

# CRS Report for Congress

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## **Homeland Security: Department Organization and Management — Implementation Phase**

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# Homeland Security: Department Organization and Management — Implementation Phase

## Summary

After substantial congressional entreatment, President George W. Bush gave impetus to the creation of a Department of Homeland Security when, on June 6, 2002, he proposed the establishment of such an entity by the 107<sup>th</sup> Congress. The President transmitted his department proposal to the House of Representatives on June 18, where it was subsequently introduced by request (H.R. 5005). The House approved the bill in amended form on July 26. The Senate did not begin consideration of the legislation until after an August recess. Senate deliberations on the matter were slower due to partisan and parliamentary factors, as well as a few highly contentious issues, such as civil service protections and collective bargaining rights of the employees of the new department. When both houses of Congress reconvened after the November elections, a new, compromise department bill was introduced in the House (H.R. 5710), which considered and adopted the measure on November 13. Six days later, the Senate approved the original House bill (H.R. 5005), as modified with the language of the compromise legislation (H.R. 5710), which had been offered as an amendment. The House cleared the Senate-passed measure for the President's signature (P.L. 107-296; 116 Stat. 2135). Ultimately, President Bush largely obtained what he wanted in the legislation mandating the department.

Overseeing the implementation of the legislation mandating the new Department of Homeland Security, and possibly refining it and making some technical modifications, was within the purview of the 108<sup>th</sup> Congress. Some legislators, for example, wanted to eliminate provisions protecting manufacturers from liability lawsuits, broaden the criteria for the creation of university-based centers for homeland security, and make the department subject to the Federal Advisory Committee Act (H.R. 484, H.R. 1416, S. 6, S. 28, S. 41, S. 45, S. 134, S. 910). The department's charter also contained some contradictory provisions, such as those concerning the appointment of an officer for civil rights and civil liberties. Other implementation issues included Senate confirmation of presidential nominees for department leadership positions, creation of initial budgets for the new department, and assessing the various reports to Congress required of the new department. A few modifications were realized in provisions of the Intelligence Reform and Terrorism Prevention Act, which was enacted into law in December 2004. This report has been updated as events recommended during the 108<sup>th</sup> Congress. CRS Report RL31148, *Homeland Security: The Presidential Coordination Office*, assesses the operations and status of the Office of Homeland Security; CRS Report RL31493, *Homeland Security: Department Organization and Management — Legislative Phase*, assesses the development and enactment of the Homeland Security Act of 2002.

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# Homeland Security: Department Organization and Management — Implementation Phase

Terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, prompted various major efforts at combating terrorism and ensuring homeland security. President George W. Bush ultimately became the architect of new arrangements to coordinate these efforts. With E.O. 13228 of October 8, 2001, he established the Office of Homeland Security (OHS) and the Homeland Security Council (HSC) within the Executive Office of the President.<sup>1</sup> That same day, he appointed former Pennsylvania Governor Tom Ridge an Assistant to the President for Homeland Security, who would also direct OHS.

Although Ridge contended that his close proximity and easy access to the President gave him all the authority he needed to do his job, some were not convinced and sought to reconstitute OHS with a statutory mandate and more explicit responsibilities and powers. Others favored consolidating relevant programs and hierarchical administrative authority in a new department. Among the first to pursue this approach was Senator Joseph Lieberman, who introduced his initial proposal (S. 1534) a few days after the establishment of OHS. He and Representative Mac Thornberry later introduced more elaborate versions of this legislation (S. 2452 and H.R. 4660) in early May 2002.<sup>2</sup>

By late January 2002, Ridge, according to the *Washington Post*, was “facing resistance to some of his ideas, forcing him to apply the brakes on key elements of his agenda and raising questions about how much he can accomplish.” OHS plans engendering opposition from within the executive branch reportedly included those to streamline or consolidate agencies responsible for border security; improve intelligence distribution to federal, state, and local agencies; and alert federal, state, and local officials about terrorist threats using a system of graduated levels of danger.<sup>3</sup>

At about this same time, Ridge began to become embroiled in controversy over his refusal to testify before congressional committees. Among the first to request his

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<sup>1</sup> See *Federal Register*, vol. 66, Oct. 10, 2001, pp. 51812-51817.

<sup>2</sup> Rep. Thornberry had introduced legislation (H.R. 1158) on Mar. 21, 2001, to establish a National Homeland Security Agency which closely resembled his subsequent departmental proposal, but the organization was not denominated a department and seemingly would not have had Cabinet status.

<sup>3</sup> Eric Pianin and Bill Miller, “For Ridge, Ambition and Realities Clash,” *Washington Post*, Jan. 23, 2002, pp. A1, A10.

appearance were Senator Robert C. Byrd and Senator Ted Stevens, respectively, the chairman and ranking minority member of the Committee on Appropriations. Ridge turned down their initial, informal invitation and later formal requests of March 15 and April 4.<sup>4</sup> When Ridge declined the request of Representative Ernest Istook, Jr., chairman of the House Appropriations Subcommittee on Treasury, Postal Service, and General Government, appropriations for the Executive Office of the President were threatened, prompting Ridge to offer to meet with Istook and other subcommittee members in an informal session.<sup>5</sup> Thereafter, Ridge arranged other informal briefings with members of the House Committee on Government Reform and a group of Senators, and agreed to a similar such session with members of the House Committee on Energy and Commerce. These informal meetings, however, did not appear to abate the controversy that Ridge's refusals to testify had generated.<sup>6</sup>

