

CONGRESSWOMAN LAURA RICHARDSON HOMELAND SECURITY RECORD

Congresswoman Richardson is a recognized leader on homeland security issues. The Congresswoman serves on the House Committee on Homeland Security. In this role, she works to protect America's borders and ensure the nation is prepared for and able to effectively respond to any disasters that may arise. She is the Ranking Member for the Emergency Preparedness, Response, and Communications Subcommittee and also sits on the Cybersecurity, Infrastructure Protection, and Security Technologies Subcommittee. Below is the oversight plans for the subcommittees that the Congresswoman serves on.

Subcommittee on Emergency Preparedness, Response, and Communications

Federal Preparedness and Response

During the 112th Congress, the Committee will examine the Administration's efforts to review and update Homeland Security Presidential Directive 8 (HSPD-8) and the impact the delay caused by this review has had on efforts to update the National Planning Scenarios and other preparedness activities. The Committee will also examine the Department's efforts to implement the Post Katrina Emergency Management Reform Act of 2006.

National Response and Incident Management

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

Interoperable Communications

In the 112th Congress, the Committee will monitor the progression of the Emergency Communications Preparedness Center, and the Department's Office of Emergency Communications and Office of Interoperability and Compatibility. Specifically, the Committee

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

Assistance to State and Local Governments and First Responders

In the 112th Congress, the Committee will examine the Department's allocation and administration of grants to enhance the ability of state and local governments and emergency responders to prevent, respond to, and recover from a terrorism incident. The Committee will review the coordination of grant programs across the Federal government; coordination within the Department in developing guidance and administering grants; challenges in the funding pipeline; strength of regional partnerships developed through grants; and the distribution and expenditure of such grants at the state and local levels. The Committee will also review ongoing efforts to comprehensively assess these investments and the improved preparedness capabilities achieved through grant programs.

First Responder Training

During the 112th Congress, the Committee will review the Department's terrorism preparedness training programs, including awareness of these resources among first responders and state and local governments and the level of coordination among Federal, state, and local training programs. The Committee will also review existing training centers and determine whether the Department is optimally utilizing these facilities to enhance first responder terrorism preparedness.

Exercises and Simulations

In the 112th Congress, the Committee will monitor the Department's implementation of HSPD-8, which directs the Department to create a national program and multi-year planning system to conduct terrorism preparedness-related exercises. To that end, the Committee will examine the Department's National Exercise Program and ongoing efforts to streamline and improve it to ensure the program enhances the preparedness of the Nation. The Committee will review whether FEMA is incorporating lessons learned from national exercises into future training, planning, exercises, and other activities. The Committee will conduct oversight of the National Level Exercise 2011 (NLE 2011), which is centered on a catastrophic earthquake in the New Madrid Seismic Zone.

Chemical, Biological, Radiological, and Nuclear Planning, Preparedness, and Response

During the 112th Congress, the Committee will examine the significant challenges posed by chemical, biological, radiological, and nuclear (CBRN) weapons to homeland security and assess the Department's progress in implementing security strategies including prevention, preparedness, and response approaches that utilize multiple tools and policies to reduce the

likelihood and impact of CBRN attacks and, thus, the CBRN risk to the Nation. The Committee will oversee the Department's efforts to understand the evolving CBRN threat landscape, as well as integrate and share this information. The Committee will examine the Department's capability to mitigate CBRN risks through appropriate means including preparedness and response to CBRN threats with a focus on public health capacity to respond. A critical facet of the Nation's medical preparedness for CBRN threats is the availability of effective medical countermeasures. The Committee will consider issues such as priorities for countermeasure development and state and local preparedness for distribution and dispensing of countermeasures. The Committee will also oversee preparedness for agricultural terrorism events, to include food defense policies and veterinary leadership at the Department of Homeland Security.

Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies

Cybersecurity

In the 112th Congress, the Committee will examine the Department's role in hardening our national critical infrastructure against cyber attacks by fortifying Federal civilian networks and collaborating with the private sector to develop the means to detect and prevent cyber attacks, reduce vulnerabilities, provide incident response, and facilitate recovery. That oversight will consider the Department's ability to detect the incursion of malicious activity; attribute the source of that activity; and promote best practices, risk assessments, and sharing of threat information across all levels of government and the private sector. In addition, the Committee will examine the Department's ability to foster cybersecurity research and development and to recruit and train cybersecurity personnel. The Committee will also examine the resiliency of national critical infrastructure to withstand cyber attacks and the need to optimize supply chain risk management in order to protect against manipulation without unnecessarily impeding commerce.

