other Federal agencies to share information among Federal, state, local, and private sector partners.

THREAT COMMUNICATIONS AND ADVISORIES

Under the Homeland Security Act of 2002, and the subsequent Memorandum of Understanding on Information Sharing described above, the Department of Homeland Security is given primary responsibility for the issuance and coordination of Federal threat advisories and recommended protective actions with respect to potential acts of terrorism within the United States. In the 109th Congress, the Committee intends to review the Department's poli-

cies and procedures with respect to issuing threat and warning advisories, including the Homeland Security Advisory System, to ensure that they convey information in a timely and relevant manner to Federal, State, and local government officials and other entities. The Committee also will review the level of coordination between the Department and the Federal Bureau of Investigation (FBI) with respect to issuing terrorism threat advisories and warnings, as well as the role of the Northern Command's Domestic Warning Center with respect to tracking potential threats to the United States.

INTELLIGENCE-DRIVEN EFFORTS TO COUNTER TERRORISM-RELATED SMUGGLING

During the 109th 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 HOMELAND SECURITY OPERATIONS CENTER

The Department of Homeland Security's Homeland Security Operations Center (HSOC) serves as the national nerve center for information sharing and domestic incident management, by increasing the vertical coordination between Federal, State, and local government and private sector partners. In the 109th Congress, the Committee will oversee the Department's efforts to collect and fuse information in the HSOC 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.

BORDER AND TRANSPORTATION COUNTER-TERRORISM INFORMATION SHARING

The multiple operational components of the Border and Transportation Security Directorate of the Department of Homeland Security collect and/or utilize intelligence and other analytical tools daily to target certain suspicious persons and cargo, and for effective resource allocation. In addition, the United States Coast Guard, which is part of the Department of Homeland Security, maintains a robust intelligence capability in order to screen vessels and interdict persons attempting to unlawfully enter the United States. In the 109th Congress, the Committee plans to examine the extent to which these Departmental programs and components are sharing and receiving all appropriate information with and from each other, particularly with respect to field components, and how

such information is being utilized to improve operations and resource allocation.

EMERGENCY PREPAREDNESS, SCIENCE, AND TECHNOLOGY

COORDINATION OF FEDERAL PREPAREDNESS 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. In the 109th Congress, the Committee will oversee the Department's progress in ensuring such coordination among the divisions of the Department, including the Emergency Preparedness and Response Directorate and the Office for State and Local Government Coordination and Preparedness. The Committee also will examine the efficacy of the Department's current organizational structure as it relates to preparedness issues. In addition, the Committee will examine the role of the U.S. Secret Service in planning, coordinating, and carrying out security measures at National Special Security Events.

FEDERAL HOMELAND SECURITY ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST RESPONDERS

In the 109th Congress, the Committee will examine the Department of Homeland Security's allocation and administration of grants to State and local governments for terrorism preparedness efforts. In particular, the Committee will review the coordination and, where appropriate, consolidation of such grant programs within the Department and across the Federal government; the bottlenecks in the funding pipeline; the distribution and spending of such grants at the State and local levels; and the efficacy of Federal homeland security assistance generally.

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 109th Congress, the Committee will oversee the Department of Homeland Security's implementation of the recently-issued final National Response Plan, including the Department's role in coordinating the response obligations of all applicable Federal departments and agencies (including the Department of Defense's weapons of mass destruction civil support teams), and the NRP's effects on State and local governments, first responders, and the private sector. As part of this oversight, the Committee will also review current preparedness and response plans of Federal, State, and local officials in the event of a terrorist attack involving hazardous materials transportation.

In addition, during the 109th Congress, the Committee will oversee the Department's implementation of the National Incident Management System (NIMS), including the efforts of the NIMS 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.

NATIONAL PREPAREDNESS GOAL

Under Homeland Security Presidential Directive 8 (HSPD–8), the Department of Homeland Security is required to develop in 2005 a National Preparedness Goal, to guide effective, efficient, and timely delivery of Federal assistance to ensure that first responders are prepared to respond to acts of terrorism and other major emergencies. In the 109th Congress, the Committee will monitor the Department's progress in establishing the National Preparedness Goal, including the development of readiness priorities on the basis of risk and metrics to measure improvements in the Nation's ability to prevent, prepare for, and respond to terrorist attacks.

FIRST RESPONDER TRAINING

During the 109th Congress, the Committee will review several issues relating to the efficacy of Federal terrorism preparedness training, including redundancy or duplication in Federal training programs offered by multiple Federal agencies, 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 and monitor its development of a comprehensive, national training program 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 to make such Federal training more widely available and accessible.

EXERCISES AND SIMULATIONS

The Homeland Security Act of 2002 directs the Office for Domestic Preparedness (ODP) within the Department of Homeland Security (DHS) to coordinate all terrorism preparedness exercises at the Federal level and to conduct such exercises in collaboration with State and local governments, the private sector, and first responders. In addition, in Homeland Security Presidential Directive 8, the President directed DHS to create a national program and multi-year planning system to conduct terrorism preparedness-related exercises. During the 109th Congress, the Committee will review DHS' progress in establishing a National Exercise Program, and will evaluate the extent to which this program enhances our Nation's preparedness. The Committee also will review the execution of TOPOFF III, a national terrorism exercise to be conducted in early 2005.

INTEROPERABLE COMMUNICATIONS

In the 109th Congress, the Committee plans to oversee the Department of Homeland Security's implementation of the new public safety interoperable communications provisions contained in the Intelligence Reform and Terrorism Prevention Act of 2004. Specifically, the Committee will oversee the newly-established Office for Interoperability and Compatibility and monitor how it enhances coordination and planning, provides technical assistance, and disseminates best practices for interoperable communications systems for first responders. The Committee also will oversee the Department's implementation of new authority to provide multi-year funding commitments to grant recipients for interoperable communications purposes, and its efforts to provide technical guidance to assist urban and other high-risk areas in rapidly establishing interoperable communications systems. In addition, the Committee will continue to monitor the progress of Project SAFECOM, with particular emphasis on its role in coordinating the communications capabilities of Federal agencies, establishing communications standards, and providing grant guidance, technical assistance, and training.

EMERGENCY WARNINGS

In the 109th Congress, the Committee will monitor the implementation and progress of two terrorism emergency warning communication pilot programs authorized under the Intelligence Reform and Terrorism Prevention Act of 2004—one relating to telephonic warnings, and the other involving the utilization of the AMBER Alert web portal. The Committee also 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.

S&T DIRECTORATE MANAGEMENT AND COORDINATION

In the 109th Congress, the Committee will conduct oversight of the management of the Department of Homeland Security's Science & Technology Directorate, particularly the Directorate's coordination of homeland security-related research and development (R&D) within the Department and the adequacy of mission support provided by the Directorate to operational elements of the Department. The Committee also will examine the Directorate's partnership with key Federal departments, including the Departments of Energy, Defense, and Health and Human Resources. In particular, the Committee will review how well the Directorate is utilizing the National Laboratories of the Department of Energy, and the effectiveness of recent changes made regarding National Laboratory participation in Directorate activities. The Committee also will examine the framework under which the Directorate enters into binational R&D efforts and develops relationships with other private and academic entities.

TECHNOLOGY CLEARING HOUSE AND TECHNOLOGY TRANSFER

In the 109th Congress, the Committee will review the efforts of the Science & Technology Directorate within the Department of Homeland Security 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 examine ways to improve the Directorate's current efforts in this area, and to better leverage the technology solutions and technical capabilities of the private sector in meeting our Nation's homeland security challenges. As part of this oversight, the Committee will review the activities of the Department relating to evaluation, testing, and certification of private sector homeland security technologies. The Committee also will evaluate progress with respect to the timely and efficient transfer and commercialization of existing technologies (including modification of military technologies) for use by Federal, State, and local governments and first responders to prevent, prepare for, or respond to terrorist attacks.

S&T FELLOWSHIP PROGRAM AND CENTERS FOR EXCELLENCE

During the 109th Congress, the Committee will review the Department of Homeland Security's (DHS) efforts to attract the Nation's most talented scientists and build partnerships with the academic community through its Homeland Security Centers of Excellence and its Scholars and Fellows program. The Committee will review how the Department determines to which issue areas Centers are dedicated, and will evaluate how well the Centers fulfill their assignments and enhance the Department's mission. The Committee also will examine how Fellowship funds are allotted and the effect of the program on the recruitment of new scientific talent to DHS.

THE HOMELAND SECURITY INSTITUTE

The Homeland Security Institute (the Institute), created under the Homeland Security Act of 2002 and sponsored by the Department of Homeland Security (DHS), is a Federally-funded research and development center (FFRDC) that produces strategic analysis for the science and technology (S&T) mission of DHS. In the 109th 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.

MANAGEMENT, INTEGRATION, AND OVERSIGHT

STRATEGIC PLANNING AND EXECUTION

During the 109th Congress, the Committee will assess the progress of the Department of Homeland Security in meeting the major management and integration challenges facing the Department, particularly with respect to strategic planning, the development of a Future Year Homeland Security Program, and the establishment of performance-based metrics to measure progress towards critical homeland security goals.

INTEGRATION AND COORDINATION OF BORDER AND TRANSPORTATION SECURITY FUNCTIONS

The Homeland Security Act of 2002 transferred 22 separate agencies into the Department of Homeland Security (DHS), several of which carry out critical activities relating to securing U.S. borders against the entry of terrorists and instrumentalities of terrorism—including the U.S. Coast Guard, the Transportation Security Administration, the former U.S. Customs Service, the former Immigration and Naturalization Service, and the Animal and Plant Health Inspection Service. During the 109th Congress, the Committee will conduct oversight of the effectiveness of DHS efforts to integrate and coordinate the air, land, and maritime security activities of these numerous legacy entities, both nationally and internationally and particularly with respect to management and budgeting, sufficiency of resources, operational deployment of assets, asset modernization plans, maintenance and repair capabilities, interoperability of communication systems, and screening of cargo, vessels, crews, and passengers. The Committee also will conduct oversight of the "One Face at the Border" initiative, which merged the primary border inspection activities relating to customs, immigration, and animal and plant diseases into a single program. As part of this oversight, the Committee will examine the effectiveness of this merger, and in particular, whether the combined training program for such inspectors provides them with the ability to effectively evaluate terrorist threats, identify terrorist indicators, screen cargo and individuals, enforce customs and immigration laws and rules, and appropriately inspect food and agricultural imports.

ACQUISITION AUTHORITIES AND CONTRACTS MANAGEMENT

During the 109th 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 Section 833, which gives the Secretary authority to use special "streamlined" acquisition authority in certain circumstances.

FINANCIAL MANAGEMENT

During the 109th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to address financial management challenges, including with respect to internal controls and the integration of numerous legacy financial management systems. As part of this effort, the Committee will review DHS efforts to implement a financial enterprise solution to consoli-

date and integrate its financial accounting and reporting systems, known as the Electronically Managing Enterprise Resources for Government Effectiveness and Efficiency project (Emerge2).

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 for Department employees. During the 109th Congress, the Committee will monitor the Department's efforts to finalize these regulations and begin implementation of the new system, particularly with respect to the training of Department managers and employees.

INFORMATION TECHNOLOGY SYSTEMS MANAGEMENT

During the 109th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to address information technology (IT) challenges, particularly with respect to standardizing and integrating legacy agency systems, environments, and management approaches in a way that enhances new, critical homeland security missions. The Committee will review the authorities and activities of the Chief Information Officer to ensure the effective management of this key function. The Committee also will monitor the Department's progress in IT architectural planning, investment management, policy development, operations, and relate personnel management.

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 109th Congress, the Committee will monitor the Department's efforts under such laws to strike an appropriate balance between the needs of the Federal government to collect, use, and distribute information relating to potential terrorist attacks against the United States with the privacy expectations and civil rights of U.S. citizens.

SAFETY ACT IMPLEMENTATION

The Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act) was included as Subtitle G of the Homeland Security Act of 2002, and gave the Secretary of the Department of Homeland Security (DHS) the authority to designate, upon application, certain anti-terrorism technologies as qualified to

participate in the Federal liability management program set forth therein. In the 109th Congress, the Committee will review DHS' promulgation and implementation of regulations under such authority, as well as the efforts of the DHS SAFETY Act Office to coordinate such designation with operational components of the Department and with other Federal, State, and local government agencies.

PART B—IMPLEMENTATION OF THE COMMITTEE ON HOMELAND SECURITY OVERSIGHT PLAN FOR THE 109TH 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 109th 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.

PREVENTION OF NUCLEAR AND BIOLOGICAL TERRORISM

BIODEFENSE

On July 28, 2005, the Subcommittee held a hearing entitled "Implementing the National Biodefense Strategy." This hearing examined the national biodefense strategy as articulated by HSPD 10—National Biodefense for the 21st Century and examined efforts underway to prevent a bioterrorist attack efforts with an emphasis on collaboration for the research and development of biological agent countermeasures by the relevant agencies (the Departments of Homeland Security, Defense, and Health and Human Services), to collaboratively carry out the strategy of HSPD 10.

On September 15, 2005, the Subcommittee held a briefing entitled "Biological Weapons Threat Assessment." Representatives from the Department of Homeland Security and Harvard Medical School, and Massachusetts General Hospital briefed Members on the Department of Homeland Security's (DHS) material threat assessment (MTA) process to guide BioShield acquisition. Due to dual use technology and the dispersed scientific knowledge and capabilities the bio-threat pose unique challenges. This briefing addressed the current state of bio-weapons risk assessment that will include intent, agent, technology and expertise.

On May 11, 2006, the Subcommittee held a hearing entitled "Creating a Nation-wide, Integrated Biosurveillance Network." This hearing discussed the status of the implementation of Federal biosurveillance programs, and in particular, the National Biosurveillance Integration System (NBIS).

On September 7, 2006, the Subcommittee held a classified Member-only briefing on the establishment of the Department of Homeland Security's National Biodefense Analysis and Countermeasures Center (NBACC), part of the National Biodefense Campus at Ft. Detrick. The briefing examined the role of the NBACC in the Nation's biodefense strategy, the status its development and construction, the plan for transitioning its current programs to the new location once it is fully operational.

NUCLEAR TERRORISM/NUCLEAR SMUGGLING

On March 15, 2005, the Subcommittee held a hearing entitled "Nuclear Terrorism: Protecting the Homeland." This hearing focused on the threat of nuclear terrorism, current efforts to prevent terrorists from gaining access to or using a nuclear device in the United States. Witnesses from National Nuclear Security Administration, Department of Defense, Federal Bureau of Investigations, and Department of Homeland Security discussed the level of coordination existing between non-proliferation and detection programs across the Executive branch. Prior to this hearing personnel from the entities represented at the hearing provided a classified briefing on the same topic to Subcommittee Members.

On April 19, and 20, 2005, the Subcommittee held a hearing entitled "DHS Coordination of Nuclear Detection Efforts." This hearing reviewed the President's request to create a Domestic Nuclear Detection Office (DNDO) within the Department of Homeland Security and explored the appropriate structure, role and responsibilities of DNDO, particularly with regard to its relationships with other federal entities with nuclear prevention missions.

On June 21, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack in conjunction with the Subcommittee on Emergency Preparedness, Science, and Technology held a joint hearing entitled "Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology?" Witnesses discussed the roles of the Federal entities with nuclear smuggling prevention missions and the effectiveness of installed radiation detection portal monitors and other detection technologies, and addressed ongoing research and development efforts to test and evaluate next generation detection technologies.

On August 1, 2005, the Chairman of the Subcommittee issued a request to the Governmental Accountability Office (GAO) to examine the development and deployment of radiation portal monitors to assess the effectiveness of current and planned detection systems. On August 29, 2005, GAO agreed to examine the issue. In a letter to the Subcommittee Chairman and Ranking Member dated June 9, 2006, GAO again agreed to further examine this issue by reviewing radiation detection equipment.

On September 22, 2005, the Subcommittee held a hearing entitled "Trends in Illicit Movement of Nuclear Materials." Witnesses discussed known cases of nuclear smuggling and focused on how terrorists might exploit existing narcotics networks and criminal organizations to transport nuclear material or a nuclear explosive device internationally and ultimately to the United States.

On May 25, 2006, the Subcommittee held a hearing entitled "Enlisting Foreign Cooperation in U.S. Efforts to Prevent Nuclear Smuggling." Representatives from the Department of Homeland Security, the Department of Energy, and the Department of State discussed their respective experiences in implementing bilateral programs to counter nuclear smuggling. The hearing examined and compared the terms of the agreements reached, as well as implementation successes and setbacks, in order to determine how to best encourage foreign participation, monitor implementation and ensure program success.

R&D INVESTMENT AND COORDINATION

On January 23 and 24, 2006, Members of the Subcommittee conducted a site visit of the Department of Homeland Security's Radiological/Nuclear Countermeasures Test and Evaluation Complex in Las Vegas, Nevada. In order to support its function as the coordinator of the domestic nuclear detection architecture, the Domestic Nuclear Detection Office conducts research, development, testing and evaluation (RDT&E) to improve capabilities for detecting, identifying and reporting the movement of nuclear and radiological materials. To facilitate such RDT&E, DNDO established the Radiological/Nuclear Countermeasures Test and Evaluation Complex at the Nevada Test Site with the cooperation of the Department of Energy, the National Nuclear Security Administration and Bechtel Nevada, to provide a unique facility dedicated to enhancing the ability to deter the threat of nuclear or radiological attack. This facility provides the ability to conduct testing and evaluation of technology against special nuclear material in a realistic and near-real world environment.

As part of the Subcommittee's oversight of issues relating to the utilization of science to prevent and deter nuclear and biological terrorism, the Subcommittee held a hearing entitled "The Science of Prevention" on September 13, 2006. This hearing reviewed and gauged the progress of the Domestic Nuclear Detection Office and the Directorate of Science and Technology in developing nuclear and biological countermeasures.

On April 19, 2006, Subcommittee Staff visited the U.S. Army's Edgewood Chemical and Biological Center (ECBC). The purpose of this trip was to examine how the Department of Homeland Security utilizes the resources of the Federal government to counter the threat of terrorist attacks involving chemical, biological, nuclear and radiological materials. Subcommittee Staff toured newly constructed laboratories and viewed deployable mobile laboratories under development.

COUNTER-PROLIFERATION ACTIVITIES

Proliferant states that actively support terrorism pose unique challenges to combating terrorism, and chemical, biological, radiological and nuclear terrorism in particular. In order to highlight these challenges, the Subcommittee held a hearing on September 8, 2005 entitled "WMD Terrorism and Proliferant States" to review the nature of Iranian assistance to Hezbollah and other terrorist organizations and examined questions such as: (1) what is the nature and extent of Iranian operational support for terrorist attacks?; (2) what are the objectives of those attacks?; and (3) how should that information factor into Department of Homeland Security assessments of the threat of CBRN terrorism.

On May 26, 2005, the Subcommittee held a hearing entitled "Building a Nuclear Bomb: Identifying Early Indicators of Terrorist Activities." This hearing examined the means by which terrorists may gain access to dangerous nuclear materials and discussed the Federal government's numerous programs aimed at reducing the risk of nuclear terrorist attack against the United States. The Subcommittee received testimony from representative from the Insti-

tute for International Security, the Center for Global Security Research; and the Nuclear Threat Initiative.

On June 22, 2006, the Subcommittee held a hearing entitled "Reducing Nuclear and Biological Threats at the Source." This hearing examined the danger posed when states end or diminish, leaving behind a legacy of dangerous material and personnel with dangerous skills. It focused on United State's efforts to prevent these materials and skills from falling into the hands of terrorists of their state sponsors. The Subcommittee received testimony from the Department of Energy, Department of State, the Department of Defense, the Center for International Trade and Security of the University of Georgia, and the Midwest Research Institute.

ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY

PORT AND MARITIME SECURITY

The possibility of terrorists bringing a weapon of mass destruction into the United States through a seaport or detonating one in a seaport presents severe consequences that demand a robust maritime and supply chain security system, with multiple layers of security reaching from the point of origin of commercial goods, through shipment at a foreign seaport to delivery within the United States.

As part of the Committee's oversight of port and maritime security issues during the 109th Congress, the Committee held numerous hearings, briefings, and site visits. These events highlighted the importance of the maritime transportation system to national security and economic stability. Committee Staff met with officials from the Department of Homeland Security, including Customs and Border Protection, the Coast Guard, and numerous industry groups and stakeholders to review existing security programs and identify remaining programmatic and resource gaps.

These oversight efforts culminated in the development of H.R. 4954, the SAFE Port Act (P.L. 109–347), which was signed into law on October 13, 2006.

TERRORIST TRAVEL

As part of the Committee's oversight over terrorist travel during the 109th Congress, several hearings, briefings and site visits were held. Disrupting terrorists in the efforts of terrorists to enter into and travel within the United States is a critical part of fighting the War on Terrorism. Additionally, the Committee examined how terrorists may exploit existing human smuggling and human trafficking operations to enter the United States.

In addition to holding several hearings across Subcommittees, Committee Staff met with officials from the Department of Homeland Security, the Department of State, and the Human Smuggling and Trafficking Center. Staff briefings focused on the use of biometrics for identity verification, the use of tamper resistant documents, and investigations to discover and disrupt terrorist travel and criminal organizations.

BORDER SECURITY TECHNOLOGY

As part of the Committee's oversight of the Department of Homeland Security's efforts to achieve operational control over the United States' borders, the Committee reviewed the installation and use of advanced technology to enhance border security. According to the Department of Homeland Security's Secure Border Strategic Plan delivered to the Committee on December 1, 2006, only 284 miles along the southwest border are under effective control. The lack of operational control along the border leaves the United States vulnerable to attacks by terrorists and increasingly sophisticated global criminal networks. The Committee's oversight activities focused on determining what additional resources, technology, and policy changes are necessary for achieving operational control along the entire 6,000 miles of international border.