Assessing the situation in early May 2002, a *New York Times* news analysis proffered that, "instead of becoming the preeminent leader of domestic security, Tom Ridge has become a White House adviser with a shrinking mandate, forbidden by the president to testify before Congress to explain his strategy, overruled in White House councils and overshadowed by powerful cabinet members reluctant to cede their turf or their share of the limelight." In support of this view, the analysis noted that the Pentagon did not consult with Ridge when suspending air patrols over New York City — a special assistant to the Secretary of Defense explained this action by saying, "We don't tell the Office of Homeland Security about recommendations, only about decisions" — and the Attorney General unilaterally announced a possible terrorist threat against banks in April.<sup>7</sup> Asked about this assessment by Jim Lehrer on the PBS *Newshour*, Ridge called it "false" and said, "I just don't think they have spent enough time with me on a day-to-day basis."<sup>8</sup> Shortly thereafter, a *New York Times* editorial opined that one of the reasons Ridge "lost these turf battles is that he failed

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<sup>4</sup> Dave Boyer, "Ridge Reluctant to Testify in Senate," *Washington Times*, Feb. 27, 2002, p. A4; Alison Mitchell, "Congressional Hearings: Letter to Ridge Is Latest Jab in Fight Over Balance of Powers," *New York Times*, Mar. 5, 2002, p. A8; Mark Preston, "Byrd Holds Firm," *Roll Call*, Apr. 18, 2002, pp. 1, 26.

<sup>5</sup> George Archibald, "Panel Ties Funding to Ridge Testimony," *Washington Times*, Mar. 22, 2002, pp. A1, A14; George Archibald, "White House Mollifies House Panel," *Washington Times*, Mar. 23, 2002, pp. A1, A4.

<sup>6</sup> Bill Miller, "Ridge Will Meet Informally with 2 House Committees," *Washington Post*, Apr. 4, 2002, p. A15; George Archibald, "Ridge Attends Private Meeting on Hill," *Washington Times*, Apr. 11, 2002, p. A4; Elizabeth Becker, "Ridge Briefs House Panel, but Discord Is Not Resolved," *New York Times*, Apr. 11, 2002, p. A17; Bill Miller, "From Bush Officials, a Hill Overture and a Snub," *Washington Post*, Apr. 11, 2002, p. A27; Amy Fagan, "Democrats Irked by Ridge's Closed House Panel Meeting," *Washington Times*, Apr. 12, 2002, p. A6; Stephen Dinan, "Ridge Briefing Called 'Stunt'," *Washington Times*, May 3, 2002, p. A9; Bill Miller, "On Homeland Security Front, a Rocky Day on the Hill," *Washington Post*, May 3, 2002, p. A25.

<sup>7</sup> Elizabeth Becker, "Big Visions for Security Post Shrink Amid Political Drama," *New York Times*, May 3, 2002, pp. A1, A16.

<sup>8</sup> *NewsHour Focus, Newsmaker: Tom Ridge*, May 9, 2002, transcript available at NewsHour Index, [[http://www.pbs.org/newshour/newshour\\_index.html](http://www.pbs.org/newshour/newshour_index.html)].

to build a constituency for change in Congress. His refusal to testify before Congressional committees has not helped.”<sup>9</sup>

Ridge’s problems had not escaped White House attention. In his April 11 testimony before the Senate Committee on Governmental Affairs concerning Senator Lieberman’s proposal for a homeland security department, Mitchell E. Daniels, Jr., the director of the Office of Management and Budget (OMB), reportedly indicated that the President might eventually decide to create the department as envisaged in the Lieberman bill. In addition, Daniels said he would consider creating a working group with Senator Lieberman to discuss the legislation.<sup>10</sup> Subsequently, Daniels, Ridge, White House Chief of Staff Andrew H. Card, Jr., and White House counsel Alberto R. Gonzales would constitute the principal members of a group that began drafting the President’s departmental plan on April 23. This proposal was unveiled on June 6, 2002. The President transmitted a draft bill detailing his plan for a homeland security department on June 18, and it was formally introduced (H.R. 5005) on June 24.<sup>11</sup> An alternative model was provided by Senator Lieberman (S. 2452) and Representative Thornberry (H.R. 4660), who sought to create both a Department of National Homeland Security and a new Executive Office of the President entity, the National Office for Combating Terrorism.

The President’s proposal for a Department of Homeland Security reflected his desire to move beyond the indeterminate coordination efforts of OHS to a strong administrative structure for managing consolidated programs concerned with border and transportation security, making effective response to domestic terrorism incidents, and ensuring homeland security. Offering his proposal to Congress and asking for its immediate adoption also set the legislative agenda on the matter.

The President’s proposal was introduced by request in the House (H.R. 5005) on June 24, 2002, and it was subsequently approved in amended form on July 26. The Senate did not begin consideration of the legislation until after an August recess. Senate deliberations on the matter were slower due to partisan and parliamentary factors, as well as a few highly contentious issues, such as civil service protections and collective bargaining rights of the employees of the new department. When both houses of Congress reconvened after the November elections, a new, compromise department bill was introduced in the House (H.R. 5710), which considered and adopted the measure on November 13. Six days later, the Senate approved the original House bill (H.R. 5005), substituting the compromise text (H.R. 5710), as amended. The House cleared the Senate-passed measure for the President’s signature.<sup>12</sup> Ultimately, President Bush largely obtained what he wanted in the

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<sup>9</sup> Editorial, “Faltering on the Home Front,” *New York Times*, May 12, 2002, p. 14.