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

The SAFETY Act

The Support Anti-terrorism by Fostering Effective Technologies Act (the SAFETY Act) was included as subtitle G of the Homeland Security Act of 2002, and gave the Secretary of the Department of Homeland Security the authority to designate, upon application, certain anti-terrorism products and services as qualified to participate in a Federal liability protection program. The SAFETY Act helps to foster the creation of anti-terrorism products and services and facilitates job creation. During the 112th Congress, the Committee will review the need for further congressional guidance on the process and criteria used to review and approve

applications for SAFETY Act certification and designation; the process and criteria used to renew SAFETY Act certifications and designations; providing SAFETY Act protection for risk mitigation strategies, processes, and procedures; the increased use of SAFETY Act protection internationally; and the Department's ability to keep pace with the rising demand for SAFETY Act protections.

Critical Infrastructure Protection

Pursuant to Homeland Security Presidential Directive 7 (HSPD-7), the Department is responsible for integrating sector specific strategies into a National Strategy for Critical Infrastructure Protection, and for coordinating Federal efforts across all such infrastructure sectors. During the 112th Congress, Committee oversight will focus on the implementation of the National Strategy for Critical Infrastructure Protection, including the Department's national coordination responsibilities and its sector specific critical infrastructure protection responsibilities. The Committee will also examine the Department's efforts to assess national critical infrastructure priorities by maintaining the National Asset Database.

In addition, the Committee will review the Department's progress in identifying, prioritizing, recommending, and implementing protective measures to reduce vulnerabilities for critical infrastructure and key resources, including its administration of programs to promote private sector sharing of critical infrastructure threat and vulnerability-related information, and its administration of systems and programs to provide timely warnings of potential risks to critical infrastructure.

Chemical Facility Security

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

Science and Technology

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

infrastructure and workforce to ensure current and future homeland security RDT&E needs will be met.

Technology to Counter Chemical, Biological, Radiological, and Nuclear Threats

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

To enhance the ability to interdict chemical, biological, radiological, and nuclear smuggling across U.S. borders (land, air, and sea), the Committee will oversee the Department's progress in employing risk-based methods for developing, testing, certifying, deploying and operating current and next generation chemical, biological, radiological, and nuclear detection equipment.

The Committee will also consider detection opportunities within the interior of the U.S. and the Department's coordination with State and local partners to reduce the risk of radiological and nuclear terrorism to metropolitan urban areas and critical infrastructure through the Securing the Cities Initiative. Finally, the Committee will examine the Department's chemical, biological, radiological, and nuclear forensic activities to support national priorities for deterrence, attribution, and prosecution.

CONGRESSWOMAN RICHARDSON HOMELAND SECURITY LEGISLATION

Homeland Security Grant Management Act (H.R. 1129)

This legislation originated from discussions with state and local stakeholders, including FEMA's analysis of official views on federal preparedness requirements and the National Governor's Association statement on FEMA grants, who have experienced first-hand the difficulties implementing the state homeland security grant program. FEMA has been known to tell states and cities what homeland security capabilities to build regardless of their need. This "one-size-fits-all" approach is ineffective. States and local governments should be a part of identifying and meeting their homeland security requirements.

The Homeland Security Grant Management Act would prohibit FEMA from deciding unilaterally to require that states and local governments spend a specific percentage of their homeland security grant on one activity. The bill directs FEMA to evaluate whether state and local governments have the resources necessary to implement and optimally manage their homeland security grant awards. It would then direct the FEMA Administrator to provide to Congress the historical data to verify that the limits are at the appropriate level.

Finally, state and local entities have urged FEMA to streamline their grant guidance to avoid significant year-over-year changes and simplify the application process. To this end, the Homeland Security Grant Management Act directs FEMA to examine and then consider the pros and cons of issuing multi-year grant guidance.

STATUS: Reported favorably by unanimous consent by the Homeland Security Subcommittee on Emergency Preparedness, Response, and Communications on December 8, 2011. Awaiting consideration by the full Homeland Security Committee.

Disability Integration and Coordination Improvement Act (H.R. 2849)

The purpose of this bill is to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief situations.