The Committee held several hearings and conducted site visits focused on border security technology. Committee Staff met with officials from the Department of Homeland Security, Department of Justice, Department of State, State and local governments, and the private sector. Additionally, the Committee developed several pieces of legislation, including H.R. 4312, the "Border Security and Terrorism Prevention Act of 2005," which mandates much-needed border security improvements. These provisions were additionally incorporated into H.R. 4437, the "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005," that passed the House of Representatives in December 2005.

BORDER SCREENING SYSTEMS

The capability to identify and verify all travelers entering the United States is essential to National security. The Department of Homeland Security has several programs in place that have enhanced its ability in this area, including the US–VISIT program, which captures biometric and biographic data. Existing screening programs must also ensure that all security screening initiatives function together efficiently and effectively, and that travelers and goods are processed more quickly and conveniently.

Committee Staff conducted meetings with officials from the US–VISIT Program Office, Customs and Border Protection, and the private sector. Additionally, the Committee received testimony from several agencies within the Department of Homeland Security and the private sector. The Committee included legislation in H.R. 4312, the "Border Security and Terrorism Prevention Act of 2005," and H.R. 4437, the "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005," to require the Department to collect 10 fingerprints for the US–VISIT program and a report on the timeline for full implementation of US–VISIT.

DETENTION AND REMOVAL OF TERRORISTS

As part of the Committee's oversight of the Department of Homeland Security's detention and removal capabilities, the Committee conducted a number of hearings and briefings focused on availability and management of the Department's detention beds and removal processes. Between Fiscal Year 2001 and Fiscal Year 2005, the Department apprehended and released nearly 170,000 aliens

due to a lack of detention space and exacerbated by lengthy removal proceedings. The result is that the majority of those released never returned for their court appearances and are likely living with impunity illegally in the United States. There is no guarantee that terrorists or other individuals with criminal backgrounds will not exploit this vulnerability to inflict harm to the United States.

The Committee held a hearing on the status of the expedited removal program, which allows expedited deportation of certain illegal aliens. The more efficient the detention and removal process, the less time illegal aliens spend in United States detention facilities, allowing more aliens to be detained and fewer released into communities with little to no tracking. To address several of the concerns and deficiencies with the current detention and removal processes, the Committee included several provisions in H.R. 4312, the "Border Security and Terrorism Prevention Act" to enhance capabilities, provide additional resources, and change policies. The provisions were later included in H.R. 4437, the "Border Protection, Antiterrorism, and Illegal Immigration Control Act," which passed the House of Representatives on December 16, 2005. Specifically, the Committee included Title IV of H.R. 4437, which requires mandatory detention of all apprehended illegal aliens, increases available detention bed space, provides additional transportation and support resources for aliens in detention, mandates expedited removal, and requires the Secretary of Homeland Security to deny visas to travelers from countries that refuse to repatriate citizens found to be illegally in the United States.

NATIONAL STRATEGY FOR TRANSPORTATION SECURITY

As part of the Committee's oversight of the National Strategy for Transportation Security during the 109th Congress, the Committee held hearings, numerous briefings, and other meetings with Federal, State and local officials to evaluate the effectiveness of the Department's plan to secure the transportation assets of the nation. These hearings and briefings exposed numerous problems with the strategy, such as lack of detail and specificity, and a lack of actionable items for transit systems in the United States. In response, the Committee included provisions in the DHS Authorization Bill for FY 2007 that required the Department to issue a strategy specifically discussing certain aspects of transportation security, such as security measures during heightened alert, training for personnel, information sharing procedures, and clear identification of the roles and responsibilities of Federal, State, and local agencies.

PASSENGER AND BAGGAGE SCREENING

As part of the Committee's oversight of the Transportation Security Administration's (TSA) airport passenger and baggage screening responsibilities, the Committee held a number of hearings, briefings and meetings to understand better the prescreening processes and to evaluate the use of screeners and technology deployed at the checkpoint and baggage areas. Additionally, the Committee spent considerable time monitoring the deployment and progress of the Registered Traveler program. This oversight highlighted issues of great concern, including TSA's failure to implement a full-scale

technology development and deployment strategy for leveraging current and emerging technologies, TSA's continuing over-reliance upon human screeners; and TSA's poor management of its airport screening workforce.

As a result of these oversight activities, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity approved on March 16, 2006, H.R. 4439, the "Transportation Security Administration Reorganization Act of 2005," which amends the Homeland Security Act of 2002 to improve federal security screening operations for passenger air transportation.

OTHER AVIATION SECURITY MATTERS

The Transportation Security Administration's (TSA) air cargo security procedures have remained an ongoing concern to the Committee, and as part of its oversight Committee Staff focused on TSA proposals establishing a system for designating high risk cargo for enhanced security screening, recommendations for enhancements to the "Known Shipper Program," including threat assessment requirements for employees of freight handlers, and improved access control in cargo handling areas. Committee Staff conducted several visits to the Washington Dulles International Airport and observed cargo screening operations; met with air cargo private sector representatives; and reviewed the findings of the Government Accountability Office with respect to existing vulnerabilities in security mechanisms of air cargo transportation.

The Committee also examined flight planning and training practices of the Federal Air Marshals Service (FAMS) and the effectiveness of the Federal Flight Deck Officer Program. Committee Staff also received several briefings on FAMS, toured the FAMS Training Center in Atlantic City, New Jersey, and examined FAMS training and the management of the Federal Flight Deck Officer and the Self-Defense Training Programs.

AIRSPACE SECURITY

The Committee held a series of briefings on the Department of Homeland Security's responsibility and capability for conducting airspace security missions. The Committee also held a series of briefings focused on the structure and mission of the Customs and Border Protection (CBP) Air Office. CBP Air is intended to merge the air assets and missions of the legacy Office of Air and Marine Operations with the air assets of the Border Patrol. Committee Staff received briefings from the Department on the creation of this office and the impact that it may have on continuing legacy missions.

The Committee included several provisions in H.R. 4312, the "Border Security and Terrorism Prevention Act of 2005," which was incorporated into H.R. 4437, the "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005," to address concerns about the Department of Homeland Security's airspace security mission. H.R. 4437 passed the House of Representatives on December 16, 2005. Specifically, section 111 of H.R. 4437 requires the Department to report on the impact of the National Capitol Region mission has on the fulfilling of other border security missions with-

in the Department. Section 502 requires the Department to establish an Office of Air and Marine Operations to be the main air support agency for border security and other missions as necessary within the Department.

CRITICAL INFRASTRUCTURE PROTECTION

As part of the Committee's oversight of the Department of Homeland Security's progress in identifying, prioritizing and enhancing critical infrastructure protection—both physical and cyber security—the Committee received both Member and Staff briefings on the National Infrastructure Protection Plan required under Homeland Security Presidential Directive (HSPD)–7. The Committee examined the framework that utilizes Federal, State and local efforts in combination with the private sector to protect the Nation's critical assets and key resources, such as energy, water and food supplies, health care, dams, and transportation. In addition, the Committee held hearings on chemical facility security, and the protection of other soft targets, including shopping malls, office buildings, theme parks, public transportation, museums, stadiums, hotels, and schools. Committee Staff met with dozens of private sector representatives to better understand their issues and concerns and the Department's work in effective coordination, information sharing, and deployment of Protective Security Advisors.

The Committee held classified briefings on the National Asset Database and the most critical asset list to better focus the protection activities in an all-hazard situation. The Committee also oversaw through briefings and staff site visits, coordination issues with State and local authorities, and implementation of the Buffer Zone Protection Program.

CYBERSECURITY

As part of the Committee's oversight of cybersecurity issues during the 109th Congress, the Committee held numerous hearings, briefings and other meetings with public and private sector officials to better understand the effectiveness of the Department of Homeland Security's programs addressing cybersecurity. These hearings and briefings highlighted the need for the creation of an Assistant Secretary within the Department to concentrate solely on cybersecurity issues and debate focus and stability to the various programs within the National Cyber Security Division. The Committee also identified several successes and failures of the Department's approach toward cybersecurity and highlighted issues for future oversight and evaluation.

The Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity approved H.R. 285, the "Department of Homeland Security Cybersecurity Enhancement Act of 2005," a bill to create a National cybersecurity office within the Department, to be headed by an assistant secretary.

ADDITIONAL ACTIVITIES

During the 109th Congress, the Committee actively examined the Department of Homeland Security's efforts to enhance the security of chemical facilities by holding hearings and briefings and con-

ducting site visits to determine the best approach to improving chemical facility security measures. The conclusions drawn by the Committee Members prompted the introduction of H.R. 5695, the "Chemical Facility Anti-Terrorism Act of 2006," which was reported to the House by the Committee in September 2006.

INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

DHS OFFICE OF INFORMATION ANALYSIS

The Committee spent substantial time reviewing the Department of Homeland Security's (DHS) efforts to build the intelligence, analytical, and assessment capabilities of the Office of Information Analysis (IA), including overseeing and guiding the transition to the Office of Intelligence and Analysis (I&A) through multiple hearings with the Chief Intelligence Officer, component intelligence heads, and intelligence experts and hosted several other briefings, informal meetings and site visits. The Committee examined I&A's access to information and relevant intelligence from the counterterrorism perspective and from the civil liberties perspective. The Committee also helped guide the Department to develop more comprehensive training and recruitment efforts to help build a first-class intelligence capability.

Additionally, the Committee explored I&A's interaction with the new National Counterterrorism Center (NCTC), and how the NCTC and the Information Sharing Program Manager have integrated the Department of Homeland Security's efforts into the national counterterrorism and intelligence mission.

The Committee also closely monitored the Department's analytical efforts to include DHS efforts on radicalization, the organization and priority given to DHS intelligence production and the quality and quantity of analysis from the Department.

DHS INTELLIGENCE AND INFORMATION COLLECTION ACTIVITIES

Through hearings, briefings and meetings with component agencies, the Committee examined the various information collection efforts of the department, including its efforts with open source information, information from ports of entry and other law enforcement activities, and information related to Terrorist Screening Center and other watch-listing activities. The Committee also examined the Department's intelligence and threat assessment activities through hearings and briefings on threat and risk assessment, including hearings and briefings with the Homeland Infrastructure Terrorism Risk Analysis Center (HITRAC), topic-specific threat hearings, and briefings on specific critical infrastructure threats.

INFORMATION SHARING

The Committee closely examined ways to further improve information sharing among Federal, State and local governments, law enforcement entities, first responders, and emergency management personnel. This included briefings and hearings on such topics as the Interagency Incident Management Group, the Homeland Security Operations Center, The Homeland Security Information Network, State and Local Fusion Centers and the Information Sharing

Program Manager. The Committee also examined the issue of unclassified information designations such as "For Official Use Only" and "Sensitive Security Information," and held briefings and a hearing on how the Information Sharing Program Manager is working to solve the problem that multiple, confusing designations cause.

THREAT COMMUNICATIONS AND ADVISORIES

The Committee reviewed the Department of Homeland Security's policies and procedures with respect to issuing threat and warning advisories, and passed legislation through the Committee to ensure that they convey information in a timely and relevant manner to Federal, State, and local government officials and other entities. The Committee also reviewed the level of coordination between the Department and the Federal Bureau of Investigation with respect to terrorism information through briefings and reviewed the relationship with Northern Command through briefings and a site visit.

INTELLIGENCE-DRIVEN EFFORTS TO COUNTER TERRORISM-RELATED SMUGGLING

During the 109th Congress, the Committee examined the operations and progress of the Terrorist Screening Center, the Human Smuggling and Trafficking Center, and other border security efforts. The Committee conducted hearings on these issues and Committee Staff received numerous briefings to further the Committee's understanding. The Committee reviewed the Department's intelligence-driven efforts to strengthen border enforcement and prevent and interdict terrorists.

THE HOMELAND SECURITY OPERATIONS CENTER

In February 2004, the Department of Homeland Security (DHS) announced the launch of its Homeland Security Information Network (HSIN) initiative, designed to connect all 50 States, five U.S. territories, and 50 major urban areas with the Homeland Security Operations Center (HSOC) at the Department. The Committee followed the Department of Homeland Security's efforts to collect and fuse information in the Homeland Security Operations Center (now the National Operations Center) and disseminate that information through the Homeland Security Information Network.

BORDER AND TRANSPORTATION COUNTER-TERRORISM INFORMATION SHARING

In establishing the Department of Homeland Security, through its Second Stage Review, merged various intelligence, and intelligence gathering offices under one authority. The Committee conducted oversight over the impact of this merger and the results of these intelligence organizations and their attempts to work more closely together.

The Committee closely examined the role of the Intelligence efforts of the Transportation Security Administration, the Federal Air Marshal Service, Customs and Border Protection, Immigration and Customs Enforcement, the United States Coast Guard and

monitored these components' access and integration within the Department's Intelligence Enterprise.

EMERGENCY PREPAREDNESS, SCIENCE, AND TECHNOLOGY

COORDINATION OF FEDERAL PREPAREDNESS EFFORTS

As part of the Committee's oversight of Federal emergency preparedness during the 109th Congress, the Committee closely examined the Department of Homeland Security's preparation for and response to Hurricanes Katrina and Rita and other catastrophic incidents. Through its hearings, briefings, and meetings, the Committee closely focused on the coordination between Federal, State, and local governments and the response by the Federal Emergency Management Agency (FEMA) to the devastation caused by the hurricanes to our Nation's Gulf Coast.

In addition to numerous hearings, the Committee held a hearing on October 19, 2005 which examined the respective roles and responsibilities of local, State, and Federal authorities in preparing for and responding to catastrophic incidents, both natural and man-made. Committee Members and Staff also met repeatedly with representatives from the Department, other Federal agencies, State and local governments, and non-governmental and voluntary organizations to review lessons learned from the response to Hurricanes Katrina and Rita and assess progress in addressing the obstacles that impeded our Nation's preparedness for such catastrophic incidents. The Committee also conducted site visits of the affected areas to examine first-hand the devastation of the hurricanes and recovery efforts.

These activities were part of the foundation for the Committee's development of H.R. 5351, the "National Emergency Management Reform and Enhancement Act," which included language to enhance coordination within the Department and FEMA and between all levels of Government.

FEDERAL HOMELAND SECURITY ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST RESPONDERS

As part of the Committee's oversight of first responder issues during the 109th Congress, the Committee 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 highlighted numerous problems with the Department's grant programs including: the need for the Department to allocate terrorism preparedness grants on the basis of risk, not arbitrary, political formulas; the burdensome nature of the application process; the slow rate of spending (i.e., draw-down) of homeland security funding by grant recipients; and the lack of preparedness standards or goals to guide the spending of such funds at the State and local levels of government.

The Committee held a series of hearings on first responder grants and the need for reform which led to the introduction of H.R. 1544, the "Faster and Smarter Funding for First Responders Act."

In addition to these hearings, Members and Committee Staff met on numerous occasions with Department officials to discuss the grant programs, allocation methods, and proposals for change to the grant programs. The Committee also examined the Homeland Security Grant Program guidance and application kit for the Urban Area Security Initiative, the State Homeland Security Grant Program, and the Law Enforcement Terrorism Prevention Program, the risk assessment process, application procedures, and funding formula for the programs. Additionally, representatives from the Department briefed Committee Staff on the guidance and application kits for the Port Security Grant Program, the Mass Transit Security Grant Program, and other critical infrastructure grants. The Committee's oversight activities focused in particular on the formulas used to distribute first responder grants to States and urban areas for FY 2006.

As a result of these oversight activities, the Committee reported, and Congress enacted, provisions establishing a risk-based port security grant program in H.R. 4954, the "Security and Accountability for Every Port Act." Moreover, the Committee reported and the House passed, H.R. 1544, the "Faster and Smarter Funding for First Responders Act." The Committee included legislation similar to H.R. 1544 in H.R. 5814, the Department of Homeland Security Authorization Act of 2007, reported by the Committee on July 19, 2006. Additionally, in working with the Department of Homeland Security, the Department made significant changes in its administration of these grant programs.

NATIONAL RESPONSE PLAN/INCIDENT MANAGEMENT

As part of the Committee's oversight of incident management and response issues during the 109th Congress, the Committee reviewed the Department of Homeland Security's implementation and management of the National Response Plan (NRP) and the National Incident Management System (NIMS). Through numerous hearings, briefings, and meetings, the Committee examined: the status of Federal, State and local government efforts to adopt and implement the NIMS; the effectiveness of the NIMS Integration Center as the Department's component with responsibility for administering and maintaining the NRP and NIMS; the comfort of non-fire service first responder disciplines with the Incident Command System; the level and extent of coordination between the Department of Defense (DoD) and the Department of Homeland Security before, during, and after catastrophic incidents; the DoD's responsibilities under the NRP and whether the NRP, as drafted, sufficiently facilitates military support to civilian authorities; and the ability of the NRP and NIMS to deal with the challenges posed by biological incidents, such as an avian influenza pandemic.

The Committee held a series of hearings on incident management and response, including an examination of the Nation's progress in adopting a National incident command system during catastrophic acts of terrorism, natural disasters, and other emergencies; the role of the military and the National Guard in disaster response; the role of the military and the National Guard in disaster response; the appropriate role of the Federal Government in

responding to an influenza pandemic; and whether the NRP adequately addressed biological events.

Committee Members and Staff met with representatives of the Department and other Federal agencies, including the Department of Defense, State and local officials, and various first responder disciplines to discuss implementation of the NRP and NIMs. For example, representatives of the Department's Interagency Incident Management Group briefed Committee Members on its role in coordinating the Federal Government's response to catastrophic incidents pursuant to the NRP. Moreover, Committee Staff visited U.S. Northern Command, Peterson Air Force Base, Colorado to discuss military support to civil authorities and the military's role in responding to catastrophic incidents.

The Committee's oversight in this area resulted in the enactment of incident management and response provisions in H.R. 5357, the "National Emergency Management Reform and Enhancement Act," as part of H.R. 5441, the "FY 2007, Department of Homeland Security Appropriations Act."

NATIONAL PREPAREDNESS GOAL

As part of the Committee's oversight of emergency preparedness and response issues during the 109th Congress, the Committee held several hearings, briefings, and meetings on emergency preparedness and planning at the Federal, State, regional, and local levels of government. In addition to monitoring the Department of Homeland Security's progress in establishing the National Preparedness Goal as required under Homeland Security Presidential Directive 8 (HSPD–8), the Committee reviewed the Department's efforts to assess the status of catastrophic planning at all levels of government, as well as its work with State and local governments to strengthen their catastrophic emergency preparedness planning.

The Committee held a series of hearings on implementation of HSPD–8 and the use of metrics to measure improvements in the Nation's preparedness. The Committee held a field hearing to examine coordination of emergency planning and preparedness at all levels of government in the Pacific Northwest; prevention, preparation and response to terrorism and other threats and disasters on the East coast; and to analyze the state of emergency medical preparedness and our Nation's readiness to handle public health disasters.

Committee Members and Staff met representatives of the Department's Preparedness Directorate, State and local officials, and other stakeholders to discuss the Department's progress in developing the National Preparedness Goal and its affect on State and local government preparedness.

The Committee's oversight in this area resulted in enactment of the preparedness and planning provisions in H.R. 5351, the "National Emergency Management Reform and Enhancement Act," as part of H.R. 5441, the "FY 2007, Department of Homeland Security Appropriations Act."

FIRST RESPONDER TRAINING

As part of the Committee's oversight of first responder training during the 109th Congress, the Committee held hearings, briefings,

and meetings to evaluate the efficacy and efficiency of the Department of Homeland Security's (Department) anti-terrorism training for first responders. These activities focused on a number of issues critical to first responder training including: the Department's coordination with other Federal agencies and the duplication of Federal anti-terrorism training programs; the Department's coordination of training programs offered or carried out by its various components; the Department's certification of State and local first responder training courses and the ability of State and local governments to spend Federal grant funds for such purposes; the Department's use of State, regional, and local training institutions, including academic institutions and private industry; the Department's allocation of training funding and its relationship to equipment purchases; and the need to give priority training to first responders from high-risk jurisdictions.

The Committee held hearings on the ability of the Department to ensure that first responders possess the specialized skills needed to prevent, prepare for, respond to, mitigate against, and recover from catastrophic acts of terrorism; the Department's coordination of terrorism preparedness training for first responders at all levels of government and within the private sector; and the state of training for first responders to prevent, prepare for, and respond to mass transit attacks.

Committee Members and Staff met with officials from the National Domestic Preparedness Consortium (NDPC), and conducted a site visit of the Center for Domestic Preparedness, the National Exercise, Test, and Training Center at the Nevada Test Site, and New Mexico Institute of Mining and Technology, to observe first responder training activities and programs.

The Committee's oversight in this area resulted in enactment of first responder training provisions in H.R. 5351, the "National Emergency Management Reform and Enhancement Act," as part of H.R. 5441, the "FY 2007, Department of Homeland Security Appropriations Act."

EXERCISES AND SIMULATIONS

With respect to first responder exercises and simulation, the Committee held numerous briefings and meetings with Federal, State, and local officials and first responders to assess the Department of Homeland Security's National Exercise Program and Homeland Security Exercise and Evaluation Program (HSEEP), the Department's State and local exercise evaluation system. These briefings and meetings highlighted a variety of deficiencies with the Department's national preparedness exercises including: the lack of timely dissemination of after action reports to exercise participants; the absence of a comprehensive remedial action program to assess implementation of lessons learned from such exercises; the over-emphasis on national level exercises; and insufficient coordination of exercises between Federal, State, and local governments.