<sup>10</sup> Elizabeth Becker, “Domestic Security: Bush Is Said to Consider a New Security Department,” *New York Times*, April 12, 2002, p. A15.

<sup>11</sup> See *Congressional Record*, daily edition, vol. 148, June 18, 2002, pp. H3639-H3641.

<sup>12</sup> See, generally, CRS Report RL31493, *Homeland Security: Department Organization and Management — Legislative Phase*, by Harold C. Relyea.

legislation mandating the department, which he signed into law on November 25, 2002.<sup>13</sup>

## Implementation

Crucial to the success of any new department is the initial implementation of the legislation creating it. One review of the record of previous experience has suggested that, in past “attempts at reorganization, serious concern with implementation is typically too little and too late.”<sup>14</sup> Consequently, as the General Accounting Office (GAO) reported, new and reorganized agencies have experienced substantial startup problems — delays in obtaining key officials prevented timely decisionmaking; delays in obtaining needed staff impeded first-year operations; insufficient funding necessitated additional budget requests; and inadequate office space contributed to inefficient handling of workload and morale problems.<sup>15</sup> Thus, key considerations for making the Department of Homeland Security (DHS) a successfully operating organization were the strategy and timetable for selecting department leaders and putting them in place, connecting leaders and workers through an electronic communications network,<sup>16</sup> shifting components to the new management arrangements, and putting other supporting administrative mechanisms into operation. These considerations were complicated by the new department’s considerable field operations, shared responsibility and partnership with state and local governments, as well as the private sector, and need not only to maintain continued vigilance regarding terrorist threats, but also to be continuously capable of responding effectively to a terrorist incident. President Bush initially addressed implementation concerns with E.O. 13267 of June 20, 2002, establishing a Transition Planning Office within OMB to “coordinate, guide, and conduct transition and related planning” for the new department throughout the executive branch and to work, as well, with Congress in this regard.<sup>17</sup>

The new department’s statutory mandate indicated “that each House of Congress should review its committee structure in light of the reorganization of responsibilities within the executive branch by the establishment of the Department.” Important considerations in this regard concerned the appropriation of funds for the new department and oversight of its administration and activities. Moreover, because implementation would occur over time, Congress would have to be prepared, organizationally and in other ways, to work with the Secretary of Homeland Security in fine-tuning the organization, management, and operations of the department.

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<sup>13</sup> 116 Stat. 2135; see *Weekly Compilation of Presidential Documents*, vol. 38, Nov. 25, 2002, pp. 2092-2095.

<sup>14</sup> I. M. Destler, “Implementing Reorganization,” in Peter Szanton, ed., *Federal Reorganization: What Have We Learned?* (Chatham, NJ: Chatham House, 1981), p. 155.

<sup>15</sup> U.S. General Accounting Office, *Implementation: The Missing Link in Planning Reorganizations*, GAO Report GGD-81-57 (Washington: March 20, 1981), pp. 5-12.

<sup>16</sup> See Susan M. Menke, “At Its Core, a Systems Shake-Up,” *Government Computer News*, vol. 21, June 17, 2002, pp. 1, 12; Karen Robb, “OMB Ready to Link Homeland Agencies,” *Federal Times*, June 17, 2002, p. 3.

<sup>17</sup> *Federal Register*, vol. 67, June 24, 2002, pp. 42469-42470.

**Plan.** Pursuant to Section 1502 of the Homeland Security Act, President Bush submitted his reorganization plan for DHS on November 25, 2002.<sup>18</sup> This document addressed two categories of information concerning plans for the new department: the transfer of agencies, personnel, assets, and obligations to the department, and any consolidation, reorganization, or streamlining of agencies so transferred. These categories were set out in the following six plan elements.

(1) Identification of any functions of agencies transferred to the Department ... that will not be transferred to the Department under the plan.

(2) Specification of the Steps to be taken by the Secretary to organize the Department, including the delegation or assignment of functions transferred to the Department among officers of the Department in order to permit the Department to carry out the functions transferred under the plan.

(3) Specification of the funds available to each agency that will be transferred to the Department as a result of transfers under the plan. [Referenced tables concerning funds were not made public at the time of the issuance of the plan.]

(4) Specification of the proposed allocations within the Department of unexpended funds transferred in connection with transfers under the plan. [Referenced tables concerning funds were not made public at the time of the issuance of the plan.]

(5) Specification of any proposed disposition of property, facilities, contracts, records, or other assets and obligations of agencies transferred under the plan.

(6) Specification of the proposed allocations within the Department of the functions of the agencies and subdivisions that are not related directly to securing the homeland.

The plan became effective without the necessity of any formal congressional approval. However, some within the congressional community were not entirely satisfied with the plan. In addition to not initially providing the financial tables referenced in it, the plan was criticized for failing to address such key considerations as the creation and implementation of a planning, programming, and budgeting system, a human resources management system, or an electronic communications enterprise architecture system. News accounts had reported that plans for the latter areas were under development, but the reorganization plan did not mention them, adhering, instead, strictly to the content requirements specified in Section 1502.<sup>19</sup>

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<sup>18</sup> White House Office, "Department of Homeland Security Reorganization Plan," Nov. 25, 2002, Washington, DC, available without referenced tables at [[http://www.whitehouse.gov/news/releases/2002/11/reorganization\\_plan.pdf](http://www.whitehouse.gov/news/releases/2002/11/reorganization_plan.pdf)].