In the aftermath of Hurricane Katrina, Congress passed the Post-Katrina Emergency Management Reform Act of 2006 which included a number of provisions intended to focus FEMA's attention on assistance to individuals with disabilities. However, due to failures in its implementation, there remain several emergency preparedness problems that continue to hinder the government's efforts in this area.

One reason for this failure is the fact that FEMA's Office of Disability Integration and Coordination (ODIC), which is tasked with implementing the laws designed to protect disabled individuals in times of need, has not been properly funded and still does not have any permanent staff other than its Director.

Additionally, FEMA has found that existing registries, which are used by states and nongovernmental entities to account for individuals with disabilities after a disaster, have not been the most effective strategy for ensuring that disabled individuals obtain the assistance they need in times of emergencies and major disasters. This is especially disconcerting considering the degree to which disabled individuals rely on the government to provide them with support during times of crisis.

The "Disability Coordination and Integration Improvement Act" fixes these problems and improves post-emergency management services for the disabled. The bill directs a study be conducted by the National Academy of public Administration to review the efficacy of emergency registries, identify registry best practices and make recommendations for establishing a federal disabilities registry.

The bill also authorizes the hiring of additional personnel necessary to achieve mission critical objectives. In short, the bill ensures that ODIC has the resources and leadership necessary to assist disabled individuals when they need it the most.

STATUS: Awaiting consideration by the Transportation and Infrastructure Committee.

Elementary and Secondary School Emergency Preparedness Planning Act (H.R. 1128)

The bill empowers school districts in high-risk areas to bolster emergency preparedness training by establishing a program to award grants to local educational agencies located in areas at risk for terrorist attacks, natural disasters and public health emergencies. This bill will give school officials the resources necessary to keep America's students safe.

Many school districts in the United States are located within high-risk areas for terrorist attacks, natural disasters, or public health emergencies. Historically, elementary and secondary schools have not been given a primary coordination role in the process of emergency preparedness planning. In a national survey of 658 school-based police officers conducted by the National Association of School Resource Officers in 2002, 95% of respondents believed that schools are vulnerable to a terrorist attack. Unfortunately, many school districts nationwide do not have the expertise to provide adequate emergency service to their staff and students during emergency situations.

The Elementary and Secondary School Emergency Preparedness Planning Act establishes and authorizes a \$25 million competitive grant program for three years in the Department of Homeland Security. This grant program will provide funding to local education agencies (LEA's) located near high-threat terror targets as determined by the United States Department of Homeland Security or areas highly vulnerable to natural disaster as determined by the Federal Emergency Management Agency (FEMA). The funding authorized under the grant program will provide the resources needed to enable local education agencies in high-threat, high density areas to create or modernize emergency response and preparedness capabilities. This includes comprehensive all-hazards planning capability to support school districts, teachers, and students.

At a June 15, 2010 hearing for the Homeland Security Subcommittee on Emergency Communications, Preparedness, and Response on “Caring for Special Needs during Disasters: What’s being done for Vulnerable Populations,” Los Angeles County Office of Education Deputy Superintendent Jon Grundy voiced his support for this bill, saying “although most schools and school districts have emergency plans in place, they are generally not as comprehensive as they should be and not well coordinated with other agencies and school districts.” He stated that this problem primarily stems from a lack of an active role in emergency planning, a lack of expertise, and a lack of funding. This bill will work to solve these problems.

STATUS: Referred to the House Committee on Transportation and Infrastructure, Committee on Homeland Security, and Committee on Energy and Commerce.

Communication and Alert Maintenance Program for Early Response Act (CAMPER Act) (H.R. 2850)

The National Park System manages 392 sites that cover more than 83 million acres. According to the National Park Service, there were 275 million recreational visits to National Park System sites in 2007 which marks an increase of nearly 3 million visits from 2006.

Millions more visit state and local parks annually. Most of the nation’s park areas have no emergency notification system in place to warn people within these parks of emergency situations.

The absence of an emergency notification system for these areas puts the public safety at risk and can lead to tragedies similar to the disaster that occurred this summer in Arkansas’ Alpine State Park, when flash floods took the lives of 16 persons who failed to receive any type of warning.

Thus, it is critical that an emergency notification system is established so persons using these public grounds can be protected to the greatest extent possible.