The Committee observed the Department of Homeland Security's Top Officials Three Exercise (TOPOFF 3) exercise in Connecticut and New Jersey in May 2005. The TOPOFF 3 series of national level exercises is designed to evaluate the strength of our national

response to acts of terrorism involving weapons of mass destruction. Committee Staff also regularly met with Federal, State, and local officials and other stakeholders to review the lessons learned from TOPOFF 3, plans for TOPOFF 4 during the Autumn of 2007, and the need to establish additional mechanisms to evaluate first responder readiness.

The Committee's oversight in this area resulted in the House passing exercise and simulation provisions in H.R. 5351, the "National Emergency Management Reform and Enhancement Act," as part of H.R. 5441, the "FY 2007, Department of Homeland Security Appropriations Act."

INTEROPERABLE COMMUNICATIONS

As part of the Committee's oversight of public safety emergency communications during the 109th Congress, the Committee held a series of hearings as well as numerous briefings and meetings on Federal, State, and local efforts to ensure that first responders and government officials are able to communicate effectively in the event of acts of terrorism, natural disasters, and other emergencies. These hearings and briefings highlighted a number of issues critical to emergency communications including: the complexities and challenges involved in achieving and maintaining interoperable emergency communications; the status of the Federal government's efforts to address the vulnerabilities of our Nation's wired, wireless, and broadcast communications infrastructure; the steps that the Federal government is taking to assist State, local, and tribal governments in establishing and maintaining incident command and control when communications are severely disrupted; what research and development programs the Department of Homeland Security has established to investigate promising technological solutions; the level of coordination between the Department and other Federal departments and agencies charged with ensuring communications capabilities, such as the Departments of Commerce, Defense, and Justice, and the Federal Communications Commission; and potential solutions for solving this longstanding problem.

Committee Staff held numerous meetings with officials from the Departments of Homeland Security, Agriculture, Commerce, Defense, and Justice and the Federal Communications Commission to discuss coordination and enhancement of their activities and emergency communications grant programs. Committee Staff also met with first responders, utilities companies, public works, health care, and other stakeholders to discuss problems and solutions for the crisis in emergency communications.

As a result of these oversight activities, the Committee reported, and the House passed, H.R. 5852, the "21st Century Emergency Communications Act," which Congress subsequently enacted as part of H.R. 5441, the "FY 2007, Department of Homeland Security Appropriations Act."

EMERGENCY WARNINGS

As part of the Committee's oversight of public alert and warning issues during the 109th Congress, the Committee held regular briefings with the Department of Homeland Security, the National

Oceanic and Atmospheric Administration (NOAA), State and local officials, first responders, and others to monitor the Federal Government's implementation of two public alert and warning pilot projects authorized under Public Law 108–408, the Intelligence Reform and Terrorism Prevention Act of 2004, and to discuss the development of the national integrated public alert and warning system.

As a result of these oversight activities, the Committee reported a provision establishing a National Integrated Public Alert and Warning System as part of H.R. 5852, the "21st Century Emergency Communications Act." Additionally, the Committee developed the wireless alert and warning provision enacted as part of H.R. 4954, the "Security and Accountability for Every Port Act."

S&T DIRECTORATE MANAGEMENT AND COORDINATION

As part of the Committee's oversight of the Department of Homeland Security's (Department) research and development activities during the 109th Congress, the Committee conducted extensive hearings, briefings, and meetings with Federal officials, academic experts, the private sector, and other stakeholders on the mission and operations of Science and Technology (S&T) Directorate, the component of the Department responsible for research, development, testing, and evaluation of homeland security technologies. These hearings and briefings highlighted numerous problems with the Department's research and development programs and the S&T Directorate including: a lack of transparent strategic planning; inadequate detail in its budget justifications; systemic deficiencies in its financial and accounting controls; poor response to the needs of its customers and end-users; and the slow transfer of technologies for homeland security purposes.

The Committee held a hearing examining the Department's plans to reorganize the S&T Directorate to enhance its ability to fulfill its statutory responsibilities under the Homeland Security Act. Committee Staff also met with officials from the S&T Directorate to discuss its various management problems and to advise on its reorganization.

As a result of these oversight activities, the Committee reported, and the House passed H.R. 4942, the "Promoting Antiterrorism Capabilities Through International Cooperation Act." In addition, the Committee reported H.R. 4941, the "Homeland Security Science and Technology Enhancement Act."

TECHNOLOGY CLEARINGHOUSE AND TECHNOLOGY TRANSFER

As part of the Committee's oversight of the technology clearinghouse and technology transfer issues during the 109th Congress, the Committee focused on the collaboration between the Department of Homeland Security (DHS) and the Department of Defense (DoD) in identifying and adapting military technologies for homeland security missions. In order to provide Federal, State, and local homeland security personnel with the most advanced operational tools available and to eliminate redundant research and development programs, the Committee held hearings and hosted briefings examining the cooperative research mechanisms in place to facilitate continued research collaboration between DHS and DoD.

Committee Staff also met with officials from DHS and DoD, and the private sector to discuss mechanisms for identifying and prioritizing military technologies suitable for transfer and the Department's progress in adapting and modifying already transferred technologies.

As a result of these oversight activities, the Committed reported H.R. 4941, the "Homeland Security Science and Technology Enhancement Act of 2006," which included technology transfer provisions.

S&T FELLOWSHIP PROGRAM AND CENTERS FOR EXCELLENCE

As part of the Committee's oversight of the Department of Homeland Security's (DHS) efforts to attract the Nation's most talented scientists and build partnerships with the academic community through its Centers of Excellence and its Scholars and Fellows programs during the 109th Congress, the Committee held numerous meetings with representatives of the Centers of Excellence (the Centers), academic institutions supporting the Centers, scholarship recipients, and other academic experts to examine the effectiveness of these programs in developing a professional cadre of homeland security scientists and to stimulate more homeland security related research, development, testing, and evaluation.

Committee Members and Staff held numerous meetings with the Centers, academic stakeholders, and senior officials from the Science and Technology Directorate's Office of University Programs to evaluate the effectiveness of the Department's efforts to leverage the academic community.

As a result of these oversight activities, the Committed reported H.R. 4941, the "Homeland Security Science and Technology Enhancement Act of 2006," which included academic-related provisions.

THE HOMELAND SECURITY INSTITUTE

As part of the Committee's oversight of the Science and Technology (S&T) Directorate in the 109th Congress, the Committee held meetings with stakeholders to discuss the effectiveness of the S&T Directorate's utilization of the Homeland Security Institute (the HSI), a Federally-funded research and development center (FFRDC) that produces strategic analysis for the S&T Directorate.

Committee Staff met with senior officials from the S&T Directorate and the HSI to discuss whether the Department of Homeland Security should transfer oversight over the HSI from the S&T Directorate to the Office of Policy and what extent the S&T Directorate financially and administratively supports the HSI. As a result of these oversight activities, the Committed reported H.R. 4941, the "Homeland Security Science and Technology Enhancement Act of 2006," which included a provision to transfer the HSI. Additionally, the Committee's oversight led the Department to devote more resources to better utilize the HSI.

ADDITIONAL OVERSIGHT ACTIVITIES

IMPLEMENTATION OF THE SUPPORT FOR ANTI-TERRORISM BY FOSTERING EFFECTIVE TECHNOLOGIES (SAFETY) ACT OF 2002

As part of the Committee's oversight of the Science and Technology (S&T) Directorate in the 109th Congress, the Committee examined the efficacy of the "Support Anti-terrorism by Fostering Effective Technology Act" (SAFETY Act). The SAFETY Act provides limited liability from claims arising out of acts of terrorism for sellers of qualified anti-terrorism technologies. Through hearings, briefings, and meetings, the Committee focused on the S&T Directorate's implementation of the SAFETY Act including: application burden, confidentiality of information, general program awareness, effectiveness of liability protections against legal action, option for expedited review, and the SAFETY Act's coordination with procurement.

The Committee held a hearing to examine the SAFETY Act application process and its coordination with procurement functions at the Department of Homeland Security. Committee Staff also met with senior officials from the Department and the private sector to discuss concerns about the Department's implementation of the SAFETY Act and the Department's plans to revamp its program.

As a result of these oversight activities, the Committee reported H.R. 5814, the "Department of Homeland Security Authorization Act for Fiscal Year 2007," which included a provision to streamline the SAFETY Act application process. The Committee's oversight activities in this area contributed to the Department's decision to strengthen SAFETY Act implementation by updating the application process, ensuring that the certification process dovetails with existing procurement processes, and minimizing the burdens imposed on businesses so that liability is not an impediment to developing and deploying anti-terrorism technologies for Federal, State, and local homeland security personnel.

PROJECT BIOSHIELD

As part of the Committee's oversight of the development of countermeasures to counter biological threats in the 109th Congress, the Committee evaluated the Department of Homeland Security's effectiveness in assessing and determining the potential for chemical, biological, radiological, and nuclear (CBRN) agents to pose a threat to national security pursuant to Public Law 108–276, the Project Bioshield Act of 2004. Initially proposed by the President in January 2003, Project Bioshield is designed to address the lack of a commercial market for countermeasures against CBRN agents by creating incentives for biotechnology and pharmaceutical companies to invest in the research and development of such countermeasures. The Committee focused on the role of the Department's Science and Technology (S&T) Directorate in conducting material threat assessments, prioritizing existing biological threats, and coordinating the Project Bioshield process with the Department of Health and Human Services.

The Committee held hearings and briefings examining deficiencies with the Department's threat assessment and determina-

tion process, and evaluating the scope, depth, maturity, and effectiveness of our Nation's biodefenses.

The Committee's oversight activities in this area contributed to the development and introduction of H.R. 5028 "The Project Bioshield Material Threats Act of 2006," which was later incorporated into H.R. 5814, the "Department of Homeland Security Authorization Act for Fiscal Year 2007." This legislation was intended to accelerate the material threat assessment process and help prioritize the order in which the assessments are undertaken.

RADIOLOGICAL AND NUCLEAR DETECTION

As part of the Committee's oversight of radiological and nuclear detection in the 109th Congress, the Committee conducted extensive oversight of radiation detection monitors and other nuclear and radiological detection technologies currently deployed at our Nation's ports of entry, as well as ongoing research, development, testing, and evaluation efforts in pursuit of next generation detection technologies.

The Committee held a series of hearings and briefings on the effectiveness of detection technologies and strategies. The Committee analyzed the performance and effectiveness of the Department's radiation and nuclear detection capabilities and the strategies to detect, respond to and mitigate threats to our security in this area.

The Committee's oversight in this area contributed to the development and introduction of H.R. 5029 "Prevention of Nuclear Terrorism Act of 2006" which was enacted as part of H.R. 4954 "The SAFE Port Act of 2006." This legislation codified the Department's Domestic Nuclear Detection Office, authorizing its mission, function, and authorities. Additional provisions within H.R. 4954 laid out requirements for coordinating and deploying radiation detection and nonintrusive imaging equipment domestically and internationally.

CYBERSECURITY RESEARCH AND DEVELOPMENT

As part of the Committee's oversight of cybersecurity in the 109th Congress, the Committee monitored the Science and Technology (S&T) Directorate's cybersecurity research and development program. Through hearings, briefings, and meetings, the Committee focused on the development of safeguards to minimize the vulnerabilities of our Nation's electronic information infrastructure and the development of meaningful countermeasures to thwart terrorist threats from cyberspace.

The Committee held a series of hearings on the complexities of protecting our Nation's infrastructure from cyber attacks which assessed both existing and emerging countermeasures and safeguards available to protect and secure our Nation's electronic infrastructure. As a result of these oversight activities, the Committee reported H.R. 4941, the "Homeland Security Science and Technology Enhancement Act of 2006," which included a cybersecurity research and development provision.

LIQUID EXPLOSIVES DETECTION

As part of the Committee's oversight of the threat posed by liquid explosives in the 109th Congress, the Committee scrutinized the Science and Technology (S&T) Directorate's research, development, testing, and evaluation program for liquid explosive detection technologies. Particularly in the aftermath of the foiled terrorist plot to detonate liquid explosives on international airplane flights originating from the United Kingdom, the Committee held extensive briefings to assess the status of the Department of Homeland Security's activities in this area, including the research and development activities of the S&T Directorate's Rapid Response Team on liquid explosive detection. Committee Staff visited the Transportation Security Lab in Atlantic City, New Jersey to receive briefings on the Department's efforts to develop technologies to identify liquid explosives and examine technology under review and testing for the next generation passenger and baggage screening systems.

As a result of these oversight activities, the Department expanded its activities and programs related to the detection of liquid explosives.

MANAGEMENT, INTEGRATION, AND OVERSIGHT

STRATEGIC PLANNING AND EXECUTION

The Committee held numerous meetings with Department of Homeland Security officials, including representatives of the Office of Inspector General, to discuss progress in strengthening and streamlining Departmental management and operations. On April 20, 2005, the Committee held a hearing specifically to discuss management challenges facing the Department. The Committee also held several hearings to discuss the potential impact of mission-based budgeting at the Department and the Secretary of Homeland Security's Second Stage Review, a Department-wide reorganization proposed and implemented by the Secretary in July 2005.

INTERGRATION AND COORDINATION OF BORDER AND TRANSPORTATION SECURITY FUNCTIONS

The Committee held a series of hearings examining the Department's efforts to ensure integration and coordination among the two primary agencies responsible for border security and immigration functions within the Department: Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE). While the initial hearings focused on the calls to combine the two agencies into one single border security and immigration enforcement agency, the last hearing focused on the Department's efforts to increase integration and coordination between the two agencies without a large-scale agency reorganization.

Due to the oversight work by the Committee on integration and coordination issues between CBP and ICE, the Committee included specific provisions in H.R 4317, the "Border Security and Terrorism Prevention Act of 2005," to ensure greater integration and coordination. These provisions were additionally incorporated into H.R. 4437, the "Border Protection, Antiterrorism, and Illegal Immigra-

tion Control Act of 2005," that passed the House of Representatives in December 2005.

In addition the Secretary of Homeland Security took specific steps to address many of the Committee concerns and ensure integration and coordination between the two agencies. Specific actions include: creating a Department-wide Office of Policy, an Office of Operations Coordination, and a more robust Office of Intelligence and Analysis to be managed by a new Chief Intelligence Officer; implementing the Secure Border Initiative (SBI); placing the SBI Program Office in the DHS Office of Policy; improving communication by requiring weekly meetings between the Secretary and CBP and ICE; creating an ICE/CBP Coordination Council; establishing mechanisms to ensure the Under Secretary of Management and the Chief Financial Officer collaborate with CBP and ICE on budget and strategic planning issues; and establishing Border Enforcement and Security Task Forces.

ACQUISITION AUTHORITIES AND CONTRACTS MANAGEMENT

Contracts and acquisition management were top priorities for the Committee throughout the 109th Congress. The Committee conducted several reviews of Department of Homeland Security contracting practices and procedures, including disaster relief and reconstruction contracts after the terrorist attacks of September 11, 2001, and two transportation services contracts that were set aside for businesses residing in historically underutilized areas.

The Committee held hearings examining border security contracts: the existing contract for the Integrated Surveillance Intelligence System, to install cameras and sensors along the southwest border; and the new SBInet contract, the technology portion of the broader Secure Border Initiative, which is a comprehensive, multiyear program composed of a mix of personnel, infrastructure, and technology to gain operational control of the Nation's borders.

Additionally, the Committee met with the Office of Procurement Operations and the Office of Small and Disadvantaged Business Utilization of the Department of Homeland Security to examine the use of contracts set aside for small and disadvantaged businesses. The Subcommittee also reviewed the authorities of the Department's Chief Procurement Officer and drafted legislation to ensure that this position has sufficient authority to ensure the compliance of Departmental components with statutes, rules, and regulations.

FINANCIAL MANAGEMENT

The Committee held a hearing with the Committee on Government Reform to review the status of the Department of Homeland Security's financial management system integration and consolidation, also referred to as eMerge2. The hearing resulted in the Committee focusing on why the Department abruptly canceled the eMerge2 program after a $17 million investment, as well as its decision to focus on improving financial management processes and procedures prior to migrating Departmental entities to new financial systems.

HUMAN CAPITAL MANAGEMENT

During the 109th Congress, Committee Staff met with the Chief Human Capital Officers of the Department of Homeland Security to discuss the implementation of MaxHR, the new personnel system, as well as recruitment, retention, employee morale, and training and education programs, the Committee held hearings to discuss these issues.

INFORMATION TECHNOLOGY SYSTEMS MANAGEMENT

The Committee met with the Department of Homeland Security Chief Information Officer several times throughout the 109th Congress to discuss progress in integrating legacy information technology systems and the elimination of redundant systems. The Committee held a hearing to discuss information security at the Department, including compliance with the requirements of the Federal Information Security Management Act.

PRIVACY AND CIVIL LIBERTIES PROTECTION

Committee Staff met several times with the Privacy Officer of the Department of Homeland Security, as well as the Office of Civil Rights and Civil Liberties, regarding Departmental efforts to protect the privacy of individuals and ensure that the civil rights and civil liberties of individuals are appropriately considered during program planning and implementation. Committee Staff also monitored the work of the Data Privacy and Integrity Advisory Committee, a Federal Advisory Committee created to advise the Privacy Officer and the Secretary of Homeland Security regarding programmatic, policy, and operational issues within the Department that affect individual privacy, data integrity, and data interoperability. In addition, in order to ensure that the needs of individuals with disabilities are incorporated into disaster planning efforts, the Subcommittee drafted legislation to ensure that the Officer for Civil Rights and Civil Liberties serves as the Secretary of Homeland Security's coordinator for issues relating to individuals with disabilities.

SAFETY ACT IMPLEMENTATION

The Committee met with representatives of the Department of Homeland Security as well as industry stakeholders as part of its efforts to ensure effective implementation of the SAFETY Act, including the completion and publication of the final implementing regulation and the issuance of a revised application kit. Through hearings, briefings, and meetings, the Committee focused on implementation issues including: the application burden; confidentiality of information; general program awareness; effectiveness of liability protections against legal action; options for expedited review; and the SAFETY Act's coordination with procurement.

APPENDICES

APPENDIX I—COMMITTEE RULES—COMMITTE ON HOMELAND SECURITY

(Adopted October 7, 2005)

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 referred to, 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 of the Committee ("the Chairman") shall appoint a Member of the majority party to serve as Vice Chairman of the Committee. The Chairman shall appoint other Members of the majority party to serve as Chairmen of each of the subcommittees.

D. *Referral of Bills by Chairman*—Except for bills or measures retained by the Chairman for full Committee consideration or discharged by the Chairman, every bill or other measure referred to the Committee shall be referred by the Chairman to the appropriate subcommittee within two weeks of receipt by the Committee for consideration in accordance with its jurisdiction. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the Chairman will refer the matter as he or she deems advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned or discharged by the Chairman when, in his or her sole judgment, the subcommittee is not able to complete its work or cannot reach agreement on the matter in a timely manner.

E. *Recommendation of Conferees*—Whenever the Speaker of the House is to appoint a conference committee on a matter within the jurisdiction of the Committee, the Chairman shall recommend to the Speaker of the House conferees from the 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.

F. *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.

II. MEETINGS AND HEARINGS

A. *Regular Meeting Date*—The regular meeting date and time for the transaction of business of the Committee shall be at 10:00 a.m. on the first Wednesday that the House is in Session each month, unless otherwise directed by the Chairman.

B. *Additional Meetings*—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of 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.

D. *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 abridged or waived in extraordinary circumstances, as determined 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 for a meeting taking place on a day the House is in session, and 72 hours in advance of a meeting taking 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 abridged or waived in extraordinary circumstances, as determined by the Chairman in consultation with the Ranking Minority Member.

3. *Publication*—The meeting announcement shall be published in the Daily Digest portion of the Congressional Record.

E. *Open Meetings*—All meetings of the Committee shall be open to the public except 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 or would violate any law or rule of the House, in accordance with Clause 2(g) or 2(k) of House Rule XI.

F. *Quorum Requirements*—Two Members shall constitute a quorum for the purposes of receiving testimony and evidence at a duly noticed hearing or meeting. One-third of the Members of the Committee shall constitute a quorum for the transaction of business, except that a majority of the Committee shall constitute a quorum for ordering a report, entering executive session, releasing executive session material, issuing a subpoena, immunizing a witness, reporting contempt, or where otherwise required under the rules of the House.

G. *Opening Statements*—At any meeting of the full 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. In the case of a meeting of any subcommittee, the Chairmen and Ranking Minority Members of the subcommittee and the full Committee shall be entitled to present oral opening statements of five minutes each, and other Members may submit written opening statements for the record. At any hearing of the full Committee, the Chairman of the full Committee, and at any hearing of a subcommittee, the Chairman of that subcommittee, in his or her discretion and with the concurrence of the Ranking Minority Member of the full Committee or of that subcommittee, respectively, may permit additional opening statements by other Members of the full Committee or of that subcommittee at the hearing in question.

H. *Questioning of Witnesses*—Committee questioning of witnesses shall be conducted by any Member of the Committee, as well as by such Committee staff as may be authorized by the Chairman or presiding Member to question such witnesses. Committee Members or authorized staff may question witnesses only when recognized by the Chairman for that purpose.

1. *Time Limitation*—In the course of any hearing, Members shall be limited to five minutes on the initial round of questioning. No Member shall be recognized for a second opportunity to question a witness until each Member of the Committee who is present has been recognized for that purpose.

2. *Order of Recognition*—In questioning witnesses, the Chairman and the Ranking Minority Member shall be recognized first, after which Members who are in attendance when the Chairman gavels the hearing to order will be recognized in the order of their seniority on the Committee, alternating between majority and minority Members. Members arriving after the commencement of a hearing shall be recognized after all Members present at the beginning of the hearing have been recognized, in the order of their appearance, alternating between majority and minority Members.