<sup>19</sup> See, for example, Shane Harris, "White House to Unveil First Homeland Security Tech Blueprint," *GovExec.com*, Nov. 13, 2002, available at [<http://www.govexec.com>]; Tim Kauffman, "OPM Promises Homeland Security Personnel System by June," *Federal Times*, Dec. 2, 2002, pp. 1, 5.



The result was a less than assured sense of cooperation for those beginning to pursue congressional oversight of the new department's formation.

**Leadership.** When signing the Homeland Security Act into law on November 25, 2002, President Bush said he intended to appoint Tom Ridge, the director of OHS, as the head of the new department. This nomination was received in the Senate on January 7, 2003, and was referred to the Committee on Governmental Affairs, which reported it favorably on January 17. The Senate confirmed the appointment on January 22 on a 94-0 vote. Ridge was sworn in on January 24, when the department became operational. Others subsequently named initially for principal leadership positions within the department are specified in **Table 1**.

**Table 1. Initial Principal Leaders of the Department of Homeland Security**

Position	Designee
Secretary	Thomas J. Ridge
Deputy Secretary	Gordon England
Under Secretary for Information Analysis and Infrastructure Protection	Frank Libutti
Under Secretary for Science and Technology	Charles E. McQueary
Under Secretary for Border and Transportation Security	Asa Hutchinson
Under Secretary for Emergency Preparedness and Response	Michael D. Brown
Under Secretary for Management	Janet Hale
Chief Financial Officer	Bruce Marshall Carnes
Chief Human Capital Officer	Ronald James
Chief Information Officer	Steven I. Cooper
Counternarcotics Officer	Roger Mackin
Privacy Officer	Nuala O'Connor Kelly
General Counsel	Joe D. Whitley
Inspector General	Clark Kent Ervin

In mid-August 2004, the Heritage Foundation issued a report advocating the establishment of an Under Secretary for Policy within DHS. Characterizing the position as “a high-level policy officer with staff, authority, and gravitas to articulate policy guidance throughout the department in order to implement the President’s policies,” the report justified its recommendation saying, “DHS needs a more substantial capability to provide guidance for integrating current efforts, conducting program analysis, performing long-range strategic planning, and undertaking net

assessments.” The Department of Defense, another large department by many measures, has had an Under Secretary for Policy, which the Heritage Foundation report regarded as being beneficial.<sup>20</sup> There appeared to be, however, little or no legislative interest in this proposal.

As the end of 2004 approached, some of the principal leaders of DHS announced plans to depart from their positions. These officials included Secretary Ridge; Deputy Secretary James Loy, who had succeeded Gordon England in December 2003; Under Secretary for Information Analysis and Infrastructure Protection Frank Libutti; and Inspector General Clark Kent Ervin. When New York City police commissioner Bernard B. Kerik, for personal reasons, asked in December that his name be withdrawn as a nominee for the DHS secretaryship, the year ended without any nominees for these positions having been named.

**Funding.** One of the most important actions for DHS was the formulation and funding of its initial operating budgets. Agencies and functions transferred to the department reportedly brought with them some \$35.5 billion, but this figure represented the FY2003 budget requests for those entities.<sup>21</sup> During its final weeks, the 107<sup>th</sup> Congress enacted continuing resolutions which, for the most part, minimally funded the executive departments and agencies for FY2003 at FY2002 budget levels. The last of these continuing resolutions provided qualified authorization for the Secretary of Homeland Security to transfer upwards of \$500 million of funds made available to the department, such as the funds of agencies transferred to the department. These funds, it was declared, must “be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred.”<sup>22</sup>

The President’s FY2004 budget request for the department was almost \$29.4 billion. Approximately half of the requested amount, \$14.5 billion, was allocated to the Directorate for Border and Transportation Security. Next was the Directorate for Emergency Preparedness and Response, which was designated to receive \$4.3 billion. The Directorate for Information Analysis and Infrastructure Protection was to be provided \$829 million; the Directorate for Science and Technology was allocated \$803 million.

On June 24, 2003, the House, on a 425-2 vote, approved legislation (H.R. 2555) providing the department \$29.4 billion, with allocations slightly different from the President’s request. The department was “directed to submit ... a monthly budget execution report showing the status of obligations and costs for all components of the Department.”<sup>23</sup>

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<sup>20</sup> James Jay Carafano, Richard Weitz, and Alane Kochems, “Department of Homeland Security Needs Under Secretary for Policy,” *Heritage Foundation Backgrounder No. 1788*, Aug. 17, 2004.

<sup>21</sup> Philip Shenon, “The Reorganization Plan: Establishing New Agency Is Expected to Take Years and Could Divert It From Mission,” *New York Times*, Nov. 20, 2002, p. A12.

<sup>22</sup> 116 Stat. 2062, Sec. 3.

<sup>23</sup> U.S. Congress, House Committee on Appropriations, *Department of Homeland Security* (continued...)