The CAMPER Act improves emergency communications for campers, hikers, and other visitors to the nation's wilderness areas in three ways.

1. First, it directs the Secretary of the Department of Homeland Security to provide technical assistance and support to state parks and recreation departments in developing emergency notification systems to provide sufficient warning to campers, hikers, and other persons using public recreational lands.
2. Second, the bill establishes a grant program administered by the Department of Homeland Security to provide funding to implement such emergency alert notification systems.
3. Third, the bill directs the Secretary of the Department of Homeland Security to file an annual report with the relevant Committees of Congress describing the present state of readiness of state park and recreation departments in providing adequate emergency notifications and make recommendations to Congress for additional Congressional action.

These measures will ensure that campers, hikers, and other visitors to public parks will be notified of future emergency situations.

STATUS: Referred to the Committee on Transportation and Infrastructure and the Committee on Homeland Security.

Fairness In Restrooms Existing in Stations Act (FIRE Stations Act) (H.R. 3753)

- 1) Most fire stations in use were built and planned with a single-gender workforce in mind;
- (2) More than 50 percent of fire departments do not have a single woman on the department;
- (3) Women make up approximately 3.7 percent of all firefighters; and
- (4) A few fire departments still assign women only to stations that have facilities for women, limiting the potential for promotion and advancement for women.

Grants administered by the Department of Homeland Security, would provide funds, based on the need of the fire station, to upgrade restrooms, showers, and changing facilities. Fire stations would need to submit an application showing its "commitment to increasing the number of women firefighters" and affirm that no funds would be used to displace any personnel. Priority would be given to fire stations that have high-risk industries in their jurisdictions.

STATUS: Referred to the House Committee on Science, Space, and Technology.

KEY HOMELAND SECURITY LEGISLATION

House Floor

Department of Homeland Security Appropriations Act, 2012 (H.R. 2017)

This bill proposes to cut firefighter assistance grants by more than fifty percent. The Assistance to Firefighter Grant program (FIRE) focuses on equipping firefighters with the necessary resources they need to respond to any national or local emergency in a post 9/11 environment. The Staffing for Adequate Fire and Emergency Response Grant program is designed to allow fire departments to increase their training and hiring of more firefighters.

By cutting FIRE grants by 51 percent, from \$405 million in FY 2011 to \$200 million in FY 2012 and SAFER grants by 63 percent, from \$405 million in FY 2011 to \$150 million in FY 2012, we ultimately risk jeopardizing the safety of our communities.

In addition, this bill takes away direct funding for nine key state and local security grants (including State Homeland Security Grants, Urban Area Security Initiative, Transit Security Grants, and Port Security Grants), combines them into a separate block grant, and slashes the funding of the block grant by 55 percent – from \$2.2 billion in FY 2011 to \$1 billion in FY 2012.

By requiring all of these critical programs to compete against one another for essentially half the funding they each received the previous year, this bill will force many of these programs to be underfunded or zeroed out entirely.

This bill also significantly cuts Homeland Security Research and Development projects by 42 percent—from \$688 million in FY 2011 to \$398 million in FY 2012. By implementing these cuts, this bill would force us to eliminate more than 144 research projects in areas such as biological and explosives detection, advanced cyber security, and interoperability.

In a time when our nation remains highly vulnerable to terrorism, we cannot afford to lose these essential counterterrorism research projects.

In response to our troubling debt, many cuts were already made to H.R. 1473, the FY 2011 Full-Year Continuing Appropriations Act (PL 102-10). For example, State Homeland Security Grants were cut from \$950 million in FY 2010 to \$725 million in FY 2011; the Urban Area Security Initiative was cut from \$887 million in FY 2010 to \$725 million in FY 2011; Transit Security grants were cut from \$300 million in FY 2010 to \$250 million in FY 2011; Port Security Grants were cut from \$300 million in FY 2010 to \$250 million in FY 2011; and SAFER grants were cut from \$420 million in FY 2010 to \$405 million in FY 2011. By continuing to make substantial cuts, this bill will undoubtedly hinder the capabilities of our nation's first responders.

In addition to the cutting of research programs, this bill also makes a foolish mistake of preserving a cap on the total number of TSA screeners at 46,000 -- which will prevent the additional hiring of personnel needed to staff new security technology.