3. *Alternative Questioning Procedure*—The Chairman, or the Committee by motion, may permit an equal number of majority and minority Members to question a witness for a specified, total period that is equal for each side and not longer than 30 minutes for each side. The Chairman, 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.

I. *Oath or Affirmation*—Whenever the Committee holds a hearing or meeting that the Chairman has designated as an investigatory hearing or meeting in order to take testimony or consider other evidence, the testimony of any person shall be given under oath or affirmation administered by the Chairman or his designee.

J. *Statements by Witnesses*—

1. 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, and insofar as practicable and consistent with the notice given, shall do so no less than 48 hours in advance of the witness' appearance before the Committee, unless such requirement is waived or otherwise modi-

fied by the Chairman in consultation with the Ranking Minority Member.

2. To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

K. *Objections and Ruling*—Except as otherwise provided by the rules of the House, any objection raised by a witness shall be ruled upon by the Chairman or other presiding Member, and such ruling shall be the ruling of the Committee unless a Member of the Committee appeals the ruling of the chair and a majority of the Committee present fails to sustain the ruling of the chair.

L. *Transcripts*—A transcript shall be made of the testimony of each witness appearing before the Committee during a Committee hearing. All hearings of the Committee which are open to the public shall be printed and made available.

M. *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.

N. *Contempt Procedures*—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the 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 all the Committee, 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 Committee.

O. *The Five-Minute Rule*—The time any one Member may address the Committee on any bill, motion, or other matter under consideration by the Committee shall not exceed five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be exceeded when permitted by unanimous consent.

P. *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.

Q. *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.

R. *Access to Dais*—Access to the dais during and before a hearing, mark-up or other meeting of the Committee shall be limited to Members and staff of the Committee, and staff of Members of the Committee.

S. *Cellular Telephones*—The ringing or conversational use of cellular telephones is prohibited on the Committee dais or in the Committee hearing room during a hearing, mark-up, or other meeting of the Committee.

T. *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, subject to the provisions of the Legislative Reorganization Act of 1970 (Section 116(b) and House Rule XI. Priority shall be given by the Committee to members of the Press Galleries.

III. SUBPOENAS

A. *Authorization*—The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House, if authorized by a majority of the members of the Committee or subcommittee (as the case may be) voting, a quorum being present. The power to authorize and issue subpoenas is also delegated to the Chairman of the full Committee, in consultation with the Ranking Minority Member, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the House of Representatives. Subpoenas shall be 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 Chairman. Subpoenas shall be issued under the Chairman's signature or that of a Member designated by the Committee.

B. *Disclosure*—Provisions may be included in a subpoena, by concurrence of the Chairman and Ranking Minority Member, or by the Committee, to prevent the disclosure of Committee 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 Committee inquiries.

C. *Subpoena duces tecum*—A subpoena *duces tecum* may be issued whose return shall occur at a time and place other than that of a regularly scheduled meeting.

D. *Requests for Investigations*—Requests for investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the federal government shall be made by the Chairman, upon consultation with the Ranking Minority Member, or by the Committee.

E. *Affidavits and Depositions*—The Chairman, in consultation with the Ranking Member, 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.

IV. SUBCOMMITTEES

A. *Generally*—The Committee shall be organized to consist of six standing subcommittees with the following jurisdiction:

1. *Subcommittee on Prevention of Nuclear and Biological Attack:* Prevention of terrorist attacks on the United States involving nuclear and biological weapons, including the Department of Homeland Security's role in nuclear and biological counter-proliferation and detection of fissile materials, biological weapons, precursors, and production equipment; the Department of Homeland Security's role in detecting and interdicting commerce in and transit of nuclear and biological weapons, components, precursors, delivery systems, and production equipment; development and deployment of sensors to detect nuclear and biological weapons, components, precursors, and production equipment; inspections conducted domestically and abroad to detect and interdict nuclear and biological weapons, components, precursors, delivery systems, and production equipment; nuclear and biological threat certification and characterization; preventative use of technology, including forensic analytic techniques, to attribute nuclear and biological weapons-related samples to their sources; border, port, and transportation security designed to prevent nuclear and biological attacks on the United States; integration of federal, state, and local efforts to prevent nuclear and biological attacks, including coordination of border security initiatives for this purpose; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

2. *Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment:* Intelligence and information sharing for the purpose of preventing, preparing for, and responding to potential terrorist attacks on the United States; the responsibility of the Department of Homeland Security for comprehensive, nationwide, terrorism-related threat, vulnerability, and risk analyses; the integration, analysis, and dissemination of homeland security information, including the Department of Homeland Security's participation in, and interaction with, other public and private sector entities for any of those purposes; communications of terrorism-related information by the federal government to State, local, and private sector entities; issuance of terrorism threat advisories and warnings (including administration of the Homeland Security Advisory System); liaison of the Department of Homeland Security with U.S. intelligence and law enforcement agencies; information gathering, analysis, and sharing by Department of Homeland Security entities; the role of intelligence in terrorism threat prioritization; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

3. *Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity:* Development of strategies to protect against terrorist attack against the United States; prioritizing risks through analytical tools and cost/benefit analyses; prioritizing investment in critical infrastructure protection across all sectors, including transportation (air, land, sea, and intermodal, both domestic and international); defeating terrorist efforts to inflict economic costs through threats and violence; mitigation of potential consequences of terrorist attacks on critical infrastructure, and related target hardening strategies; border, port, and transportation security; in the wake of an attack on one sector, ensuring the continuity of

other sectors including critical government, business, health, financial, commercial, and social service functions; security of computer, telecommunications, information technology, industrial control systems, electronic infrastructure, and data systems; protecting government and private networks and computer systems from domestic and foreign attack; preventing potential injury to civilian populations and physical infrastructure resulting, directly or indirectly, from cyber attacks; with respect to each of the foregoing, assessing the impact of potential protective measures on the free flow of commerce and the promotion of economic growth; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

4. *Subcommittee on Management, Integration, and Oversight:* Oversight of Department of Homeland Security progress in implementing the management and organizational directives of the Homeland Security Act and other homeland security-related mandates; Department of Homeland Security offices responsible for the provision of department-wide services, including the Under Secretary for Management, the Chief Information Officer, and the Chief Financial Officer; cross-directorate, Department-wide standardization and programmatic initiatives; investigations and reports by the Inspector General of the Department of Homeland Security; standardization and security of Department of Homeland Security communications systems and information technology infrastructure; harmonization and effectiveness of Department of Homeland Security budgeting, acquisition, procurement, personnel, and financial management systems; incentives and barriers to hiring that affect Department components; Department of Homeland Security-initiated internal reorganizations; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

5. *Subcommittee on Emergency Preparedness, Science, and Technology:* Preparedness for and collective response to terrorism, including federal support to first responders; terrorism-related incident management and response; consequence mitigation; Department of Homeland Security-administered homeland security grants to first responders; conduct and coordination of exercises and training relating to mitigating the effects of and responding to terrorist attacks (including nuclear, biological, radiological, and chemical attacks on civilian populations); federal government coordination of terrorism-related emergency preparedness and response with and among state and local governments, the private sector, and the public; research, development and deployment of technology for combating terrorism; adaptation of existing technologies to homeland security prevention priorities; coordination and enhancement of Department of Homeland Security interaction on science and technology matters with the private sector, federally funded research and development centers, educational institutions, the National Laboratories, and other scientific resources; Department of Homeland Security-based science and technology entities and initiatives; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

6. *Subcommittee on Investigations:* Conduct of investigations into matters within the jurisdiction of the full Committee and referred to the subcommittee by the Chairman.

B. *Powers and Duties of Subcommittees*—Unless 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 Committee on all matters within its jurisdiction, except that the Subcommittee on Investigations shall have no authority to mark up legislation. Subcommittee Chairmen, in consultation with the Ranking Members of the respective subcommittees, shall set hearing and meeting dates only with the approval of the Chairman of the Committee, in consultation with the Ranking Member of the Committee.

C. *Selection and Ratio of Subcommittee Members*—The Chairman and Ranking Member 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.

D. *Ex Officio Members*—The Chairman and the Ranking Minority Member of the Committee shall be ex officio members of all subcommittees, with full rights as a member of each subcommittee. They are authorized to vote on all matters that arise before any subcommittee, and may be counted for purposes of establishing a quorum in such subcommittees.

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.

V. COMMITTEE STAFF

A. *Generally*—Members of the Committee staff shall work collegially, with discretion, and always with the best interests of the Nation's security foremost in mind. Committee business shall, whenever possible, take precedence over other official and personal business. For the purpose of these rules, Committee staff means the employees of the Committee, consultants engaged by the Committee, and any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee, including detailees and fellows. All such persons shall be subject to the same requirements as employees of the Committee under this rule. To be employed or otherwise engaged by the Committee, an individual must be eligible to be considered for routine (non-limited) access to classified information.

B. *Staff Assignments*—All Committee staff shall be staff of, and engaged by, the full Committee. Committee staff shall be either majority, minority, or joint. Majority staff shall be designated by and assigned to the Chairman. Minority staff shall be designated by and assigned to the Ranking Minority Member. Joint Committee staff shall be designated by the Chairman, in consultation with the Ranking Minority Member, and assigned to service of the full Committee. The Chairman shall certify Committee staff appointments, including appointments by the Ranking Minority Member and joint staff appointments, to the Clerk of the House in writing.

C. *Joint Committee Staff*—The Chairman and Ranking Minority Member may agree to employ joint Committee staff, with duties as mutually agreed. Such joint Committee staff works for the Com-

mittee as a whole, under the supervision and direction of the Staff Director of the Committee.

D. *Notification of Testimony*—No member of the Committee staff shall be employed by the Committee unless and until such person agrees in writing, as a condition of employment, to notify the Committee of any request for testimony, either while a member of the Committee staff or at any time thereafter, with respect to classified information which came into the staff member's possession by virtue of his or her position as a member of the Committee staff. Such classified information shall not be disclosed in response to such requests except as authorized by the Committee.

E. *Divulgence of Information*—Prior to the public acknowledgement by the Chairman or the Committee of a decision to initiate an investigation of a particular person, entity, or subject, no member of the Committee staff shall 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 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.

VI. 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 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 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).

3. *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.

VII. COMMITTEE RECORDS

A. *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.

B. *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 section VIII of these rules.

C. *Removal of 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.

D. *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.

E. *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.

F. *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.

G. *Disposition of Committee Records*—At the conclusion of the 109th Congress, the 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.

H. *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.

VIII. 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. Sensitive or classified documents may be examined only in an appropriately secure manner. Removal from the secure area of the Committee's offices of such documents and other materials is prohibited except with leave of the Chairman for use in furtherance of Committee business, in accordance with applicable security procedures.

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 Committee, and under the Committee's direction, 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 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 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.

IX. CHANGES TO COMMITTEE RULES

These rules may be modified, amended, or repealed by the 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 TO THE COMMITTEE ON HOMELAND SECURITY AND ITS SUBCOMMITTEES

During the 109th Congress, the Membership of the Committee on Homeland Security changed; this Appendix sets forth those changes.

When the 109th Congress convened on January 4, 2005, the House of Representatives established the Committee on Homeland Security, pursuant to the provisions of H. Res. 5. On January 6, 2005, the Chairman and Ranking Member were appointed by voice vote pursuant to H. Res. 32 and H. Res. 33, respectively. On February 9, 2005, the Majority and Minority Members of the Committee on Homeland Security were appointed after adoption of H. Res. 73 and H. Res. 74, respectively. Pursuant to the adoption of these resolutions, the size of the Committee on Homeland Security was set at 34 Members, 19 Republicans and 15 Democrats.

CHRISTOPHER COX, California, *Chairman*

DON YOUNG, Alaska
LAMAR S. SMITH, Texas
CURT WELDON, Pennsylvania, *Vice Chairman*
CHRISTOPHER SHAYS, Connecticut
PETER T. KING, New York
JOHN LINDER, Georgia
MARK E. SOUDER, Indiana
TOM DAVIS, Virginia
DANIEL E. LUNGREN, California
JIM GIBBONS, Nevada
ROB SIMMONS, Connecticut
MIKE ROGERS, Alabama
STEVAN PEARCE, New Mexico
KATHERINE HARRIS, Florida
BOBBY JINDAL, Louisiana
DAVID G. REICHERT, Washington
MICHAEL MCCAUL, Texas
CHARLES W. DENT, Pennsylvania

BENNIE G. THOMPSON, Mississippi
LORETTA SANCHEZ, California
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
JANE HARMAN, California
PETER A. DEFAZIO, Oregon
NITA M. LOWEY, New York
ELEANOR HOLMES NORTON, District of Columbia
ZOE LOFGREN, California
SHEILA JACKSON-LEE, Texas
BILL PASCRELL, Jr., New Jersey
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BOB ETHERIDGE, North Carolina
JAMES R. LANGEVIN, Rhode Island
KENDRICK B. MEEK, Florida

The Subcommittees on Homeland Security were established after the Committee met, and approved the Rules of the Committee on February 9, 2005. The Committee appointed Members to the Subcommittees as follows:

SUBCOMMITTEE ON PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK

(8–6)

JOHN LINDER, Georgia, *Chairman*

DON YOUNG, Alaska
CHRISTOPHER SHAYS, Connecticut
DANIEL E. LUNGREN, California
JIM GIBBONS, Nevada
ROB SIMMONS, Connecticut
BOBBY JINDAL, Louisiana
MICHAEL MCCAUL, Texas
CHRISTOPHER COX, California (Ex Officio)

JAMES R. LANGEVIN, Rhode Island
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
JANE HARMAN, California
ELEANOR HOLMES NORTON, District of Columbia
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BENNIE G. THOMPSON, Mississippi (Ex Officio)

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

(10–8)

ROB SIMMONS, Connecticut, *Chairman*

CURT WELDON, Pennsylvania
PETER T. KING, New York
MARK E. SOUDER, Indiana
DANIEL E. LUNGREN, California
JIM GIBBONS, Nevada
STEVAN PEARCE, New Mexico
BOBBY JINDAL, Louisiana
DAVID G. REICHERT, Washington
CHARLES W. DENT, Pennsylvania
CHRISTOPHER COX, California (Ex Officio)

ZOE LOFGREN, California
LORETTA SANCHEZ, California
JANE HARMAN, California
NITA M. LOWEY, New York
SHEILA JACKSON-LEE, Texas
BOB ETHERIDGE, North Carolina
JAMES R. LANGEVIN, Rhode Island
KENDRICK B. MEEK, Florida
BENNIE G. THOMPSON, Mississippi (Ex Officio)

SUBCOMMITTEE ON ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY

(10–8)

DANIEL E. LUNGREN, California, *Chairman*

DON YOUNG, Alaska
LAMAR S. SMITH, Texas
JOHN LINDER, Georgia
MARK E. SOUDER, Indiana
TOM DAVIS, Virginia
MIKE ROGERS, Alabama
STEVAN PEARCE, New Mexico
KATHERINE HARRIS, Florida
BOBBY JINDAL, Louisiana
CHRISTOPHER COX, California (Ex Officio)

LORETTA SANCHEZ, California
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
PETER A. DEFAZIO, Oregon
ZOE LOFGREN, California
SHEILA JACKSON-LEE, Texas
BILL PASCRELL, JR., New Jersey
JAMES R. LANGEVIN, Rhode Island
BENNIE G. THOMPSON, Mississippi (Ex Officio)

SUBCOMMITTEE ON MANAGEMENT, INTEGRATION AND OVERSIGHT

(8–6)

MIKE ROGERS, Alabama, *Chairman*

CHRISTOPHER SHAYS, Connecticut
JOHN LINDER, Georgia
TOM DAVIS, Virginia
KATHERINE HARRIS, Florida
DAVID G. REICHERT, Washington
MICHAEL MCCAUL, Texas
CHARLES W. DENT, Pennsylvania
CHRISTOPHER COX, California (Ex Officio)

KENDRICK B. MEEK, Florida
NITA M. LOWEY, New York
ZOE LOFGREN, California
SHEILA JACKSON-LEE, Texas
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BOB ETHERIDGE, North Carolina
BENNIE G. THOMPSON, Mississippi (Ex Officio)

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, SCIENCE, AND TECHNOLOGY

(10–8)

PETER T. KING, New York, *Chairman*

LAMAR S. SMITH, Texas
CURT WELDON, Pennsylvania
ROB SIMMONS, Connecticut
MIKE ROGERS, Alabama
STEVAN PEARCE, New Mexico
KATHERINE HARRIS, Florida
DAVID G. REICHERT, Washington
MICHAEL MCCAUL, Texas
CHARLES W. DENT, Pennsylvania
CHRISTOPHER COX, California (Ex Officio)

BILL PASCRELL, JR., New Jersey
LORETTA SANCHEZ, California
NORMAN D. DICKS, Washington
JANE HARMAN, California
NITA M. LOWEY, New York
ELEANOR HOLMES NORTON, District of Columbia
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BOB ETHERIDGE, North Carolina
BENNIE G. THOMPSON, Mississippi (Ex Officio)

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 his nomination to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2009, on July 29, 2005.

On September 15, 2005, Mr. Peter T. King of New York was appointed Chairman of the Committee on Homeland Security, and Ms. Ginny Brown-Waite of Florida was appointed to the Committee to rank after Mr. Dent pursuant to H. Res. 445. The size of the Committee was retained.

PETER T. KING, New York, *Chairman*

Don Young, Alaska
LAMAR S. SMITH, Texas
CURT WELDON, Pennsylvania, *Vice Chairman*
CHRISTOPHER SHAYS, Connecticut
JOHN LINDER, Georgia
MARK E. SOUDER, Indiana
TOM DAVIS, Virginia
DANIEL E. LUNGREN, California
JIM GIBBONS, Nevada
ROB SIMMONS, Connecticut
MIKE ROGERS, Alabama
STEVAN PEARCE, New Mexico
KATHERINE HARRIS, Florida
BOBBY JINDAL, Louisiana
DAVID G. REICHERT, Washington
MICHAEL MCCAUL, Texas
CHARLES W. DENT, Pennsylvania
GINNY BROWN-WAITE, Florida

BENNIE G. THOMPSON, Mississippi
LORETTA SANCHEZ, California
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
JANE HARMAN, California
PETER A. DEFAZIO, Oregon
NITA M. LOWEY, New York
ELEANOR HOLMES NORTON, District of Columbia
ZOE LOFGREN, California
SHEILA JACKSON-LEE, Texas
BILL PASCRELL, JR., New Jersey
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BOB ETHERIDGE, North Carolina
JAMES R. LANGEVIN, Rhode Island
KENDRICK B. MEEK, Florida

Following the appointment of Mr. Peter T. King as Chairman of the Committee on Homeland Security, the Committee met on October 7, 2005, and established a Subcommittee on Investigations, and appointed Members to the Subcommittees as follows:

SUBCOMMITTEE ON PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK

(8–6)

JOHN LINDER, Georgia, *Chairman*

Don Young, Alaska
CHRISTOPHER SHAYS, Connecticut
DANIEL E. LUNGREN, California
JIM GIBBONS, Nevada
ROB SIMMONS, Connecticut
BOBBY JINDAL, Louisiana
CHARLES W. DENT, Pennsylvania
PETER T. KING, New York (Ex Officio)

JAMES R. LANGEVIN, Rhode Island
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
JANE HARMAN, California
ELEANOR HOLMES NORTON, District of Columbia
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BENNIE G. THOMPSON, Mississippi (Ex Officio)

SUBCOMMITTEE ON ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY

(9–7)

DANIEL E. LUNGREN, California, *Chairman*

DON YOUNG, Alaska
LAMAR S. SMITH, Texas
JOHN LINDER, Georgia
MARK E. SOUDER, Indiana
MIKE ROGERS, Alabama
STEVAN PEARCE, New Mexico
KATHERINE HARRIS, Florida
BOBBY JINDAL, Louisiana
PETER T. KING, New York (Ex Officio)

LORETTA SANCHEZ, California
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
PETER A. DEFAZIO, Oregon
ZOE LOFGREN, California
SHEILA JACKSON-LEE, Texas
JAMES R. LANGEVIN, Rhode Island
BENNIE G. THOMPSON, Mississippi (Ex Officio)

SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

(9–7)

ROB SIMMONS, Connecticut, *Chairman*

CURT WELDON, Pennsylvania
MARK E. SOUDER, Indiana
DANIEL E. LUNGREN, California
JIM GIBBONS, Nevada
STEVAN PEARCE, New Mexico
BOBBY JINDAL, Louisiana
CHARLES W. DENT, Pennsylvania
GINNY BROWN-WAITE, Florida
PETER T. KING, New York (Ex Officio)

ZOE LOFGREN, California
LORETTA SANCHEZ, California
JANE HARMAN, California
NITA M. LOWEY, New York
SHEILA JACKSON-LEE, Texas
JAMES R. LANGEVIN, Rhode Island
KENDRICK B. MEEK, Florida
BENNIE G. THOMPSON, Mississippi (Ex Officio)

SUBCOMMITTEE ON MANAGEMENT, INTEGRATION AND OVERSIGHT

(7–5)

MIKE ROGERS, Alabama, *Chairman*

JOHN LINDER, Georgia
MARK E. SOUDER, Indiana
TOM DAVIS, Virginia
KATHERINE HARRIS, Florida
DAVID G. REICHERT, Washington
MICHAEL T. MCCAUL, Texas
PETER T. KING, New York (Ex Officio)

KENDRICK B. MEEK, Florida
EDWARD J. MARKEY, Massachusetts
ZOE LOFGREN, California
SHEILA JACKSON-LEE, Texas
BILL PASCRELL, JR., New Jersey
BENNIE G. THOMPSON, Mississippi (Ex Officio)

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, SCIENCE, AND TECHNOLOGY

(10–8)

DAVID G. REICHERT, Washington, *Chairman*

LAMAR S. SMITH, Texas
CURT WELDON, Pennsylvania
ROB SIMMONS, Connecticut
MIKE ROGERS, Alabama
STEVAN PEARCE, New Mexico
KATHERINE HARRIS, Florida
MICHAEL T. MCCAUL, Texas
CHARLES W. DENT, Pennsylvania
GINNY BROWN-WAITE, Florida
PETER T. KING, New York (Ex Officio)

BILL PASCRELL, JR., New Jersey
LORETTA SANCHEZ, California
NORMAN D. DICKS, Washington
JANE HARMAN, California
NITA M. LOWEY, New York
ELEANOR HOLMES NORTON, District of Columbia
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BOB ETHERIDGE, North Carolina
BENNIE G. THOMPSON, Mississippi (Ex Officio)

SUBCOMMITTEE ON INVESTIGATIONS

(5–3)

MICHAEL T. MCCAUL, Texas, *Chairman*

CHRISTOPHER SHAYS, Connecticut
DANIEL E. LUNGREN, California
DAVID G. REICHERT, Washington
GINNY BROWN-WAITE, Florida
PETER T. KING, New York (Ex Officio)

BOB ETHERIDGE, North Carolina
BILL PASCRELL, JR., New Jersey
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BENNIE G. THOMPSON, Mississippi (Ex Officio)

Appendix III—List of Public Laws

Public Law	Date Approved	Bill	Title
109–13.	May 11, 2005	H.R. 1268, (H.R. 418).	''Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.'' Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.
109–59.	August 10, 2005	H.R. 3	''Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users'' or ''SAFETEA–LU'' To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.
109–90.	October 18, 2005	H.R. 2360	''Department of Homeland Security Appropriations Act, 2006.'' Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.
109–177.	March 9, 2006	H.R. 3199	''USA PATRIOT Improvement and Reauthorization Act of 2005.'' To extend and modify authorities needed to combat terrorism, and for other purposes.
109–241.	July 11, 2006	H.R. 889	''Coast Guard and Maritime Transportation Act of 2006.'' To authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.
109–347.	October 13, 2006	H.R. 4954	''Security and Accountability For Every Port Act or the SAFE Port Act.'' To improve maritime and cargo security through enhanced layered defenses, and for other purposes.
109–367.	October 26, 2006	H.R. 6061	''Secure Fence Act of 2006.'' To establish operational control over the international land and maritime borders of the United States.