One month after the conclusion of initial House action on the department's appropriations, the Senate, on July 24, 2003, approved a \$29.3 billion allocation for DHS on a 93-1 vote. The distribution of these funds differed from the allotments made in the President's budget and the House-passed version of the appropriations bill. Senate appropriators required the Secretary of Homeland Security to submit, to them and their House counterparts, an annual report on the resources devoted to non-homeland security missions of the department. "This report," it was declared, "is to clearly identify all non-homeland security functions of each of the Department's organizations by appropriations account, program, project and activity, and the full-time equivalent positions and dollars devoted to each for a period of at least 3 fiscal years, including the prior fiscal year, the current fiscal year, and the budget year." Department development of a plan for consolidating and co-locating its regional or field offices, as required by Section 706 of the Homeland Security Act, was another matter of keen interest.<sup>24</sup>

The funding legislation signed into law by President Bush on October 1, 2003, provided the department a little over \$35 billion,<sup>25</sup> which, with scorekeeping adjustments (recissions; airline relief) amounted to \$30.3 billion.

For FY2005, the President requested \$32.6 billion for the department, a 7.7% increase over the actual allocation for the previous fiscal year. On June 18, 2004, the House approved legislation (H.R. 4567) providing the department \$33.1 billion; the Senate reported a bill (S. 2537) on June 17 recommending the same amount as in the counterpart House bill, which was subsequently approved.<sup>26</sup> Thus, the DHS appropriations legislation signed by the President provided slightly more than the amount originally requested.<sup>27</sup>

**Operational Arrangements.** Although the lack of detail in the President's November 25, 2002, reorganization plan on some important aspects of the formulation and management of the new department was disappointing for some in the congressional community, news accounts indicated that a number of plans were underway. As early as mid-November 2002, an OHS official announced that "in the next 90 days the administration would unveil an enterprise architecture plan for Homeland Security agencies with border control responsibilities."<sup>28</sup> This plan was

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<sup>23</sup> (...continued)

*Appropriations Bill, 2004*, report to accompany H.R. 2555, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 108-169 (Washington: GPO, 2003), pp. 5, 7-8.

<sup>24</sup> U.S. Congress, Senate Committee on Appropriations, *Department of Homeland Security Appropriations Bill, 2004*, a report to accompany H.R. 2555, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., S.Rept. 108-86 (Washington: GPO, 2003), pp. 7, 8-9.

<sup>25</sup> 117 Stat. 1137.

<sup>26</sup> See CRS Report RL32302, *Appropriations for FY2005: Department of Homeland Security*, by Jennifer E. Lake and Dennis Snook.

<sup>27</sup> 118 Stat. 1298.

<sup>28</sup> "An enterprise architecture (EA) provides a clear and comprehensive picture of the structure of an entity, whether an organization or a functional mission area. It is an essential (continued...)"

reportedly “one of four designs that officials are working on now to help set up the new department.”<sup>29</sup> Testifying before the House Committee on Government Reform on May 8, 2003, Steven Cooper, then chief information officer for the department, indicated that the basic or “as is” enterprise architecture for DHS was about 70% complete and would serve over 2,000 information technology applications. Completion of the “as is” architecture was expected in June, with the initial phase of the “to be” or planned future architecture anticipated to be in place in August.<sup>30</sup> These developments were crucial for the department’s beginning operations, providing a basis for essential information technology operations supporting departmental communications, and information sharing. This included connecting not only field and headquarters staff, but also serving to link headquarters personnel and the heads of primary component organizations, some of which initially were spread around the Washington metropolitan area. Another consideration for these plans was the efficient, economical, and secure transmission of officially protected “homeland security” information to relevant state and local officials. In late April 2003, the Department of Justice and the Federal Bureau of Investigation reportedly were expanding their networks to share homeland security data across levels of government and with private sector organizations.<sup>31</sup>

By early December 2002, efforts were actively underway for planning and locating a headquarters facility for the new department. By one account, several sites in the Washington metropolitan area were under consideration, including three in the District of Columbia, three in Maryland, and two in Virginia. Since 1800, when the federal government arrived in Washington, the headquarters of almost all Cabinet departments have been located in the District. In early January 2003, the Bush Administration won approval from the House for its plan to lease a headquarters facility in northern Virginia.<sup>32</sup> Near the end of the month, however, it was announced that initial department headquarters would be located in a building at the U.S. Naval Security Station in the northwest sector of the District of Columbia near the campus

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<sup>28</sup> (...continued)

tool for effectively and efficiently engineering business processes and for implementing and evolving supporting systems [and] ... a critical success factor allowing organizations to effectively apply information technology (IT) to meet mission goals.” U.S. General Accounting Office, *Information Technology: A Framework for Assessing and Improving Enterprise Architecture Management* (Version 1.1), GAO Report GAO-03-584G (Washington: April 2003), p. 1.

<sup>29</sup> Harris, “White House to Unveil First Homeland Security Tech Blueprint,” p. 1.

<sup>30</sup> U.S. Congress, House Committee on Government Reform, *Out of Many, One: Assessing Barriers to Information Sharing in the Department of Homeland Security*, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., hearing, May 8, 2003 (Washington: GPO, 2003), p. 19.

<sup>31</sup> See Wilson P. Dizard III, “First Responders Get Homeland Security Network,” *Government Computer News*, Apr. 28, 2003, available at [[http://www.gcn.com/22\\_9/news/21878-1.html](http://www.gcn.com/22_9/news/21878-1.html)].