Other troubling consequences of H.R. 2017:

- Transit agencies would not have funding to hire additional law enforcement officers, acquire bomb sniffing dogs, or install explosive screening devices at a time when open source media reports indicate that Al Qaeda may be attempting a major attack on the U.S. rail system.
- States and localities would receive greatly reduced funding (or be denied funding entirely) to harden tunnels and bridges or install surveillance systems at high-risk areas.
- Ports would not have funds for vessels to protect Harbor waterways from a terrorist threat or for maritime training of law enforcement personnel at the ports.
- According to the National Association of Counties, a reduction in grant programs and the combining of funding would result in communities of all sizes not being able to enhance their level of preparedness to deal with all hazards, including potential nuclear, chemical, and biological attacks.

CLR Actions:

- Offered amendment to redirect \$100,000,000 for the disaster relief fund (passed by voice vote)
- Offered amendment for \$10,000,000 for Buffer Zone Protection Plan Grants, \$50,000,000 shall be for Port Security Grants, \$100,000,000 shall be for public Transportation Security Assistance and Railroad Security Assistance, \$50,000,000 shall be for interoperable emergency communications, \$42,337,000 shall be for the Metropolitan Medical Response System. (Point of Order raised and sustained on the amendment)
- Offered amendment to direct \$50 million to the Interoperable Emergency Grants Program (Point of Order raised and sustained on the amendment)
- CLR voted against the legislation when it came up for a vote in the House on June 2, 2011. H.R. 2017 passed the House on 231-188 and was later amended by the Senate and incorporated into an omnibus that was signed by President Obama on September 30, 2011.

Risk-Based Security Screening for Members of the Armed Services Act (H.R. 1801)

This bill requires the Transportation Security Administration (TSA) to develop a plan for providing expedited screening to military personnel at airport security checkpoints. Consideration of this bill also marks the first time in the 112th Congress that the full House considered a bill reported from Committee on Homeland Security, of which Congresswoman Richardson is a senior member and the Ranking Democrat on its Subcommittee Emergency Preparedness, Response and Communications.

CLR Actions:

- CLR served as bill manager when the bill was considered on the House floor on November 29, 2011.
- CLR voted for the bill on November 29, 2011. H.R. 1801 passed the House by a 404-0 vote.
- CLR served as bill manager when the bill came back to the House on December 19, 2011. The bill was approved by the House without objection and was signed into law by President Obama on January 3, 2012.

MAJOR LEGISLATION CONSIDERED BY THE HOMELAND SECURITY COMMITTEE

The Department of Homeland Security Authorization Act of 2011 (H.R. 3116)

CLR offered 10 amendments during consideration of H.R. 3116. Nine of her amendments were adopted during the Homeland Security markup of H.R. 3116 on October 12-13, 2011. Below are the Congresswoman's amendments to H.R. 3116:

- Require the Office of the Inspector General to audit each of the 10 FEMA regional offices (**amendment agreed to by unanimous consent**)
- Establishes an interagency working group composed of representatives of federal agencies to coordinate the application, monitoring of grants (**amendment agreed to by unanimous consent**)
- Authorizes the D block spectrum for first responders (**amendment agreed to by unanimous consent**)
- Requires the Office of Inspector General to make recommendations on removing impediments to the timely expenditure of homeland security grant funds (**amendment agreed to by unanimous consent**)
- Authorizes the Integrated Public Alerts and Warnings System (IPAWS) (**amendment agreed to by unanimous consent**)
- Amendment directing the Secretary of Homeland Security to coordinate preparedness and response to incidents that result in mass fatalities (**amendment agreed to by unanimous consent**)
- Amendment directing the Secretary of Homeland Security to coordinate with local educational districts (**amendment agreed to by unanimous consent**)
- Amendment directing the Secretary of Homeland Security to coordinate emergency preparedness and response for people with disabilities (**amendment agreed to by unanimous consent**)
- Amendment allowing recipients of Port Security Grant funds to use a portion of the funds for mandated security expenses (**amendment agreed to by unanimous consent**)
- Amendment explicitly including port authorities to be involved in emergency communications plans (**amendment withdrawn but language to have port authorities included will be part of the committee report**)

CLR and most Democrats (Cuellar and Hahn voted for) voted against H.R. 3116 for some of the reasons below:

1. H.R. 3116 is Missing a Top-Line Funding Level for DHS

By leaving out a top-line funding level for DHS, the bill chooses to ignore that it costs money to keep the nation secure and to carry out the scores of new programs, pilots, and mandates

required under the bill. Worse yet, because consideration of this bill comes five months after the Republican Leadership pushed through the Homeland Security Appropriations Act for Fiscal Year 2012 (H.R. 2017), this bill's silence on the question of funding renders it little more than a rubberstamp of a bill that cut DHS funding by nearly 3 percent below FY 2011's funding level and 17 percent below what Chairman Peter King sought for fiscal year 2011 (H.R. 5590 – 111th Congress).