PUBLIC LAWS

H.R. 3 (H. Res. 140) (H. Res. 144) (H. Res. 399) (H. Con. Res. 226) (S. 732).—*Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.* To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes. Referred to Transportation and Infrastructure Feb. 9, 2005. Reported amended Mar. 7, 2005; (H. Rpt. 109–12). Supplemental report filed Mar. 8, 2005; Pt. II. Considered in the House Mar. 9, 2005. Passed House, amended, Mar. 10, 2005 (417–9). Received in Senate Mar. 20, 2005. Considered in Senate Apr. 26, 27, 28, May 9, 10, 11, 12, 13, 16, 2005. Passed Senate with amendment May 17, 2005. Conference Report filed in the House July 28, 2005; (H. Rpt. 109–203). House agreed to Conference Report July 29, 2005 (412–8). Senate agreed to conference report July 29, 2005 (91–4). Presented to the President Aug. 10, 2005. Approved Aug. 10, 2005. **Public Law 109–59.**

H.R. 3199 (H. Res. 369) (H. Res. 595) (S. 1266) (S. 1389).—*USA PATRIOT Improvement and Reauthorization Act of 2005.* To extend and modify authorities needed to combat terrorism, and for other purposes. Referred to the Judiciary and in addition to Intelligence July 11, 2005. Reported amended from the Judiciary July 18, 2005; (H. Rpt. 109–174, Pt. I.) Reported amended from Intelligence July 18, 2005; (H. Rpt. 109–174, Pt. II.) Union Calendar. Passed House amended July 21, 2005 (257–171). Received in Senate July 25, 2005. Passed Senate with amendment July 29, 2005. Conference Report filed in the House Dec. 8, 2005; (H. Rpt. 109–333). House agreed to conference report Dec. 14, 2005 (251–174). Conference Report considered in Senate Dec. 14, 15, 16, 2005, Mar. 1, 2006. Senate agreed to Conference Report Mar. 2, 2006 (89–10). Presented to the President Mar. 8, 2006. Approved Mar. 9, 2006. **Public Law 109–177.**

H.R. 889 (H. Res. 440) (S. 1280) (S. Con. Res. 103).—*Coast Guard and Maritime Transportation Act of 2006.* To authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes. Referred to Transportation and Infrastructure Feb. 17, 2005. Reported amended July 28, 2005; H. Rpt. 109–204, Pt. I. Referred to Homeland Security July 28, 2005 for a period ending not later than July 29, 2005. Homeland Security discharged July 29, 2005. Union Calendar. Passed House amended Sept. 15, 2005; Roll No. 474: 415–0. Received in Senate and referred to Commerce, Science and Transportation Sept. 19, 2005. Committee discharged. Passed Senate with amendment Oct. 27, 2005. Senate insisted on its amendment and asked for a conference Oct. 27, 2005. House disagreed to Senate amendment and agreed

to a conference Nov. 3, 2005. Conference report filed in the House Apr. 6, 2006; H. Rpt. 109–413. House considered conference report under suspension of the rules June 26, 2006. House agreed to conference report under suspension of the rules June 27, 2006; Roll No. 320: 413–0. Senate agreed to conference report June 27, 2006. Senate vitiated action on the conference report June 27, 2006. Senate agreed to conference report June 28, 2006. Presented to the President June 30, 2006. Approved July 12, 2006. **Public Law 109–241.**

H.R. 5441 (H. Res. 836) (H. Res. 1054).—*Department of Homeland Security Appropriations Act, 2007.* Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes. Reported from Appropriations May 22, 2006; H. Rpt. 109–476. Union Calendar. Considered May 25, 2006. Passed House amended June 6, 2006; Roll No. 226: 389–9. Received in Senate and referred to Appropriations June 7, 2006. Reported with amendment June 29, 2006; H. Rpt. 109–273. Considered July 10, 11, 12, 2006. Passed Senate with amendment July 13, 2006; Roll No. 203: 100–0. Senate insisted on its amendment and asked for a conference July 13, 2006. House disagreed to Senate amendment and agreed to a conference Sept. 21, 2006. Conference report filed in the House Sept. 28, 2006; H. Rpt. 109–699. House agreed to conference report Sept. 29, 2006; Roll No. 509: 412–6. Senate agreed to conference report Sept. 29, 2006. Presented to the President Oct. 3, 2006. Approved Oct. 4, 2006. **Public Law 109–295.**

H.R. 4954 (H. Res. 789) (H. Res. 1064) (S. 2008) (S. 2459).—*SAFE Port Act.* To improve maritime and cargo security through enhanced layered defenses, and for other purposes. Referred to Homeland Security Mar. 14, 2006. Reported amended Apr. 28, 2006; H. Rpt. 109–447, Pt. I. Referred to Transportation and Infrastructure Apr. 28, 2006 for a period ending not later than May 1, 2006. Transportation and Infrastructure discharged May 1, 2006. Union Calendar. Passed House amended May 4, 2006; Roll No. 127: 421–2. Received in Senate May 8, 2006. Ordered placed on the calendar May 16, 2006. Considered Sept. 7 (Legislative day of Sept. 6), 8, 11, 12, 13, 2006. Passed Senate with amendment Sept. 14, 2006; Roll No. 249: 98–0. Senate insisted on its amendment and asked for a conference Sept. 19, 2006. House disagreed to Senate amendment and agreed to a conference Sept. 28, 2006. Conference report filed in the House Sept. 29, 2006; Rept. 109–711. House agreed to conference report Sept. 30 (Legislative day of Sept. 29), 2006; Roll No. 516: 409–2. Senate agreed to conference report Sept. 30 (Legislative day of Sept. 29), 2006. Presented to the President Oct. 3, 2006. Approved Oct. 13, 2006. **Public Law 109–347.**

H.R. 5441 (H. Res. 836) (H. Res. 1054).—*Department of Homeland Security Appropriations Act, 2007.* Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes. Reported from Appropriations May 22, 2006; H. Rpt. 109–476. Union Calendar. Considered May 25, 2006. Passed House amended June 6, 2006; Roll No. 226: 389–9. Received in Senate and referred to Appropriations June 7, 2006. Reported with amendment June 29, 2006; H. Rpt. 109–273. Considered July 10, 11, 12, 2006. Passed Senate with

amendment July 13, 2006; Roll No. 203: 100–0. Senate insisted on its amendment and asked for a conference July 13, 2006. House disagreed to Senate amendment and agreed to a conference Sept. 21, 2006. Conference report filed in the House Sept. 28, 2006; H. Rpt. 109–699. House agreed to conference report Sept. 29, 2006; Roll No. 509: 412–6. Senate agreed to conference report Sept. 29, 2006. Presented to the President Oct. 3, 2006. Approved Oct. 4, 2006. **Public Law 109–295.**

H.R. 6061 (H. Res. 1002).—*Secure Fence Act of 2006.* To establish operational control over the international land and maritime borders of the United States. Referred to Homeland Security Sept. 13, 2006. Passed House amended Sept. 14, 2006; Roll No. 446: 283–138. Received in Senate Sept. 14, 2006. Ordered placed on the calendar Sept. 15, 2006. Considered Sept. 21, 25, 26, 28, 2006. Passed Senate Sept. 29, 2006; Roll No. 262: 80–19. Presented to the President Oct. 23, 2006. Approved Oct. 26, 2006. **Public Law 109–367.**

LEGISLATION PASSED THE SENATE

H. Con. Res. 196.—Honoring the pilots of United States commercial air carriers who volunteer to participate in the Federal flight deck officer program. Referred to Homeland Security June 30, 2005. Rules suspended. Passed House Dec. 7, 2005; Roll No. 614: 413–2. Received in Senate and referred to Commerce, Science and Transportation Dec. 12, 2005. Committee discharged. Passed Senate Dec. 22 (Legislative day of Dec. 21), 2005.

LEGISLATION IN SENATE

H.R. 418 (H. Res. 71) (H. Res. 75) (H. Res. 151) (H.R. 1268).—*REAL ID Act of 2005.* To establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence. Referred to the Judiciary and in addition to Homeland Security, and Government Reform Jan. 26, 2005. Considered Feb. 9, 2005. Passed House amended Feb. 10, 2005; Roll No. 31: 261–161. Received in Senate Feb. 14, 2005. Referred to the Judiciary Feb. 17, 2005.

H.R. 1544 (H. Res. 269).—*Faster and Smarter Funding for First Responders Act of 2005.* To provide faster and smarter funding for first responders, and for other purposes. Referred to Homeland Security Apr. 12, 2005. Reported amended Apr. 28, 2005; H. Rpt. 109–65. Union Calendar. Passed House amended May 12, 2005; Roll No. 170: 409–10. Received in Senate and referred to Homeland Security and Governmental Affairs May 12, 2005.

H.R. 1817 (H. Res. 283).—*Department of Homeland Security Authorization Act for Fiscal Year 2006.* To authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes. Referred to Homeland Security Apr. 26, 2005. Reported amended from Homeland Security May 3, 2005; H. Rpt. 109–71, Pt. I. Referred to Energy and Commerce, Government Reform, the Judiciary, Science, Transportation and Infrastructure, Ways and Means, and Intelligence May 3, 2005 for a period ending not later than May 13, 2005. Reported amended from Energy and

Commerce May 13, 2005; Pt. II. Reported amended from the Judiciary May 13, 2005; Pt. III. Government Reform, Science, Transportation and Infrastructure, Ways and Means, and Intelligence discharged May 13, 2005. Union Calendar. Passed House amended May 18, 2005; Roll No. 189: 424–4. Received in Senate and referred to Homeland Security and Governmental Affairs May 19, 2005.

H.R. 4437 (H. Res. 610) (H. Res. 621) (S. 2454) (S. 2611).—*Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.* To amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes. Referred to the Judiciary and in addition to Homeland Security Dec. 6, 2005. Reported amended from the Judiciary Dec. 13, 2005; H. Rpt. 109–345, Pt. I. Homeland Security discharged. Dec. 13, 2005. Referred to Education and the Workforce and Ways and Means Dec. 13, 2005 for a period ending not later than Dec. 14, 2005. Education and the Workforce and Ways and Means discharged Dec. 14, 2005. Union Calendar. Considered Dec. 15, 2005. Passed House amended Dec. 16, 2005; Roll No. 661: 239–182. Received in Senate Dec. 17, 2005. Referred to the Judiciary Jan. 27, 2006.

H.R. 4942.—*Promoting Antiterrorism Capabilities Through International Cooperation Act.* To establish a capability and office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments. Referred to Homeland Security Mar. 14, 2006. Reported amended Sept. 25, 2006; H. Rpt. 109–674. Union Calendar. Rules suspended. Passed House amended Sept. 26, 2006. Received in Senate Sept. 27, 2006. Referred to Homeland Security and Governmental Affairs Nov. 13, 2006.

H.R. 5589.—To direct the Secretary of Homeland Security to transfer to United States Immigration and Customs Enforcement all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation. Referred to Homeland Security June 12, 2006. Rules suspended. Passed House July 10, 2006. Received in Senate and referred to Homeland Security and Governmental Affairs July 11, 2006.

H.R. 5852.—*21st Century Emergency Communications Act of 2006.* To amend the Homeland Security Act of 2002 to enhance emergency communications at the Department of Homeland Security, and for other purposes. Referred to Energy and Commerce and in addition to Homeland Security July 20, 2006. Rules suspended. Passed House July 25, 2006; Roll No. 397: 414–2. Received in Senate and referred to Homeland Security and Governmental Affairs July 26, 2006.

H.R. 6160.—*More Border Patrol Agents Now Act of 2006.* To recruit and retain Border Patrol agents. Referred to Homeland Security and in addition to Government Reform Sept. 25, 2006. Rules suspended. Passed House Sept. 26, 2006. Received in Senate Sept.

27, 2006. Referred to Homeland Security and Governmental Affairs Nov. 13, 2006.

H.R. 6162.—*Secure Border Initiative Financial Accountability Act of 2006.* To require financial accountability with respect to certain contract actions related to the Secure Border Initiative of the Department of Homeland Security. Referred to Homeland Security Sept. 25, 2006. Rules suspended. Passed House Sept. 28, 2006. Received in Senate Sept. 28, 2006. Referred to Homeland Security and Governmental Affairs Nov. 13, 2006.

LEGISLATION PENDING IN THE HOUSE

H.R. 4312.—*Border Security and Terrorism Prevention Act of 2005.* To establish operational control over the international land and maritime borders of the United States, and for other purposes. Referred to Homeland Security and in addition to the Judiciary, and Armed Services Nov. 14, 2005. Reported amended from Homeland Security Dec. 6, 2005; H. Rpt. 109–329, Pt. I. The Judiciary and Armed Services discharged Dec. 6, 2005.

H.R. 4941.—*Homeland Security Science and Technology Enhancement Act of 2006.* To reform the science and technology programs and activities of the Department of Homeland Security, and for other purposes. Referred to the Committee on Homeland Security Mar. 14, 2006. Reported amended from Homeland Security June 14, 2006. H. Rpt. 109–729, Part I. Energy and Commerce discharged Dec. 8, 2006.

H. Res. 427.—Relating to the terrorist attacks against the United States on September 11, 2001. Referred to International Relations and in addition to Armed Services, Transportation and Infrastructure, the Judiciary, and Homeland Security Sept. 7, 2005. Rules suspended. Passed House Sept. 8, 2005; Roll No. 464: 402–6.

H. Res. 463.—Of inquiry directing the Secretary of Homeland Security to provide certain information to the House of Representatives relating to the reapportionment of airport screeners. Referred to Homeland Security Sept. 27, 2005. Reported adversely Oct. 28, 2005; Rept. 109–259.

H. Res. 809.—Directing the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation, Incorporated, of Arlington, Virginia. Referred to Homeland Security May 9, 2006. Reported adversely May 25, 2006; Rept. 109–484.

H. Res. 994 (H. Res. 996).—Expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001. Referred to Government Reform and in addition to International Relations, Armed Services, Transportation and Infrastructure, Homeland Security, the Judiciary, and Intelligence Sept. 12, 2006. Passed House Sept. 13, 2006; Roll No. 440: 395–22.

LEGISLATION REPORTED TO THE HOUSE

H.R. 5351.—*National Emergency Management Reform and Enhancement Act of 2006.* To amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to codify certain existing functions of the Department of Homeland Security, and for other purposes. Referred to Transportation and Infrastructure and in addition to Homeland Security, and Energy and Commerce May 11, 2006. Reported amended from Homeland Security Nov. 9, 2006; H. Rpt. 109–712, Pt. I.

H.R. 5695 (S. 2145).—*Chemical Facility Anti-terrorism Act of 2006.* To amend the Homeland Security Act of 2002 to provide for the regulation of certain chemical facilities, and for other purposes. Referred to Homeland Security and in addition to Energy and Commerce June 28, 2006. Reported amended from Homeland Security Sept. 29, 2006; H. Rpt. 109–707, Pt. I. Referral to Energy and Commerce extended Sept. 29, 2006 for a period ending not later than Nov. 17, 2006.

H.R. 5814.—*Department of Homeland Security Authorization Act for Fiscal Year 2007.* To authorize appropriations for the Department of Homeland Security, and for other purposes. Referred to Homeland Security July 17, 2006. Reported amended from Homeland Security Nov. 9, 2006; H. Rpt. 109–713, Pt. I. Referred to Ways and Means and Energy and Commerce Nov. 9, 2006 for a period ending not later than Nov. 17, 2006.

LEGISLATION PENDING AT FULL COMMITTEE

H.R. 1317 (S. 494).—*Federal Employee Protection of Disclosures Act.* To amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections; and for other purposes. Referred to Government Reform Mar. 15, 2005. Reported amended from Government Reform June 29, 2006; H. Rpt. 109–544, Pt. I. Referred to Armed Services June 29, 2006 for a period ending not later than Sept. 11, 2006. Referred to Homeland Security June 29, 2006 for a period ending not later than Sept. 11, 2006. Referral to Armed Services and Homeland Security extended Sept. 11, 2006 for a period ending not later than Sept. 29, 2006. Referral to Armed Services and Homeland Security extended Sept. 29, 2006 for a period ending not later than Nov. 17, 2006.

H.R. 4439.—*Transportation Security Administration Reorganization Act of 2005.* To establish an Airport Screening Organization in the Transportation Security Administration, and for other purposes. Referred to Homeland Security December 6, 2005. Forwarded by Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity to Full Committee (Amended) by Voice Vote. Mar. 16, 2006.

H.R. 4880.—*Maritime Terminal Security Enhancement Act of 2006.* To direct the Commandant of the Coast Guard to require that a security plan for a maritime facility be resubmitted for approval upon transfer of ownership or operation of such facility, and for other purposes. Referred to Transportation and Infrastructure

and in addition to Homeland Security Mar. 6, 2006. Reported amended from Transportation and Infrastructure Sept. 29, 2006; H. Rpt. 109–709, Pt. I. Referral to Homeland Security extended Sept. 29, 2006 for a period ending not later than Nov. 17, 2006.

H.R. 5001.—*Homeland Security Information Security Enhancement Act of 2006.* To amend the Homeland Security Act of 2002 to enhance homeland security information sharing, and for other purposes. Referred to Homeland Security Mar. 16, 2006.

H.R. 5002.—*Homeland Security Information Sharing Partnerships Act of 2006.* To amend the Homeland Security Act of 2002 to provide for information sharing partnerships, and for other purposes. Referred to Homeland Security Mar. 16, 2006.

H.R. 5003.—*Homeland Security Open Source Intelligence Enhancement Act of 2006.* To amend the Homeland Security Act of 2002 to provide for the full and efficient use of open-source intelligence. Referred to Homeland Security Mar. 16, 2006.

H.R. 5004.—To amend the Homeland Security Act of 2002 to provide for an Office of Intelligence and Analysis and an Office of Infrastructure Protection, and for other purposes. Referred to Homeland Security, and in addition to Intelligence (Permanent Select) Mar. 16, 2006.

H.R. 5029.—*Prevention of Nuclear Terrorism Act of 2006.* To establish in the Department of Homeland Security a Domestic Nuclear Detection Office to improve the ability of the United States to detect and prevent acts of nuclear and radiological terrorism and to enhance coordination of such efforts across Federal agencies, and for other purposes. Referred to Homeland Security Mar. 28, 2006.

H.R. 5316.—*RESPOND Act of 2006.* To reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness for, response to, recovery from, and mitigation against disasters, and for other purposes. Referred to Transportation and Infrastructure and in addition to Homeland Security, and Government Reform May 9, 2006. Reported amended from Government Reform June 22, 2006; H. Rpt. 109–519, Pt. I.

H.R. 5604.—*SAFE Truckers Act of 2006.* To require motor vehicle operators transporting security sensitive material in commerce to obtain a permit from the Secretary of Homeland Security, and for other purposes. Referred to Homeland Security June 14, 2006. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity Markup held Jun. 22, 2006.