<sup>32</sup> Spencer S. Hsu and Neil Irwin, “Northern Va. Likely to Be New Homeland Security Site,” *Washington Post*, Jan. 8, 2003, pp. A1, A8; Neil Irwin and Peter Whoriskey, “Defense Ties to Va. Help Lure Agency,” *Washington Post*, Jan. 9, 2003, pp. B1, B8; Tim Lemke, “Homeland Security Eyes Site in Chantilly,” *Washington Times*, Jan. 9, 2003, p. A10.

of American University.<sup>33</sup> The choice of a site, of course, has implications not only for the local economy, but also for the recruitment and retention of department personnel for headquarters staff and for surrounding transportation systems.

The Office of Personnel Management (OPM) indicated late in December 2002 that it intended to have the DHS personnel system operational by June 1, 2003. Among other issues, OPM was attempting to reconcile differences among 15 basic pay systems, 12 special pay systems, 10 hiring methods, eight overtime pay rates, seven payroll and benefit systems, five locality pay systems, and 19 performance management systems coming to the department. The Bush Administration reportedly was planning to solicit input from a variety of sources, including federal employees, union representatives, personnel experts, and government reform organizations. About 18,000 of the department's anticipated initial 170,000 employees would work in the Washington area, and 46,000 of the department's workforce were represented by 17 unions.<sup>34</sup> Noting that personnel management arrangements and collective bargaining rights were among the most contentious and divisive issues surrounding the legislating of the mandate for the Department of Homeland Security, the *Federal Times* editorialized that, because "White House architects building the new department have done much to alienate the 170,000-person work force that will soon join the new department," the Bush Administration should begin "patching up its dysfunctional relationship with the future middle managers and employees of the new Homeland Security Department."<sup>35</sup> Two weeks later, Ridge took a step in this direction with a so-called Town Hall Meeting for Future Employees of the department.<sup>36</sup> The process for designing the department's new human resources management system was formally launched on April 1.<sup>37</sup> Near the end of July 2003, a design team responsible for developing personnel system options for the department presented their findings to a review committee of management and union officials. The resulting 52 options for pay and classification, labor relations, adverse action, and appeals were made public on October 3, 2003, on the DHS and OPM websites, but, by the end of the month, the negotiating officials had failed to narrow

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<sup>33</sup> Spencer S. Hsu and Neil Irwin, "Homeland Security Settles on D.C.," *Washington Post*, Jan. 23, 2003, pp. A1, A9; Audrey Hudson and Tim Lemke, "Ridge's Offices Will Be in NW," *Washington Times*, Jan. 23, 2003, pp. A1, A9; Neil Irwin, "From the Ground Up: Symbolic Choice for Homeland Security Site," *Washington Post*, Jan. 27, 2003, pp. E1, E9; Tim Lemke, "Homeland Location Decision Surprises Many," *Washington Times*, Jan. 24, 2003, pp. C8-C9.

<sup>34</sup> Tim Kaufmann, "OPM Promises Homeland Security Personnel System by June," *Federal Times*, Dec. 2, 2002, pp. 1, 5; Christopher Lee, "OPM Begins Sorting Security Personnel," *Washington Post*, Dec. 9, 2002, p. A21.

<sup>35</sup> Editorial, "An Olive Branch for Security," *Federal Times*, Dec. 2, 2002, p. 14.

<sup>36</sup> Stephen Barr, "Ridge Addresses Workers," *Washington Post*, Dec. 18, 2002, p. A33; a transcript of remarks made at this meeting is available at [<http://www.whitehouse.gov/news/releases/2002/12/print/20021217-14.html>].

<sup>37</sup> See Brian Friel, "New Department Begins Pay and Personnel Overhaul," *GovExec.com*, Apr. 1, 2003, available at [<http://www.govexec.com/dailyfed/0403/040103b1.htm>].

down the options.<sup>38</sup> Negotiations continued, and, on February 20, 2004, DHS and OPM jointly published in the *Federal Register* proposed regulations to implement a new human resources management system for the department, with a comment period open until March 22.<sup>39</sup> Talks on the new personnel system, however, reportedly came to a standstill, and, in late August, two union leaders told their members that DHS had walked out of the negotiations. Department officials disputed that characterization, and said the discussions would move to a new level with Secretary Ridge and OPM director Kay Coles James in attendance. DHS leaders wanted to publish new regulations in September and, hopefully, launch the new personnel system next year.<sup>40</sup> In early December, in the aftermath of Ridge's announcement to leave the department before February, Under Secretary for Management Janet Hale indicated that DHS would attempt to publish its final human resources management rules, probably in January, before his departure.<sup>41</sup>

On January 23, 2003, just before the new department became operational, President Bush issued E.O. 13284, making certain adjustments in specified presidential directives to include the Secretary of Homeland Security and other department officials.<sup>42</sup> Shortly thereafter, information management regulations for the department were published in the *Federal Register*.<sup>43</sup> Homeland Security Presidential Directive 5 of February 28, 2003, designated the Secretary as the principal federal official for domestic incidents management.

A reorganization of border agencies was announced by Secretary Ridge on January 30, 2003.<sup>44</sup> On February 28, President Bush issued E.O. 13286 making adjustments in various executive orders to reflect the transfer of functions and responsibilities resulting from the establishment of the Department of Homeland Security.<sup>45</sup> Formulation of the new department took a major step on March 1 when, in accordance with the President's reorganization plan, some three dozen agencies

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<sup>38</sup> Bridgette Blair, "Team Develops Homeland HR Options," *Federal Times*, Oct. 6, 2003, p. 3; Bridgette Blair, "Officials Fail to Narrow Down Options for Personnel System," *Federal Times*, Oct. 27, 2003, p. 11.