2. H.R. 3116 Fails to Authorize Critical DHS Programs

National Protection and Programs Directorate (NPPD): Since 2007, this directorate has housed the Federal Protective Service (FPS), the Office of Cybersecurity and Communications, the Office of Infrastructure Protection, and US-VISIT. H.R. 3116 does not authorize this directorate, even as the issues of infrastructure protection and cybersecurity have emerged as critical concerns.

Counterterrorism Coordinator: Established in response to the attempted bombing of a Northwest Flight on Christmas Day 2009, the Counterterrorism Coordinator is at the center of DHS' counterterrorism efforts, including efforts to better integrate, streamline and focus DHS's counterterrorism operations, yet H.R. 3116 provides no authorization.

3. H.R. 3116 Authorizes a Special Coordinator for “Violent Islamist Radicalization”

Section 102 requires the DHS Secretary to designate a coordinator of Department efforts to “counter homegrown violent Islamist extremism, including the violent ideology of Al Qaeda and its affiliated groups, in the United States.” In addition to connoting the belief that terrorism is linked to Islamic teaching, this provision reflects a failure of imagination by refusing to acknowledge the full range of violent radicalization threats—from violent militias and neo-Nazis to terrorist and anti-government groups.

4. H.R. 3116 Reopens the 9/11 Commission Investigation

Title IV would establish a new “National Commission to Review the National Response Since the Terrorist Attacks of September 11, 2001” to “investigate whether there exists evidence that was not considered by the 9/11 Commission of any conduct, relationships, or other factors which served in any manner to contribute to, facilitate, support, or assist the hijackers who carried out the terrorist attacks of September 11, 2011.” The provision essentially reopens the 9/11 Commission's investigation and call into question the findings of its seminal report—ten years after the attacks—when the range of homeland security threats is incredibly diverse.

5. H.R. 3116 Unnecessarily Expands Civil Immunity for Reports of Suspected Terrorist Activity or Suspicious Behavior

Based on the “See Something, Say Something Act of 2011” (H.R. 495), this provision grants civil immunity to any person who, “in good faith and based on objectively reasonable suspicion” reports suspicious behavior or activity “indicating that an individual may be engaging, or preparing to engage, in violation of law relating to an act of terrorism.” It is an unnecessary expansion of limited protections that exist for individuals who report threats to transportation. This broad provision is a solution looking for a problem.

Bill Status: Waiting to be reported out of the committee.

Chemical Facility Anti-Terrorism Security Authorization Act (H.R. 901)

The Chemical Facility Anti-Terrorism Standard (CFATS) is intended to establish a baseline level of security for facilities considered to pose high risk to the general population in the event of a terrorist attack. CFATS defines security requirements for facilities that use, manufacture, store or handle specific quantities of approximately 322 chemicals that DHS has identified as being extremely dangerous. Affected industry sectors include chemical manufacturing, storage and distribution, energy and utilities, agriculture and food, paints and coatings, explosives, mining, electronics, plastics, and healthcare.

On September 26, 2011, the full Homeland Security Committee held a markup on H.R. 901. Congresswoman Laura Richardson offered an amendment that would give whistleblower protections to workers who report workplace and safety violations. Unfortunately, the amendment was defeated on a party-line vote.

While Congresswoman Richardson would have liked to CFATS regulations be extended to ports, wastewater treatment facilities, and water facilities, which were part of the Chemical and Water Security Act of 2009 that passed in the 111th Congress; she voted to report H.R. 901 to the House so chemical companies will have certainty in knowing that CFATS would be extended for another 5 years. The Congresswoman hopes to strengthen the bill should it be considered in the House.

Bill Status: Reported out by the Committee on Homeland Security and referred to House Energy and Commerce Committee.