109–65	H.R. 1544	To provide faster and smarter funding for first responders, and for other purposes. Faster and Smarter Funding for First Responders Act of 2005. Filed April 28, 2005.
109–71, Pt. 1	H.R. 1817	To authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes. Department of Homeland Security Authorization Act for Fiscal Year 2006. Filed May 3, 2005.
109–259	H. Res. 463	Of inquiry directing the Secretary of Homeland Security to provide certain information to the House of Representatives relating to the reapportionment of airport screeners. Filed October 28, 2005.
109–329, Pt. 1	H.R. 4312	To establish operational control over the international land and maritime borders of the United States, and for other purposes. Border Security and Terrorism Prevention Act of 2005. Filed December 6, 2005.
109–447, Pt. 1	H.R. 4954	To improve maritime and cargo security through enhanced layered defenses, and for other purposes. Security and Accountability For Every Port Act or the SAFE Port Act. Filed April 28, 2006.
109–484	H. Res. 809	Directing the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation, Incorporated, of Arlington, Virginia. Filed May 25, 2006.
109–674	H.R. 4942	To establish a capability and office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments. Promoting Antiterrorism Capabilities Through International Cooperation Act. Filed March 14, 2006.
109–701, Pt. 1	H.R. 5695	To amend the Homeland Security Act of 2002 to provide for the regulation of certain chemical facilities, and for other purposes. Chemical Facility Anti-Terrorism Act of 2006. Filed September 29, 2006.
109–711	H.R. 4954 Conference Report.	Conference Report to accompany H.R. 4954, Security and Accountability For Every Port Act or the SAFE Port Act. Filed September 29, 2006.
109–712, Pt. 1	H.R. 5351	To amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to codify certain existing functions of the Department of Homeland Security, and for other purposes. National Emergency Management Reform and Enhancement Act of 2006. November 11, 2006.
109–713, Pt. 1	H.R. 5814	To authorize appropriations for the Department of Homeland Security, and for other purposes. Department of Homeland Security Authorization Act for Fiscal Year 2007. November 9, 2006.

109–729, Pt. 1	H.R. 4941	To reform the science and technology programs and activities of the Department of Homeland Security, and for other purposes. Homeland Security Science and Technology Enhancement Act of 2006. December 8, 2006.

APPENDIX VI—EXECUTIVE COMMUNICATIONS, MEMORIALS, PETITIONS AND PRESIDENTIAL MESSAGES

EXECUTIVE COMMUNICATIONS

1727

April 25, 2005—A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's "Major" final rule—Electronic Transmission of Passenger and Crew Manifests for Vessels and Aircraft [CBP Decision 05–15] (RIN: 1651–AA37) received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

3031

July 21, 2005—A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the report required by Section 7202(d) of the Intelligence Reform and Terrorism Prevention Act of 2004, regarding the establishment of the interagency Human Smuggling and Trafficking Center (HSTC); jointly to the Committee on International Relations, the Committee on the Judiciary, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence.

3583

July 29, 2005—A letter from the Secretary, Department of Homeland Security, transmitting notification of the establishment of the Domestic Nuclear Detection Office (DNDO) within the Department of Homeland Security (DHS) and the reallocation of certain functions among Department officers; to the Committee on Homeland Security.

3584

July 29, 2005—A letter from the Secretary, Department of Homeland Security, transmitting notification of the reallocation of functions and the establishment, consolidation and alternation of organizational units within the Department of Homeland Security; to the Committee on Homeland Security.

3585

July 29, 2005—A letter from the Assistant Secretary of Legislative Affairs, Department of Homeland Security, transmitting a report to Congress on Fiscal Year 2006 funding for the Department of Homeland Security Counternarcotics Activities; to the Committee on Homeland Security.

3586

July 29, 2005—A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a report to Congress on the Department of Homeland Security Counternarcotics Activities for Fiscal Year 2004; to the Committee on Homeland Security.

3587

July 29, 2005—A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the first annual report of Department of Homeland Security's Privacy Office which covers the activities of the office from its inception through June 2004; to the Committee on Homeland Security.

3588

July 29, 2005—A letter from the Vice President and Director, Homeland Security Institute, transmitting the first annual report on the activities of the Homeland Security Institute (HSI), pursuant to 6 U.S.C. 192 Public Law 107–296 section 312(f); to the Committee on Homeland Security.

3590

July 29, 2005—A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a report to Congress regarding the use of non Coast Guard personnel, pursuant to 33 U.S.C. 1226 note Public Law 107–295, section 107(b); jointly to the Committee on Transportation and Infrastructure and the Committee on Homeland Security.

4867

October 28, 2005—A letter from the Assistant Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting the Department's final rule—Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations [Docket No. TSA–2005–21866; Amendment Nos. 1520–3, 1540–6, 1562–1] (RIN: 1652–AA49) received August 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

5320

November 18, 2005—Letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report regarding its efforts in the area of transportation security for the calendar year 2004, pursuant to 49 U.S.C. 44938(a) and (b); to the Committee on Homeland Security.

5906

December 18, 2005—Letter from the Portfolio Manager, Critical Infrastructure Protection, Department of Homeland Security, transmitting a copy of the National Critical Infrastructure Protection Research and Development Plan; to the Committee on Homeland Security.

6817

March 30, 2006—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 Jackson Hole Airport will be equal to or greater than the level that would be provided at the airport; to the Committee on Homeland Security.

6818

March 30, 2006—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 Sioux Falls Regional Airport will be equal to or greater than the level that would be provided at the aiport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

6882

April 4, 2006—Letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report to Congress on Critical Infrastructure Risk Assessment and Readiness, pursuant to Public Law 108–458, Section 7306; to the Committee on Homeland Security.

7028

April 26, 2006—Letter from the Acting General Counsel, Department of Defense, transmitting the Department's requested legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2007; to the Committee on Homeland Security.

7088

April 27, 2006—Letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting notification that the Department has created the Critical Infrastructure Partnership Advisory Council (CIPAC); to the Committee on Homeland Security.

7090

April 27, 2006—Letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report on the threat from act of terrorism to U.S. ports and vessels operating from those ports, pursuant to 46 U.S.C. app. 1802; to the Committee on Homeland Security.

7091

April 27, 2006—Letter from the Secretary, Department of Homeland Security, transmitting notification of the change in the title of the office and position of the Under Secretary of Emergency and Preparedness and Response with the title, "Under Secretary for Federal Emergency Management", pursuant to Public Law 107–296, Section 872; to the Committee on Homeland Security.

7281

May 3, 2006—A letter from the Secretary, Department of Homeland Security, transmitting the Department's notification of the Director of Managment and Budget approval of the recommendation that an additional five million doses of Anthrax Vaccine Adsorbed (AVA) be procured with the Special Reserve Fund, authorized by the Project BioShield Act of 2004; jointly to the Committee on Energy and Commerce and the Committee on Homeland Security.

8038

June 13, 2006—A letter from the Deputy Chief Counsel, Regulations, Department of Homeland Security, transmitting the Department's final rule—Air Cargo Security Requirements [Docket No. TSA–2004–19515; Amendment Nos. 1520–4, 1540–7, 1542–2, 1544–5, 1546–2, and 1548–2] (RIN: 1652–AA23) received May 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

8039

June 13, 2005—A letter from the Director, Regulatory Management Division, Office of Executive Secretariat, Department of Homeland Security, transmitting the Department's final rule—Changes to the Procedures for Notifying the Public of Premium Processing Service Designations and Availability [DHS Docket No. USCIS–2005–0038; CIS No. 2367–05] (RIN: 1615–AB40) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

8754

July 24, 2006—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 Greater Rochester International 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.

8757

July 24, 2006—A letter from the Admiral, United States Coast Guard Commandant, Department of Homeland Security, transmitting a copy of a draft bill, "To authorize appropriations for fiscal year 2007 for the United States Coast Guard, and for other purposes"; jointly to the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on Armed Services, the Committee on Government Reform, the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Energy and Commerce.

9710

September 28, 2006—A letter from the Deputy Assistant Secretary, Office of Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting the Department's report regarding its efforts in the area of transportation security for the

calendar year 2005, pursuant to 49 U.S.C. 44938(a) and (b); to the Committee on Homeland Security.

9711

September 28, 2006—A letter from the Deputy Chief Counsel for Regulations, TSA, Department of Homeland Security, the Department's final rule—Driver Licensed by Canada or Mexico Transporting Hazardous Materials To and Within the United States [Docket No. TSA–2006–25541; Amendment No. 1572–6] (RIN: 1652–AA50) received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

10500

December 8, 2006—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 San Francisco International 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.

MEMORIALS

261

March 6, 2006—A memorial of the House of Representatives of the State of Michigan, relative to House Resolution No., 149 memorializing the Congress of the United States to increase efforts to protect our borders; to the Committee on Homeland Security.

363

June 13, 2006—A memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 188 memorializing the President of the United States and the Congress of the United States to use flexibility in the implementation of rules to allow use of an enhanced drivers license under the Western Hemisphere Travel Initiative which requires all citizens of any age of the United States, Canada, and Mexico, and Bermuda to have a passport or other secure documentation to enter or re-enter the United States; to the Committee on Homeland Security.

421

July 24, 2006—A memorial of the Legislature of the State of Maine, relative to a Joint Resolution memorializing the Congress of the United States and the President of the United States to shift funding priorities and support the equitable disbursement of Homeland Security funds as outlined in United States Senate Bill 10, sponsored by Senator Susan Collins, in order to ensure that all states effectively contribute to our national security goals and emergency preparedness; jointly to the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, and the Committee on the Judiciary.

PETITIONS

111

March 6, 2006—A petition of the City Commission of Hallandale Beach, Florida, relative to Resolution No. 2005–32 requesting the Federal Emergency Management Agency (FEMA) be removed from the Department of Homeland Security and returned to FEMA's former independent status; to the Committee on Homeland Security.

121

June 13, 2006—A petition of the City of Miami Commission, Florida, relative to Resolution No. R–06–0214 supporting the legalization, not criminalization, of immigrants in the United States and urging the Congress of the United States to reconsider House Bill 4437 and instead adopt the Senate Judiciary Committee's bill; jointly to the Committee on the Judiciary and the Committee on Homeland Security.

122

June 13, 2006—A petition of the Milwaukee County Board of Supervisors, Wisconsin, relative to a resolution urging the passage of a comprehensive U.S. immigration reform law known as The Secure America and Orderly Immigration Act; jointly to the Committee on the Judiciary, the Committee on Homeland Security, the Committee on International Relations, the Committee on Energy and Commerce, and the Committee on Education and the Workforce.

129

July 24, 2006—A petition of the Legislature of Rockland County, New York, relative to Resolution No. 125 calling upon the President of the United States, the Congress of the United States, the Department of Homeland Security, the Governor of the State of New York, the New York State Senate and the New York State assembly to include Rockland County in the Homeland Security funding definition for urban areas security initiative (UASI) grants for high threat urban areas in 2006; to the Committee on Homeland Security.

130

July 24, 2006—A petition of the Legislature of Rockland County, New York, relative to Resolution No. 124 calling upon the President of the United States, the Congress of the United States, the Department of Homeland Security, the Governor of the State of New York, the New York State Senate and the New York State Assembly to work to allow Homeland Security funding to be used to recruit and retain personnel; to the Committee on Homeland Security.

131

July 24, 2006—A petition of the Legislature of Rockland County, New York, relative to Resolution No. 123 calling upon the President of the United States, the Congress of the United States, the

Department of Homeland Security, the Governor of the State of New York, the New York State Senate and New York State Assembly to work to change the Homeland Security funding into one based on threat; to the Committee on Homeland Security.

152

July 27, 2006—A petition of the Legislature of Rockland County, New York, relative to resolution No. 350 calling upon the President of the United States, the Congress of the United States and the Department of Homeland Security to immediately restore Homeland Security and Anti-Terrorism funds to the New York Metropolitan Area and to reconsider Rockland County's exclusion from the Urban Areas Security Initiative for the New York Metropolitan Area.

PRESIDENTIAL MESSAGES

8

March 1, 2005—A message from the President of the United States transmitting the Administration's 2005 National Drug Control Strategy, pursuant to 21 U.S.C. 1705. Message and accompanying papers referred to the Committee on the Judiciary, the Committee on Government Reform, the Committee on International Relations, the Committee on Small Business, the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on Veterans' Affairs, and the Committee on Homeland Security.

37

February 14, 2006—A message from the President of the United States transmitting the Administration's 2006 National Drug Control Strategy, pursuant to 21 U.S.C. 1705. Message and accompanying papers referred to the Committees on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Government Reform, the Committee on Homeland Security, the Committee on International Relations, the Committee on the Judiciary, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

APPENDIX VII—COMMITTEE STAFF

MAJORITY STAFF

Robert F. O'Connor, *Staff Director*
Jennifer Arangio, *Counsel*
Kim Baronof, *Professional Staff Member*
Diane Berry, *Subcommittee on Prevention of Nuclear and Biological Attack Deputy Policy Director*
Mandy Bowers, *Professional Staff Member*
Bralver, Andrew, *Receptionist*
Elizabeth "Libby" Burgess, *Special Assistant* *
Donovan Chau, *Professional Staff Member* *
Benjamin Cohen, *Staff Director* *
Stephen M. Cote, *Policy Coordinator* *
Jennifer Crook, *Press**
Stephen W. DeVine, *Deputy Staff Director**
Thomas DiLenge, *Chief Counsel and Policy Director* *
Josh Dozor, *Counsel**
John C. Gannon, *Staff Director* *
Michael Geffroy, *Senior Counsel* *
Chris Gindlesperger, *Deputy Press Secretary*
Kevin Gronberg, *Professional Staff Member*
Amanda Halpern, *Staff Assistant*
Chris Higby, *Professional Staff Member* *
Heather Hogg, *Professional Staff Member*
Mark Hogsett, *Professional Staff Member*
Michele Ingwersen, *Executive Assistant*
Kenneth Johnson, *Communications Director**
Kerry A. Kinirons, *Counsel*
Kim L. Kotlar, *Policy Coordinator* *
Mark Klaassen, *General Counsel*
Alicemary Leach, *Subcommittee on Investigations Staff Director*
Patrick Lee, *Subcommittee Policy Director**
Michael Lepage, *Clerk*
Steven Lenkart, *Senior Professional Staff Member*
Eric Malawer, *Professional Staff Member* *
Sterling A. Marchand, *Professional Staff Member*
Kelly Mauceri, *Deputy Communications Director* *
Matthew McCabe, *Counsel*
Deron T. McElroy, *Subcommittee Staff Director*
Ammani Nagesh, *Staff Assistant* *
Coley O'Brien, *Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity Staff Director*
Colleen M. O'Keefe, *Counsel*
Winsome Packer, *Professional Staff Member*
Jennifer Page, *Press Secretary* *
Keyur B. Parikh, *Staff Assistant*

Edward Parkinson, *Receptionist**
Ryan Patmintra, *Assistant Press Secretary **
Adam Paulson, *Professional Staff Member*
Margaret Peterlin, *Senior Counsel*
Mike Power, *Chief Counsel*
Randall Prather, *Policy Coordinator**
William Rubens, *Counsel*
Michael J. Russell, *Subcommittee on Management, Integration, and Oversight Staff Director*
Charles B. Scarborough, *Communications Director*
William M. Schultz, *Professional Staff Member **
Julie Schmidt, *Professional Staff Member*
Nate Sloan, *Professional Staff Member*
Linda Townsend Solheim, *Senior Counsel*
Patricia Taylor, *Counsel*
Janice Tolley, *Press Assistant*
Adam Y.C. Tsao, *Senior Transportation Security Advisor **
Rachael Wanner, *Professional Staff Member**
Josh Weerasinghe, *Senior Advisor on Bioscience **
Andrew Weis, *Senior Counsel*
Brian B. White, *Professional Staff Member **
Amber Wilkerson, *Press **
Paul Wilkinson, *Communications Director**
Alan B. Wood, Jr., *Press**

MINORITY STAFF

Jessica Herrera-Flanigan, *Minority Staff Director*
Scott D. Bates, *Senior Policy Advisor **
Christopher A. Beck, *Minority Professional Staff Member*
Cherri Branson, *Investigative Oversight Counsel*
Zahra Buck, *Professional Staff Member*
Carla D. Buckner, *Professional Staff Member / Counsel**
Ryan D. Cast, *Senior Advisor for Science and Technology**
Rosaline Cohen, *Counsel / Director of Budgetary Affairs*
Christopher W. Espy, *Legal Clerk**
Thomas M. Finan, *Subcommittee Coordinator / Counsel*
Todd William Gee, *Counsel / Senior Policy Advisor*
Kandis Gibson, *Legal Clerk*
Jennifer Porter Gore, *Communication Director**
David Grannis, *Professional Staff Member **
Dena Graziano, *Communications Director**
Jeffrey Greene, *Subcommittee Coordinator/Counsel*
Nadra Harrison, *Press Assistant **
Calvin R. Humphrey, *Professional Staff Member **
Mark Jacobson, *Professional Staff Member*
Kathryn D. R. Krepp, *Counsel*
Jason McNamara, *Professional Staff Member**
Todd A. Levett, *Professional Staff Member**
I. Joshua Magarik, *Legislative Assistant*
Mark T. Magee, *Deputy Staff Director **
Frank J. McGee, *Professional Staff Member*
Jason R. McNamara, *Professional Staff Member **
Jacob S. Olcott, *Counsel*
Veronique Pluviose-Fenton, *Counsel*

Daniel Prieto, *Professional Staff Member**
Sue Ramanathan, *Chief Counsel**
Jerry P. Ross, *Subcommittee Policy Coordinator/Professional Staff Member**
Marisela Salayandia, *Legislative Assistant*
David H. Schanzer, *Staff Director / Chief Counsel **
Tamla Scott, *Counsel*
Craig M. Sharman, *Subcommittee Coordinator/Professional Staff Member*
John Sopko, *Chief of Investigations / General Counsel **
Michael Stroud, *Counsel*
Allen L. Thompson, *Professional Staff Member*
Moira Whelan, *Communications Director **

SHARED COMMITTEE STAFF

Dawn Criste, *Chief Financial Officer*
Diane Norman, *GPO Printer*
Michael S. Twinchek, *Chief Clerk*
Natalie Nixon, *Deputy Clerk*
Joseph Windrem, *Deputy Clerk **

* Indicates that such staff member is no longer employed by the Committee.

APPENDIX VIII—WITNESSES

A

Agwonobi, John, Assistant Secretary for Health, Department of Health and Human Services. Full Committee, May 16, 2006, "Are We Ready?: Implementing the National Strategy for Pandemic Influenza."

Aguilar, Chief David V., Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, September 28, 2005, "Solving the OTM Undocumented Alien Problem: Expedited Removal for Apprehensions along the U.S. Border." Subcommittee on Investigations, February 7, 2006, "Armed and Dangerous: Confronting the Problem of Border Incursions."

Ahern, Jayson, Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, March 16, 2006, H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes. Subcommittee on Prevention of Nuclear and Biological Attack, May 25, 2006, "Enlisting Foreign Cooperation in U.S. Efforts to Prevent Nuclear Smuggling."

Albright, David, Director, Institute for Science and International Security. Subcommittee on Prevention of Nuclear and Biological Attack, May 26, 2005, "Building a Nuclear Bomb: Identifying Early Indicators of Terrorist Activities." Subcommittee on Prevention of Nuclear and Biological Attack, June 28, 2005, "Pathways to the Bomb: Security of Fissile Materials Abroad."

Albright, Penrose "Parney", Assistant Secretary, Science and Technology Directorate, Department of Homeland Security. Subcommittee on Emergency Preparedness, Science, and Technology, February 10, 2005, "The Proposed Fiscal Year 2006 Budget: Enhancing Terrorism Preparedness for First Responders."

Ali, Javed, Senior Intelligence Officer, Department of Homeland Security. Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, September 20, 2006, "The Homeland Security Implications of Radicalization."

Alibek, Kenneth, Executive Director, Center for Biodefense, George Mason University. Subcommittee on Prevention of Nuclear and Biological Attack, July 13, 2005, "Engineering Bio-Terror Agents: Lessons from the Offensive U.S. and Russian Biological Weapons Programs."

Allen, Catherine, President and CEO, BITS, Financial Services Roundtable. Subcommittee on Economic Security, Infrastruc-

ture Protection, and Cybersecurity, April 20, 2005, H.R. 285, the Department of Homeland Security Cybersecurity Enhancement Act of 2005.

Allen, Charles, Chief Intelligence Officer, Department of Homeland Security. Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment of the Committee on Homeland Security and the Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence of the House Permanent Select Committee on Intelligence, October 19, 2005, "The Department of Homeland Security Second Stage Review: The Role of the Chief Intelligence Officer." Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, February 15, 2006, "The President's Proposed FY07 Budget for the Department of Homeland Security: The Office of Intelligence and Analysis." Subcommittee on Prevention of Nuclear and Biological Attack, May 4, 2006, "BioScience and the Intelligence Community (Part II): Closing the Gap." Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, May 24, 2006, "Progress of the DHS Chief Intelligence Officer." Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, June 28, 2006, "DHS Intelligence and Border Security: Delivering Operational Intelligence." Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, September 7, 2006, "State and Local Fusion Centers and the Role of DHS." Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, September 13, 2006, "The Homeland Security Information Network: An Update on DHS Information Sharing Efforts."

Allison, Dr. Graham, Director of the Belfer Center for Science and International Affairs, Harvard University. Subcommittee on Prevention of Nuclear and Biological Attack, April 19, 2005, "DHS Coordination of Nuclear Detection Efforts."

Aloise, Gene, Director, Natural Resources and Environment, Government Accountability Office. Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology, June 21, 2005, "Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology?"

Alson, Dr. Roy L., Associate Professor, Emergency Medicine, Wake Forest University School of Medicine. Subcommittee on Prevention of Nuclear and Biological Attack, October 20, 2005, "Mitigating Catastrophic Events through Effective Medical Response.

Ananth, Dr. K.P., Associate Laboratory Director—National & Homeland Security, Idaho National Laboratory. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity and the Subcommittee on Emergency Preparedness, Science, and Technology, October 18, 2005, "SCADA and the Terrorist Threat: Protecting the Nation's Critical Control Systems."