<sup>39</sup> See *Federal Register*, vol. 69, Feb. 20, 2004, p. 8029-8071; CRS Report RL32261, *Homeland Security: Proposed Regulations on Job Evaluation, Pay, and Performance Management Compared with Current Law*, by Barbara L. Schwemle.

<sup>40</sup> Stephen Barr, "Homeland Security Talks Criticized," *Washington Post*, Aug. 21, 2004, p. A2.

<sup>41</sup> Stephen Barr, "Homeland Security's Personnel Rules Overhaul Will Proceed Without Ridge," *Washington Post*, Dec. 2, 2004, p. B2.

<sup>42</sup> *Federal Register*, vol. 68, Jan. 28, 2003, pp. 4075-4078; also see E.O. 13286 in *ibid.*, Mar. 5, 2003, pp. 10619-10633.

<sup>43</sup> *Ibid.*, Jan. 27, 2003, pp. 4056-4074.

<sup>44</sup> Department of Homeland Security, "DHS Announces Border Security Reorganization," press release, Jan. 30, 2003, available at [<http://www.dhs.gov/dhspublic/display?content=422>]; Department of Homeland Security, "Border Reorganization Remarks by Secretary Ridge," transcript, available from a link on the above URL.

<sup>45</sup> *Federal Register*, vol. 68, Mar. 5, 2003, pp. 10619-10633.

and programs were transferred to the new department. Among these were functions of the Immigration and Naturalization Service, which were relocated within the Bureau of Customs and Border Security, which counted about 30,000 employees, and the Bureau of Immigration and Customs Enforcement, which had approximately 14,000 personnel. Ultimately, all such transfers were completed by September 30, 2003.

Testifying before the House Select Committee on Homeland Security at a May 20, 2003, hearing, Secretary Ridge announced plans to create regional offices that would serve as primary contact points with state and local government officials. These regional offices were to be determined within the context of rearranging the department's field structure. Section 706 of the Homeland Security Act required the secretary, not later than one year after the enactment of the statute, to develop and submit to Congress a plan for consolidating and co-locating regional or field offices of agencies transferred to the department or portions of regional and field offices of other federal agencies, to the extent that such offices perform functions that were transferred to the Secretary of Homeland Security. Filed on February 4, 2004, this report revealed details of some modest actions taken to date, as well as plans for specific consolidations in the new future and analysis of longer-term options to meet the department's mission.<sup>46</sup>

On June 6, 2003, department officials announced the creation of a National Cyber Security Division within the Information Analysis and Infrastructure Protection Directorate. A main objective of the new entity was implementing the National Strategy to Secure Cyberspace, which had been recently unveiled at the time of the division's establishment.<sup>47</sup> The head of the division also served as the President's chief cybersecurity adviser, moved from the National Security Council staff to the Department of Homeland Security. Critics viewed this move as not only a loss of status for the position, but also a loss of authority, as the incumbent was at least three steps below the office of Secretary Ridge. Richard A. Clarke, who had served in the position during the previous and present administrations, pronounced the relocation unworkable, "not a senior enough position."<sup>48</sup> The position had been vacant since late April 2003, when Clarke's successor abruptly resigned after about four months of service.

In early April 2004, DHS established a Data Integrity, Privacy, and Interoperability Advisory Committee, composed of at least 12 volunteer members from business, nonprofit organizations, and academic institutions, to assist the department's Privacy Officer with the development of policy regarding such controversial matters as personal information sharing between the government and

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<sup>46</sup> Letter and typescript report, Pamela J. Turner, Assistant Secretary for Legislative Affairs, U.S. Department of Homeland Security, Feb. 4, 2004 (unpublished).

<sup>47</sup> Dennis Fisher, "DHS Unveils Cyber-Security Division," *eWeek*, June 6, 2003, available at [[http://www.eWeek.com/print\\_article/0,3668,a=43006,00.asp](http://www.eWeek.com/print_article/0,3668,a=43006,00.asp)].

<sup>48</sup> Associated Press, "Cybersecurity Post to be in Ridge's Department," *Washington Post*, May 27, 2003, p. E5.

private companies. Members of the panel were appointed by Secretary Ridge, and plans were for it to begin meetings in September or October.<sup>49</sup>

A few months thereafter, in July, the DHS Inspector General issued a report advocating a stronger role for the department's CIO by repositioning him to report directly to the deputy secretary. This change, it was thought, would strengthen the CIO's ability to strategically manage DHS information resources and systems.<sup>50</sup> At the time, within the House Select Committee on Homeland Security, consideration was being given to relocating the CIO to the office of the DHS deputy secretary as a move to strengthen department management.