Anderson, Hon. John B., Former Representative in Congress from the State of Illinois. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, June 29, 2005, "Im-

proving Pre-Screening of Aviation Passengers against Terrorist and Other Watch Lists."

Andrews, Major Charles E., Chief, Administrative Division, Alabama Department of Public Safety. Subcommittee on Management, Integration, and Oversight, July 27, 2005, "The 287(g) Program: Ensuring the Integrity of America's Border Security System through Federal-State Partnerships."

Ashbaugh, Robert L., Assistant Inspector General for Inspections and Special Reviews, Office of Inspector General, Department of Homeland Security. Subcommittee on Management, Integration, and Oversight, November 15, 2005, "CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests? Part II."

Atlas, Dr. Ronald, American Society of Microbiology. Subcommittee on Prevention of Nuclear and Biological Attack, September 13, 2006, "The Science of Prevention."

B

Baker, Hon. Stewart A., Assistant Secretary for Policy, Department of Homeland Security. Subcommittee on Management, Integration, and Oversight, November 15, 2005, "CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests? Part II." Subcommittee on Management, Integration, and Oversight, May 11, 2006, "CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests? Part III." Full Committee, May 24, 2006, "The Need for CFIUS to Address Homeland Security Concerns."

Bailey, Steven, Director, Pierce County Department of Emergency Management. Subcommittee on Emergency Preparedness, Science, and Technology, April 12, 2006, field hearing in Orting, Washington, "Emergency Planning and Preparedness: Federal, State, and Local Coordination."

Baginski, Maureen, Director, Intelligence Community Sector, BearingPoint. Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, September 13, 2006, "The Homeland Security Information Network: An Update on DHS Information Sharing Efforts."

Balboni, Hon. Michael A.L., Senator, New York State Senate. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, June 29, 2006, H.R. 5695, the "Chemical Facility Anti-terrorism Act of 2006."

Bandy, Stephen, Manager, Corporate Safety & Security, Marathon Ashland Petroleum, LLC, testifying on behalf of National Petrochemical and Refiners Association and American Petroleum Institute. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, June 15, 2005, "Preventing Terrorist Attacks on America's Chemical Plants."

Barber, Allen, President, L–3 Communications Security and Detection Systems, Inc. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, July 13, 2005, "Leveraging Technology to Improve Aviation Security."

Barclay, Charles, President, American Association of Airport Executives. Economic Security, Infrastructure Protection, and

Cybersecurity, November 3, 2005, "The Future of TSA's Registered Traveler Program."

Barnhart, Douglas, President of Douglas E. Barhart, Inc., Vice President of Association of General Contractors. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity of the Committee on Homeland Security and the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform, July 20, 2006, "Fencing the Border: Construction Options and Strategic Placement."

Barron, David, Chair, Telecommunications Sector Coordinating Council. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, September 13, 2006, "The Future of Cyber and Telecommunications Security at the Department of Homeland Security."

Bass, Dr. Robert R., Member, Committee on the Future of Emergency Care, Institute of Medicine. Subcommittee on Emergency Preparedness, Science, and Technology, July 26, 2006, "Emergency Care Crisis: A Nation Unprepared for Public Health Disasters."

Beatty, Hon. Bryan E., Secretary, North Carolina Department of Crime Control and Public Safety. Subcommittee on Emergency Preparedness, Science, and Technology, April 12, 2005, "The Need for Grant Reform and The Faster and Smarter Funding for First Responders Act of 2005."

Becker, Joseph, Senior Vice President for Preparedness and Response, the American National Red Cross. Subcommittee on Investigations, June 14, 2006, "Waste, Fraud, and Abuse in the Aftermath of Hurricane Katrina."

Ben-Veniste, Richard, 9/11 Public Discourse Project. Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment of the Committee on Homeland Security and the Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence of the House Permanent Select Committee on Intelligence, October 19, 2005, "The Department of Homeland Security Second Stage Review: The Role of the Chief Intelligence Officer."

Bennett, James, President and Chief Executive Officer, Metropolitan Washington Airports Authority, testifying on behalf of: Airports Council International-North America/The American Association of Airport Executives. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, July 28, 2005, "Improving Management of the Aviation Screening Workforce."

Beres, Timothy, Director, Preparedness Programs Division, Office for Domestic Preparedness, Office of State and Local Government Coordination and Preparedness, Department of Homeland Security. Subcommittee on Emergency Preparedness, Science, and Technology, field hearing in Wayne, New Jersey, June 26, 2006, "Preparing for, Responding to, and Preventing Terrorist Attacks, Natural Disasters and Other Emergencies: Is Northern New Jersey Ready?" Subcommittee on Emergency Preparedness, Science, and Technology, July 26, 2005, "The

London Attacks: Training to Respond in a Mass Transit Environment."

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Berman, J. Richard, Assistant Inspector General for Audits, Office of Inspector General, Department of Homeland Security. Subcommittee on Emergency Preparedness, Science, and Technology, April 12, 2005, "The Need for Grant Reform and The Faster and Smarter Funding for First Responders Act of 2005."

Berrick, Cathleen A., Director, Homeland Security and Justice, Government Accountability Office. Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, June 14, 2006, "Transportation Security Administration's Office of Intelligence: Progress and Challenges." Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, July 13, 2005, "Leveraging Technology to Improve Aviation Security."

Besser, Dr. Rich, Director, Coordinating Office of Terrorism Preparedness and Emergency Response, Centers for Disease Control and Prevention. Subcommittee on Prevention of Nuclear and Biological Attack, May 11, 2006, "Creating a Nation-wide, Integrated Biosurveillance Network."

Black, Gary W., President, Georgia Agribusiness Council, Inc. Subcommittee on Prevention of Nuclear and Biological Attack, December 14, 2005, H.R. 3197, the "Secure Handling of Ammonium Nitrate Act of 2005." Member, Georgia Rural Development Council, State of Georgia. Subcommittee on Prevention of Nuclear and Biological Attack, August 24, 2006, "Agroterrorism's Perfect Storm: Where Human and Animal Disease Collide."

Blackwelder, Ernest, Senior Vice President, Business Force, Business Executives for National Security. Subcommittee on Emergency Preparedness, Science, and Technology and the Subcommittee on Prevention of Nuclear and Biological Attack, February 8, 2006, "Protecting the Homeland: Fighting Pandemic Flu From the Front Lines."

Blake, Randall, al Qa'ida Group Chief, National Counterterrorism Center. Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, September 20, 2006, "The Homeland Security Implications of Radicalization."

Blank, Thomas, Acting Deputy Director, Transportation Security Administration, Department of Homeland Security. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, June 16, 2005, "The Promise of Registered Traveler, Part II." Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, July 28, 2005, "Improving Management of the Aviation Screening Workforce."

Bloomberg, Hon. Michael, Mayor, New York, New York. Full Committee, June 21, 2006, "DHS Terrorism Preparedness Grants: Risk-Based or Guess-Work?"

Blum, Dr. Frederick, President, American College of Emergency Physicians. Subcommittee on Emergency Preparedness, Science, and Technology, July 26, 2006, "Emergency Care Crisis: A Nation Unprepared for Public Health Disasters."

Blum, Lieutenant General H. Steven, Chief, National Guard Bureau, Department of Defense. Subcommittee on Emergency Preparedness, Science, and Technology of the Committee on Homeland Security and the Subcommittee on Terrorism, Unconventional Threats and Capabilities of the Committee on Armed Services, November 9, 2005, "Responding to Catastrophic Events: the Role of the Military and National Guard in Disaster Response."

Blunt, Hon. Roy, a Representative in Congress from the State of Missouri. Full Committee, May 24, 2006, "The Need for CFIUS to Address Homeland Security Concerns."

Bodenheimer, David Z., Esq., Crowell & Moring LLP. Subcommittee on Management, Integration, and Oversight and the Subcommittee on Emergency Preparedness, Science and Technology, September 13, 2006, "Helping Business Protect the Homeland: Is the Department of Homeland Security Effectively Implementing the SAFETY Act?"

Bohan, Special Agent Terry, Chief, National Canine Training and Operations Support Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice. Subcommittee on Management, Integration, and Oversight, September 28, 2005, "Sniffing Out Terrorism: The Use of Dogs in Homeland Security."

Bonner, T.J., President, National Border Patrol Council. Subcommittee on Management, Integration, and Oversight, May 24, 2005, "Training More Border Agents: How the Department of Homeland Security Can Increase Training Capacity More Effectively." Subcommittee on Management, Integration, and Oversight, March 9, 2005, "CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests?" Subcommittee on Investigations, February 7, 2006, "Armed and Dangerous: Confronting the Problem of Border Incursions." Subcommittee on Management, Integration, and Oversight, May 11, 2006, "CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests? Part III." Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity of the Committee on Homeland Security and the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform, July 20, 2006, "Fencing the Border: Construction Options and Strategic Placement." Subcommittee on Investigations, August 16, 2006, field hearing in Houston, Texas, "Criminal Activity and Violence Along the Southern Border."

Bortmes, L. Thomas, Director, Office of Intelligence, Customs and Border Protection, Department of Homeland Security. Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, June 28, 2006, "DHS Intelligence and Border Security: Delivering Operational Intelligence."

Boshears, Kevin, Director, Office of Small and Disadvantaged Business Utilization, Department of Homeland Security. Sub-

committee on Management, Integration, and Oversight, June 15, 2006, "An Examination of the Department of Homeland Security's Procurement Process Regarding Its Contracts with Shirlington Limousine and Transportation, Inc."

Bouche, Col. Kenneth, Deputy Director, Information & Technology Command, Illinois State Police. Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, September 7, 2006, "State and Local Fusion Centers and the Role of DHS."

Boyd, Dr. David G., Director, SAFECOM, Office of Interoperability and Communications, Department of Homeland Security. Subcommittee on Emergency Preparedness, Science, and Technology, October 26, 2005, "Ensuring Operability During Catastrophic Events." Director, Office for Interoperability and Compatibility, Directorate of Science and Technology, Department of Homeland Security. Subcommittee on Emergency Preparedness, Science, and Technology, April 25, 2006,"The State of Interoperable Communications: Perspectives on Federal Coordination of Grants, Standards, and Technology."

Bradley, Leigh, Senior Vice President for Enterprise Risk, American Red Cross. Subcommittee on Management, Integration, and Oversight, July 12, 2006, "Federal 9/11 Assistance to New York: Lessons Learned in Fraud Detection, Prevention, and Control: Part 1—Response."

Bradley, Dr. Richard, Medical Director, Emergency Center—LBJ General Hospital, University of Texas Health Science Center at Houston. Subcommittee on Prevention of Nuclear and Biological Attack, October 20, 2005, "Mitigating Catastrophic Events through Effective Medical Response."

Bradley, Tim, Senior Deputy State Fire Marshal, North Carolina Office of State Fire Marshal, National Volunteer Fire Council. Subcommittee on Emergency Preparedness, Science, and Technology, February 15, 2006, "The State of Interoperable Communications: Perspectives from the Field."

Brandland, Hon. Dale, Senator, Washington State Senate. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity and the Subcommittee on Emergency Preparedness, Science and Technology, August 8, 2006, field hearing in Bellingham, Washington, "Assessment of Risks at the Northern Border and the Infrastructure Necessary to Address Those Risks."

Brent, Dr. Roger, Director and President, Molecular Sciences Institute. Subcommittee on Prevention of Nuclear and Biological Attack, July 13, 2005, "Engineering Bio-Terror Agents: Lessons from the Offensive U.S. and Russian Biological Weapons Programs."

Brewer, Mark, President and CEO, Rhode Island Airport Corporation. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, July 28, 2005, "Improving Management of the Aviation Screening Workforce."

Brill, Ambassador Kenneth, Director, National Counterproliferation Center, Office of the Director of National Intelligence. Subcommittee on Prevention of Nuclear and Biological Attack,

May 4, 2006, "BioScience and the Intelligence Community (Part II): Closing the Gap."
Brill, Steven, Founder and CEO, Verified Identity Pass, Inc. Economic Security, Infrastructure Protection, and Cybersecurity, November 3, 2005, "The Future of TSA's Registered Traveler Program."
Broderick, Brigadier General Matthew, Director, Homeland Security Operations Center, Department of Homeland Security. Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, July 20, 2005, "A Progress Report on Information Sharing for Homeland Security."
Brown, Dr. Corrie, Josiah Meigs Distinguished Teaching Professor, School of Veterinary Medicine, University of Georgia. Subcommittee on Prevention of Nuclear and Biological Attack, August 24, 2006, "Agroterrorism's Perfect Storm: Where Human and Animal Disease Collide."
Brown, Gary, General Counsel, Pyro Spectaculars, testifying on behalf of the American Pyrotechnics Association, et al. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, November 1, 2005, "Reforming HAZMAT Trucking Security."
Bruel, Jonathan B., Partner, IBM Business Consulting Services, Senior Fellow, IBM Center for the Business of Government. Subcommittee on Management, Integration, and Oversight, Wednesday, June 29, 2005, "Transforming the Department of Homeland Security Through Mission-based Budgeting."
Bush, Hon. Jeb, Governor, State of Florida. Full Committee, October 19, 2005, "Federalism and Disaster Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies."
Burlingame, Debra, Member, 9/11 Families for a Secure America. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, May 13, 2005, "The Transportation Security Administration's Screening of Airline Pilots: Sound Security Practice or Waste of Scarce Resources?"
Byman, Dr. Daniel, Director, Center for Peace and Security Studies, Georgetown University, and Senior Fellow, Saban Center for Middle East Policy, the Brookings Institution. Subcommittee on Prevention of Nuclear and Biological Attack, September 8, 2005, "WMD Terrorism and Proliferant States."

C

Callahan, Dr. Michael V., Director, Biodefense & Mass Casualty Care, CIMIT/Massachusetts General Hospital. Subcommittee on Prevention of Nuclear and Biological Attack, July 13, 2005, "Engineering Bio-Terror Agents: Lessons from the Offensive U.S. and Russian Biological Weapons Programs."
Callahan, Randy Allen, Executive Vice President, American Federation of Government Employees, AFL–CIO. Subcommittee on Management, Integration, and Oversight, March 9, 2005, "CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests?"
Calvosa, Ron, Director of Fraud Prevention, Lower Manhattan Construction Command Center. Subcommittee on Management, In-

tegration, and Oversight, July 13, 2006, "Federal 9/11 Assistance to New York: Lessons Learned in Fraud Detection, Prevention, and Control: Part 3—Rebuilding."

Cañas, Richard L., Director, Office of Homeland Security and Preparedness, State of New Jersey. Subcommittee on Emergency Preparedness, Science, and Technology, field hearing in Wayne, New Jersey, June 26, 2006, "Preparing for, Responding to, and Preventing Terrorist Attacks, Natural Disasters and Other Emergencies: Is Northern New Jersey Ready?" Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, September 7, 2006, "State and Local Fusion Centers and the Role of DHS."

Cannon, Louis P., on behalf of: the National Fraternal Order of Police. Full Committee, April 14, 2005, "Grant Reform: The Faster and Smarter Funding for First Responders Act of 2005."

Canterbury, Chuck, National President, Fraternal Order of Police. Subcommittee on Emergency Preparedness, Science, and Technology, September 29, 2005, "Incident Command, Control, and Communications During Catastrophic Events."

Carafano, Dr. James, Senior Research Fellow, The Heritage Foundation. Subcommittee on Management, Integration, and Oversight, March 9, 2005, "CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests?"

Carr, Dr. Marcus Eugene, Jr., Executive Director, Clinical Research-Hemostasis, Novo Nordisk, Inc. Subcommittee on Emergency Preparedness, Science, and Technology, July 12, 2005, "Project BioShield: Linking Bioterrorism Threats and Countermeasure Procurement to Enhance Terrorism Preparedness."

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Wysenski, Nancy, President, EMD Pharmaceuticals. Subcommittee on Emergency Preparedness, Science, and Technology, July 12, 2005, "Project BioShield: Linking Bioterrorism Threats and Countermeasure Procurement to Enhance Terrorism Preparedness."

Wytkind, Ed, President, Transportation Trades Department, AFL-CIO. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, September 28, 2006, "Front-line Defense: Security Training for Mass Transit and Rail Employees."

Y

Yayla, Major Ahmet Sait, Counterterrorism and Operations Division, Ankara Police Department, Ankara, Republic of Turkey. Subcommittee on Prevention of Nuclear and Biological Attack, September 21, 2006, "Police as First Preventers: Local Strategies in the War on Terror."

Yoran, Amit, President, Yoran Associates. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, April 20, 2005, H.R. 285, the Department of Homeland Security Cybersecurity Enhancement Act of 2005.

Z

Zinser, Todd J., Acting Inspector General, Department of Transportation. Subcommittee on Management, Integration, and Oversight, July 13, 2006, "Federal 9/11 Assistance to New York: Lessons Learned in Fraud Detection, Prevention, and Control: Part 3—Rebuilding."

Zmuda, Lawrence J., Partner, Homeland Security, Unisys Corporation. Economic Security, Infrastructure Protection, and Cybersecurity, November 3, 2005, "The Future of TSA's Registered Traveler Program."

Zwillinger, Marc J., Partner, Sonnenschein Nath & Rosenthal LLP. Subcommittee on Management, Integration, and Oversight,

April 14, 2005, "The Need to Strengthen Information Security at the Department of Homeland Security."

Appendix IX—Printed Hearings

Number	Date	Title
109–1	February 10, 2005	''The Proposed Fiscal Year 2006 Budget: Enhancing Terrorism Preparedness for First Responders.''
		Subcommittee on Emergency Preparedness, Science and Technology
109–2	February 16, 2005	''The Proposed Fiscal Year 2006 Budget: Building the Information Analysis Capabilities of DHS.''
		Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–3	March 2, 2005	''Proposed Fiscal Year 2006 Budget: Integrating Homeland Security Screening Operations.''
		Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–4	March 9, 2005	''CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests?''
		Subcommittee on Management, Integration, and Oversight
109–5	March 22, 2005	''Protecting Our Commerce: Port and Waterways Security.''
		Full Committee (Vicksburg, MS)
109–6	April 12, 2005	''The Need for Grant Reform and The Faster and Smarter Funding for First Responders Act of 2005.''
		Subcommittee on Emergency Preparedness, Science, and Technology
109–7	April 13, 2005	''The Department of Homeland Security: Promoting Risk-Based Prioritization and Management.''
		Full Committee
109–8	April 14, 2005	''Grant Reform: The Faster and Smarter Funding for First Responders Act of 2005.''
		Full Committee
109–9	April 14, 2005	''The Need to Strengthen Information Security at the Department of Homeland Security.''
		Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–10 ..	April 19, 2005	''DHS Coordination of Nuclear Detection Efforts.''
	April 20, 2005	Subcommittee on Prevention of Nuclear and Biological Attack
109–11 ..	April 20, 2005	H.R. 285, the Department of Homeland Security Cybersecurity Enhancement Act of 2005.
		Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–12 ..	April 20, 2005	''Management Challenges Facing the Department of Homeland Security.''
		Subcommittee on Management, Integration, and Oversight
109–13 ..	May 13, 2005	''The Transportation Security Administration's Screening of Airline Pilots: Sound Security Practice or Waste of Scarce Resources?''
		Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–14 ..	May 19, 2005	H.R. 1509, the Recreational Boaters Streamline Inspection Act.
		Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–15 ..	May 24, 2005	''Training More Border Agents: How the Department of Homeland Security Can Increase Training Capacity Most Effectively.''
		Subcommittee on Management, Integration, and Oversight
109–16 ..	May 25, 2005	''Evaluating the Threat of Agro-Terrorism.''
		Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–17 ..	May 26, 2005	''Building a Nuclear Bomb: Identifying Early Indicators of Terrorist Activities.''
		Subcommittee on Prevention of Nuclear and Biological Attack
109–18 ..	June 8, 2005	''The Homeland Security Missions of the Post-9/11 Coast Guard.''
		Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–19 ..	June 9, 2005	''The Promise of Registered Traveler.'' (Part I and II)
	June 16, 2005	Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–20 ..	June 15, 2005	''Preventing Terrorist Attacks on America's Chemical Plants.''
		Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–21 ..	June 16, 2005	''Mismanagement of the Border Surveillance System.''
	December 16, 2005 ..	Subcommittee on Management, Integration, and Oversight
	February 16, 2006	
109–22 ..	June 21, 2005	''Using Open-Source Information Effectively.''
		Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment

Number	Date	Title
109–23 ..	June 21, 2005	''Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology?'' Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology
109–24 ..	June 22, 2005	''Ensuring the Security of America's Borders through the Use of Biometric Passports and Other Identity Documents.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–25 ..	June 23, 2005	''The National Training Program: Is Anti-Terrorism Training for First Responders Effective, Efficient, and Coordinated?'' Subcommittee on Emergency Preparedness, Science and Technology and the Subcommittee on Management, Integration, and Oversight
109–26 ..	June 28, 2005	''Pathways to the Bomb: Security of Fissile Materials Abroad.'' Subcommittee on Prevention of Nuclear and Biological Attack
109–27 ..	June 29, 2005	''Improving Pre-Screening of Aviation Passengers against Terrorist and Other Watch Lists.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–28 ..	June 29, 2005	''Transforming the Department of Homeland Security Through Mission-based Budgeting.'' Subcommittee on Management, Integration, and Oversight
109–29 ..	July 12, 2005	''Project BioShield: Linking Bioterrorism Threats and Countermeasure Procurement.'' Subcommittee on Emergency Preparedness, Science, and Technology
109–30 ..	July 13, 2005	''Engineering Bio-Terror Agents: Lessons from the Offensive U.S. and Russian Biological Weapons Programs.'' Subcommittee on Prevention of Nuclear and Biological Attack
109–31 ..	July 13, 2005 ..... July 19, 2005	''Leveraging Technology to Improve Aviation Security Screening.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–32 ..	July 14, 2005 ..... July 25, 2005	''The Secretary's Second-Stage Review: Re-thinking the Department of Homeland Security's Organization and Policy Direction.'' Full Committee
109–33 ..	July 20, 2005	''A Progress Report on Information Sharing for Homeland Security.'' Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–34 ..	July 21, 2005	''Technology Transfer: Leveraging Military Technology to Enhance Homeland Security.'' Subcommittee on Emergency Preparedness, Science, and Technology and the Subcommittee on Terrorism, Unconventional Threats and Capabilities of the Committee on Armed Services
109–35 ..	July 26, 2005	''The London Attacks: Training to Respond in a Mass Transit Environment.'' Subcommittee on Emergency Preparedness, Science, and Technology
109–36 ..	July 27, 2005	''The 287(g) Program: Ensuring the Integrity of America's Border Security System through Federal-State Partnerships.'' Management, Integration, and Oversight
109–37 ..	July 28, 2005	''Improving Management of the Aviation Screening Workforce.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–38 ..	July 28, 2005	''Implementing the National Biodefense Strategy.'' Subcommittee on Prevention of Nuclear and Biological Attack
109–39 ..	September 7, 2005 ... October 20, 2005	''The London Bombings: Protecting Civilian Targets from Terrorist Attacks.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–40 ..	September 8, 2005 ...	''WMD Terrorism and Proliferant States.'' Subcommittee on Prevention of Nuclear and Biological Attack
109–41 ..	September 22, 2005	''Nuclear Smuggling: Trends in Illicit Movement of Nuclear Materials.'' Subcommittee on Prevention of Nuclear and Biological Attack
109–42 ..	September 28, 2005	''Sniffing Out Terrorism: The Use of Dogs in Homeland Security.'' Subcommittee on Management, Integration, and Oversight
109–43 ..	September 28, 2005	''Solving the OTM Undocumented Alien Problem: Expedited Removal for Apprehensions along the U.S. Border.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–44 ..	September 29, 2005	''Incident Command, Control, and Communications during Catastrophic Events.'' Subcommittee on Emergency Preparedness, Science, and Technology
109–45 ..	October 18, 2005	''SCADA and the Terrorist Threat: Protecting the Nation's Critical Control Systems.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity and the Subcommittee on Emergency Preparedness, Science, and Technology
109–46 ..	October 19, 2005	''Federalism and Disaster Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies.'' Full Committee

Number	Date	Title
109–47 ..	October 19, 2005	''The Department of Homeland Security Second Stage Review: The Role of the Chief Intelligence Officer.''
		Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment Joint with the House Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence
109–48 ..	October 20, 2005	''Mitigating Catastrophic Events through Effective Medical Response.''
		Subcommittee on Prevention of Nuclear and Biological Attack
109–49 ..	October 26, 2005	''Ensuring Operability During Catastrophic Events.''
		Subcommittee on Emergency Preparedness, Science, and Technology
109–50 ..	October 27, 2005	''Nuclear Incident Response Teams.''
		Subcommittee on Prevention of Nuclear and Biological Attack
109–51 ..	October 27, 2005	''The Department of Homeland Security Second-Stage Review: The Role of the Chief Medical Officer.''
		Subcommittee on Management, Integration, and Oversight
109–52 ..	November 1, 2005	''Reforming HAZMAT Trucking Security.''
		Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–53 ..	November 3, 2005	''BioScience and the Intelligence Community.''
	May 4, 2006	Subcommittee on Prevention of Nuclear and Biological Attack
109–54 ..	November 3, 2005	''The Future of TSA's Registered Traveler Program.''
		Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–55 ..	November 8, 2005	''Federal Support for Homeland Security Information Sharing: The Role of the Information Sharing Program Manager.''
		Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–56 ..	November 9, 2005	''Responding to Catastrophic Events: The Role of the Military and National Guard in Disaster Response.''
		Subcommittee on Emergency Preparedness, Science, and Technology of the Committee on Homeland Security and the Subcommittee on Terrorism, Unconventional Threats and Capabilities of the Committee on Armed Services
109–57 ..	November 15, 2005 ..	''CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests?''
	May 11, 2006	
		Subcommittee on Management, Integration, and Oversight
109–58 ..	November 17, 2005 ..	''Terrorism Risk Assessment at the Department of Homeland Security.''
		Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–59 ..	December 14, 2005 ..	H.R. 3197, to authorize the Secretary of Homeland Security to regulate the production, storage, sale, and distribution of ammonium nitrate on account of the prior use of ammonium nitrate to create explosives used in acts of terrorism and to prevent terrorists from acquiring ammonium nitrate to create explosives.
		Subcommittee on Prevention of Nuclear and Biological Attack
109–60 ..	February 7, 2006	''Armed and Dangerous: Confronting the Problem of Border Incursions.''
		Subcommittee on Investigations
109–61 ..	February 8, 2006	109–61 ''Protecting the Homeland: Fighting Pandemic Flu From the Front Lines.''
		Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology
109–62 ..	February 15, 2006	''The State of Interoperable Communications: ''Perspectives from the Field.''
	March 1, 2006	''Perspectives from State and Local Governments.''
	April 25, 2006	''Perspectives on Federal Coordination of Grants, Standards, and Technology.''
		Subcommittee on Emergency Preparedness, Science, and Technology
109–63 ..	February 15, 2006	''The President's Proposed FY07 Budget for the Department of Homeland Security: The Office of Intelligence and Analysis.''
		Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–64 ..	February 15, 2006	''The President's Fiscal Year 2007 Budget: Coast Guard Programs Impacting Maritime Border Security.''
		Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–65 ..	February 16, 2006	''The President's Proposed Fiscal Year 2007 Budget for the Department of Homeland Security: Maintaining Vigilance and Improving Mission Performance in Securing the Homeland.''
		Full Committee
109–66 ..	February 16, 2006	''The President's Proposed FY07 Budget: Risk-Based Spending at the Transportation Security Administration.''
		Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–67 ..	March 8, 2006	''Proposed Fiscal Year 2007 Budget: Enhancing Preparedness for First Responders.''
		Subcommittee on Emergency Preparedness, Science, and Technology
109–68 ..	March 8, 2006	''The 9/11 Reform Act: Examining the Implementation of the Human Smuggling and Trafficking Center.''
		Subcommittee on Management, Integration, and Oversight

Number	Date	Title
109–69 ..	March 16, 2006	H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes. The ''SAFE Port Act.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–70 ..	March 29, 2006	''Department of Homeland Security Information Technology Challenges and the Future of eMerge2.'' Subcommittee on Management, Integration, and Oversight of the Committee on Homeland Security and the Subcommittee on Government Management, Finance, and Accountability of the Committee on Government Reform (To be printed by the Committee on Government Reform)
109–71 ..	April 4, 2006	H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes. The ''SAFE Port Act.'' Full Committee
109–72 ..	April 6, 2006 ..... May 10, 2006	''Protection of Privacy in the DHS Intelligence Enterprise.'' Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–73 ..	April 12, 2006	''Emergency Planning and Preparedness: Federal, State, and Local Coordination.'' Subcommittee on Emergency Preparedness, Science, and Technology (Orting, WA)
109–74 ..	May 9, 2006	''Proposed legislation to strengthen the Federal Emergency Management Agency and better integrate it into the Department and for other purposes.'' Full Committee
109–75 ..	May 10, 2006	''Building the Information Sharing Environment: Addressing the Challenges of Implementation.'' Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–76 ..	May 11, 2006	''Creating a Nation-wide, Integrated Biosurveillance Network.'' Subcommittee on Prevention of Nuclear and Biological Attack
109–77 ..	May 16, 2006	''Are We Ready?: Implementing the National Strategy for Pandemic Influenza.'' Full Committee
109–78 ..	May 18, 2006	''Retention, Security Clearances, Morale, and Other Human Capital Challenges Facing the Department of Homeland Security.'' Subcommittee on Management, Integration, and Oversight
109–79 ..	May 24, 2006	''The Need for CFIUS Reform to Address Homeland Security Concerns.'' Full Committee
109–80 ..	May 24, 2006	''Examining the Progress of the DHS Chief Intelligence Officer.'' Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–81 ..	May 25, 2006	''Enlisting Foreign Cooperation in U.S. Efforts to Prevent Nuclear Smuggling.'' Subcommittee on Prevention of Nuclear and Biological Attack
109–82 ..	June 14, 2006	''Waste, Fraud, and Abuse in the Aftermath of Hurricane Katrina.'' Subcommittee on Investigations
109–83 ..	June 14, 2006	''Transportation Security Administration's Office of Intelligence: Progress and Challenges.'' Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–84 ..	June 15, 2006	''An Examination of the Department of Homeland Security's Procurement Process Regarding Shirlington Limousine and Transportation, Inc.'' Subcommittee on Management, Integration, and Oversight
109–85 ..	June 16, 2006.	H.R. 5604, the ''Screening Applied Fairly and Equitably to Truckers Act of 2006.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–86 ..	June 21, 2006	''DHS Terrorism Preparedness Grants: Risk-Based or Guess-Work.'' Full Committee
109–87 ..	June 22, 2006	''Reducing Nuclear and Biological Threats at the Source.'' Subcommittee on Prevention of Nuclear and Biological Attack
109–88 ..	June 26, 2006	''Preparing for, Responding to, and Preventing Terrorist Attacks, Natural Disasters and Other Emergencies: Is Northern New Jersey Ready?'' Subcommittee on Emergency Preparedness, Science, and Technology (Wayne, NJ)
109–89 ..	June 28, 2006	''DHS Intelligence and Border Security: Delivering Operational Intelligence.'' Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–90 ..	June 29, 2006	H.R. 5965, ''to amend the Homeland Security Act of 2002 to provide for the regulation of certain chemical facilities, and for other purposes''; or the ''Chemical Facility Anti-terrorism Act of 2006.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–91 ..	July 11, 2006 ..... July 12, 2006	An Examination of Federal 9/11 Assistance to New York: Lessons Learned in Fraud Detection, Prevention, and Control: ''Part I—Response'', ''Part II—Recovery'', ''Part III—Rebuilding.'' Subcommittee on Management, Integration, and Oversight

Number	Date	Title
109–92 ..	July 20, 2006	''Fencing the Border: Construction Options and Strategic Placement.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity and the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform (To be printed by the Committee on Government Reform.)
109–93 ..	July 25, 2006	''Terrorism Threats and the Insurance Market.'' Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment and the Subcommittee on Oversight and Investigations of the Committee on Financial Services (To be printed by the Committee on Financial Services.)
109–94 ..	July 26, 2006	''Emergency Care Crisis: A Nation Unprepared for Public Health Disasters.'' Subcommittee on Emergency Preparedness, Science, and Technology
109–95 ..	August 8, 2006	''Assessing the Northern Border: Considerations for Maintaining Secure and Open Borders.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity and the Subcommittee on Emergency Preparedness, Science, and Technology (Blaine, WA)
109–96 ..	August 16, 2006	''Criminal Activity and Violence Along the Southern Border.'' Subcommittee on Investigations (Houston, TX)
109–97 ..	August 24, 2006	''Agroterrorism's Perfect Storm: Where Human and Animal Disease Collide.'' Subcommittee on Prevention of Nuclear and Biological Attack (Athens, GA)
109–98 ..	September 7, 2006 ...	''The Department of Homeland Security's Science and Technology Directorate: Is it Structured for Success?'' Subcommittee on Emergency Preparedness, Science, and Technology
109–99 ..	September 7, 2006 ...	''State and Local Fusion Centers and the Role of DHS.'' Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–100	September 13, 2006	''Helping Business Protect the Homeland: Is the Department of Homeland Security Effectively Implementing the SAFETY Act?'' Subcommittee on Management, Integration, and Oversight and the Subcommittee on Emergency Preparedness, Science, and Technology
109–101	September 13, 2006	''The Homeland Security Information Network: An Update on DHS Information Sharing Efforts.'' Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–102	September 13, 2006	''The Future of Cyber and Telecommunications Security at the Department of Homeland Security.'' Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity
109–103	September 14, 2006	''The Science of Prevention.'' Subcommittee on Prevention of Nuclear and Biological Attack
109–104	September 20, 2006	''The Homeland Security Implications of Radicalization.'' Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment
109–105	September 21, 2006	''Police as First Preventers: Local Strategies in the War on Terror.'' Subcommittee on Prevention of Nuclear and Biological Attack
109–106	September 26, 2006	''The Department of Homeland Security: Major Initiatives for 2007 and Beyond.'' Full Committee
109–107	September 28, 2006	''Front-Line Defense: Security Training for Mass Transit and Rail Employees.'' Subcommittee on Economic Security, Infrastructure Protection and Cybersecurity
109–108	November 15, 2006 ..	''The Secure Border Initiative: Ensuring Effective Implementation and Financial Accountability of SBInet.'' Subcommittee on Management, Integration, and Oversight

Appendix X—Committee Prints

Number	Title
109–A	Rules of Procedure for the Committee on Homeland Security, Adopted, February 9, 2005.
109–B	Rules of Procedure for the Committee on Homeland Security, Adopted, October 7, 2005.
109–C	Subcommittee on Management, Integration, and Oversight Staff Report entitled ''An Examination of Federal 9/11 Assistance to New York: Lessons Learned in Preventing Waste, Fraud, Abuse, and Lax Management.''

APPENDIX XI—SUMMARY OF COMMITTEE ACTIVITIES

COMMITTEE ON HOMELAND SECURITY

Total Bills Referred to Committee	198
Public Laws	7
Bills Reported to the House	12
Hearings Held:	
Days of Hearings	119
Full Committee	13
Subcommittee on Prevention of Nuclear and Biological Attack	21
Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity	27
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	18
Subcommittee on Management, Integration, and Oversight	22
Subcommittee on Emergency Preparedness, Science, and Technology	22
Subcommittee on Investigations	3
Hours of Sitting:	
Full Committee	34:35
Subcommittee on Prevention of Nuclear and Biological Attack	36:40
Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity	55:39
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	29:10
Subcommittee on Management, Integration, and Oversight	49:12
Subcommittee on Emergency Preparedness, Science, and Technology	51:06
Subcommittee on Investigations	10:26
Markups and Business Meetings Held:	
Days of Markups	31
Full Committee	18
Subcommittee on Prevention of Nuclear and Biological Attack	2
Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity	6
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	2
Subcommittee on Management, Integration, and Oversight	1
Subcommittee on Emergency Preparedness, Science, and Technology	2
Hours of Sitting:	
Full Committee	52:02
Subcommittee on Prevention of Nuclear and Biological Attack	0:57
Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity	7:57
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	0:42
Subcommittee on Management, Integration, and Oversight	1:23
Subcommittee on Emergency Preparedness, Science, and Technology	2:56
Witnesses:	
Full Committee	38
Subcommittee on Prevention of Nuclear and Biological Attack	80
Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity	122
Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment	56
Subcommittee on Management, Integration, and Oversight	113
Subcommittee on Emergency Preparedness, Science, and Technology	115

ADDITIONAL VIEWS

INTRODUCTION

Democratic Members of the Committee worked hard during the 109th Congress to fulfill the recommendations of the 9/11 Commission and to close security gaps that terrorists can still exploit in order to attack our nation. We introduced numerous bills and offered many amendments that were accepted by the Majority. Additionally, many of our ideas for conducting oversight over the Department of Homeland Security were adopted by the Majority during bipartisan hearings and investigations. At the same time, we proposed many legislative initiatives and sought to conduct many oversight activities that the Majority was not willing to act on in a bipartisan fashion. Nonetheless, we believe our efforts furthered the debate on how best to secure our nation and helped to ensure that the Department of Homeland Security remains accountable for its actions.

LEGISLATIVE PROPOSALS

Democratic Members of the Committee were the primary sponsors of almost twenty key bills aimed at strengthening homeland security, including five measures addressing the critical areas of emergency preparedness and response and seven proposals enhancing transportation security. Other bills included efforts to improve intelligence and information sharing, transportation security, critical infrastructure security, border security, cyber security, and preparedness for biological attacks. In light of Department of Homeland Security Secretary Michael Chertoff's decision to reorganize his agency last year, we also introduced several bills to make organizational and management reforms at the Department.

Beyond these extensive legislative proposals, we also used every opportunity to offer amendments that would help to strengthen our nation's security.

During the Committee's two mark-ups of bills authorizing the activities of the Department, we offered comprehensive proposals for adequately funding homeland security and taking the actions needed to secure our borders and protect transportation and critical infrastructure.

We offered over a dozen amendments seeking to increase border security, including amendments to:

- Require development and implementation of a comprehensive land border security strategy;
- Monitor and secure the border at all times;
- Increase the number of Immigrations and Customs Enforcement (ICE), Customs and Border Protection (CBP), and Border Patrol personnel and ensure they have the equipment, training, and incentives needed to succeed;

- Create a pilot program to evaluate automated systems for prescreening passengers on foreign flights bound for the United States; and
- Evaluate companies that receive expedited cargo clearance.

We offered almost twenty amendments to improve emergency preparedness and response, including many proposals to correct the problems experienced after Hurricanes Katrina and Rita. These amendments included provisions to:

- Create a national interoperable communications strategy and provide the funding needed to achieve true interoperability for first responder communications systems;
- Provide states and local governments with homeland security grants based on the risk of terrorist attack rather than arbitrary formulas;
- Provide the Director of the Federal Emergency Management Agency (FEMA) with oversight authority over pre-positioned contracts;
- Increase funding for the Emergency Management Performance Grant Program (EMPG) so that communities can better plan for disasters; and
- Fund the Metropolitan Medical Response System (MMRS) in order to ensure hospitals are prepared for the surges of patients that may occur after a terrorist attack or natural disaster.

We offered almost thirty amendments to strengthen the security of critical infrastructure across the nation, including transportation systems such as ports, subways, railroads, and buses. These amendments included provisions to:

- Require screening of 100% of cargo carried onto passenger planes;
- Enhance passenger checkpoint and baggage screening;
- Ban scissors and small tools on commercial aircraft;
- Implement a pilot program requiring 100% of airport workers to be screened prior to entering secure areas of an airport;
- Secure foreign aircraft repair stations;
- Require adoption of security plans and training for rail and mass transit systems;
- Implement a research and development program to improve rail and mass transit security;
- Regulate shipments of hazardous materials through urban areas;
- Require 100% of all cargo containers to be scanned before they enter United States ports;
- Require vulnerability assessments and security plans from chemical facilities;
- Require use of inherently safer technology at chemical facilities, where economically feasible, in order to reduce the consequences of a terrorist attack; and
- Create an Office of Chemical Site Security in the Department.

In view of the growing threat posed by chemical, biological, and nuclear terrorism, we offered over a dozen amendments to safe-

guard Americans against these emerging dangers. These amendments included provisions to:

- Rapidly develop biological countermeasures;
- Increase funding for the Domestic Nuclear Detection Office and require its Director to have expertise commensurate with the position; and
- Require complete deployment of radiation portal materials at our nation's ports-of-entry.

OVERSIGHT

In addition to our legislative efforts, we conducted extensive oversight of the executive branch—both alone and with our colleagues from the Majority. In total, over the last two years, we have written over thirty comprehensive reports on security vulnerabilities and sent more than two hundred letters demanding answers from executive agencies or the Congressional Majority.

For example, we sent multiple letters expressing concern about numerous overdue reports the Department was statutorily required to submit to Congress. Ranking Member Bennie G. Thompson and other Democrats sent thirty letters, primarily to the Department and FEMA, concerning matters related to Hurricane Katrina and Hurricane Rita. We sent multiple letters regarding problems with the approval of the Dubai Ports Worldwide deal by the Committee on Foreign Investment in the United States. We expressed numerous concerns about the Department's coordination and structure with respect to CBP and ICE. We sent more than forty letters addressing how best to improve information and intelligence sharing with state and local law enforcement officers and first responders. With respect to transportation security and critical infrastructure protection, we sent fourteen letters addressing rail and mass transit issues, thirty letters on aviation issues, and seventeen letters concerning port security issues. As for emerging threats posed by chemical, biological, nuclear, and cyber attacks, we sent sixteen letters to relevant agencies and other parties. Finally, we sent twenty letters dealing with general Department or management issues, while another thirty letters were sent in conjunction with investigations and similar oversight inquiries.

CONCLUSION

We were proud to serve on the Committee on Homeland Security in its first Congress as a permanent standing committee. We offered numerous ideas on how best to secure our nation, and we took many steps to expose homeland security failures. When the bipartisan activities of the Committee are considered in conjunction with our own legislative and oversight initiatives, we believe many solid steps were taken to help make Americans more secure.

BENNIE G. THOMPSON,
Ranking Member, Committee on Homeland Security.

LORETTA SANCHEZ,
Ranking Member, Subcommittee on Economic Security, Infrastructure

Protection, and Cybersecurity.

ZOE LOFGREN,
Ranking Member, Subcommittee on Intelligence, Information, Sharing, and Terrorism Risk Assessment.

BILL PASCRELL,
Ranking Member, Subcommittee on Emergency Preparedness, Science and Technology.

BOB ETHERIDGE,
Ranking Member, Subcommittee on Investigations.

JAMES R. LANGEVIN,
Ranking Member, Subcommittee on Prevention of Nuclear and Biological Attack.

KENDRICK B. MEEK,
Ranking Member, Subcommittee on Management, Integration, and Oversight.

ED MARKEY,
Member of Congress.

NORMAN D. DICKS,
Member of Congress.

JANE HARMAN,
Member of Congress.

PETER DEFAZIO,
Member of Congress.

NITA LOWEY,
Member of Congress.

SHEILA JACKSON-LEE,
Member of Congress.

ELEANOR HOLMES NORTON,
Member of Congress.

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