**Overview.** A September 2003 *Washington Post* news column assessing DHS six months after it became operational found the new department “hobbled by money woes, disorganization, turf battles and unsteady support from the White House” and making “only halting progress towards its goals, according to administration officials and independent experts.” However, “despite the distraction of turmoil at the top of the department, its many agencies are moving forward with their missions.” The turbulence within the secretary's office resulted partly from Ridge, who is “not detail-oriented,” delegating tasks to his chief of staff, Bruce M. Lawlor, who did not include Deputy Secretary Gordon England in some important decisions. England was due to return to his previous post as Secretary of the Navy, and Lawlor, whose manner was thought to have “alienated many people in the White House,” was expected to take a lower-level DHS position. It was also felt that “the staff around Ridge is exceedingly spare.” The department also experienced “cascading budget crises that have led officials to make emergency cuts in crucial programs such as port security and air marshals, which Congress has then overruled.”<sup>51</sup>

More recently, the Century Foundation of New York, on March 4, 2004, made available an advance copy of a first-year assessment of DHS prepared by Donald F. Kettl, a veteran public administration analyst and professor at the University of Wisconsin-Madison. He gave the department a grade of C+. This overall grade derived from evaluations of five areas of department responsibility: aviation security (B-), intelligence (B-), immigration (C+), coordination with state and local governments (C), and departmental management (C+). “As is scarcely surprising given the enormity of the task it faced,” wrote Kettl, “the department's performance has varied widely. In some areas, the DHS has done exceptionally well, yet in other areas, conditions are worse than before the DHS was created. The biggest areas needing improvement,” he proffered, “in fact, deal with the very coordination — ‘connecting the dots’ — problems that the department was created to solve.”<sup>52</sup>

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<sup>49</sup> *Federal Register*, vol. 69, April 9, 2004, p. 18923.

<sup>50</sup> U.S. Department of Homeland Security, Office of Inspector General, *Improvements Needed to DHS' Information Technology Management Structure*, Report OIG-04-30 (Washington: July 2004).

<sup>51</sup> John Mintz, “Government's Hobbled Giant,” *Washington Post*, Sept. 7, 2003, pp. A1, A19-A20.

<sup>52</sup> Donald F. Kettl, “The Department of Homeland Security's First Year: A Report Card,” (continued...)



It was also in March 2004 that the DHS Office of Inspector General released its *Review of the Status of Department of Homeland Security Efforts to Address Its Major Management Challenges*. Discussing the results of the review, the report stated that “DHS has made significant progress in addressing all of its management challenges. However,” it added, “some of the planned improvements will take years to develop and implement, and much remains to be done.” The following examples were offered.

- DHS has taken steps to consolidate many of its support services operations, including financial management, contracting, and human resources, but the operations are still not under central control, and contracts management and information technology present formidable challenges.
- DHS has taken steps to consolidate its preparedness grant programs under one component, and generally has been timely in awarding “first responder” funds; however, state and local grant recipients have been slow in spending the funds, and an effective grants management system is needed.
- Financial management functions provided by 19 separate service providers during FY2003 are now provided by 10 service providers, including 4 outside DHS; however, development and implementation of a single, integrated financial management system are still years away.
- DHS has developed and distributed for public comment proposed human resources regulations that will dramatically affect DHS employees and could serve as a model for the whole federal government; however, finalizing and implementing these regulations will be challenging.
- DHS has made major strides in protecting U.S. borders, including beginning implementation of the United States Visitor and Immigrant Status Indication Technology System (US-VISIT) program, which will provide the capability to record entry and exit information on foreign visitors who travel through U.S. air, sea, and land ports of entry. However, the challenges are immense, and it will take years to address them fully.

The report regarded ongoing efforts to implement the Aviation and Transportation Security Act of 2001 and the Marine Transportation Security Act of 2002 to be “[t]wo of the greatest homeland security challenges facing DHS over the past year. Despite the progress that has been made over the past year,” it continued, “tight legislative deadlines, funding difficulties, a shortage of trained and qualified personnel to oversee and implement the legislation, delays in the acquisition and implementation of technological solutions, and a shortage of critical infrastructure to support homeland security initiatives, continue to challenge the department.”

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<sup>52</sup> (...continued)

uncorrected manuscript, p. 12, Century Foundation, released Mar. 4, 2004, and available at [<http://www.tcf.org/Publications/HomelandSecurity/overview.pdf>].

Finally, information technology (IT) was considered to be “a major management challenge for DHS.”

IT systems and tools are fundamental to supporting programs and activities across the department — from counter-terrorism, to border protection, to internal department operations. Effectively managing the IT assets is not only critical to achieving performance goals and the greatest possible returns on investments, it is also required by law. With central responsibility for ensuring effective IT management pursuant to the Clinger-Cohen Act and related statutes, the Chief Information Officer (CIO) is working to establish department-wide IT strategies and a consolidated framework for meeting mission needs. Key areas of focus include IT security, integrating systems, and ensuring effective information sharing.<sup>53</sup>

A chronology of events — deadlines and effective dates — prescribed by the Homeland Security Act and the President’s Department of Homeland Security Reorganization Plan is provided in **Table 2**. The table does not include Title X of the Homeland Security Act, which was superseded by provisions of Title III of the E-Government Act,<sup>54</sup> both titles making information security amendments to the Paperwork Reduction Act.<sup>55</sup>

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<sup>53</sup> U.S. Department of Homeland Security, Office of Inspector General, *Review of the Status of Department of Homeland Security Efforts to Address Its Major Management Challenges*, Report OIG-04-21 (Washington: March 2004), pp. 3-4, available at [[http://www.dhs.gov/interweb/assetlibrary/OIG\\_DHSManagementChallenges0304.pdf](http://www.dhs.gov/interweb/assetlibrary/OIG_DHSManagementChallenges0304.pdf)].

<sup>54</sup> 116 Stat. 2899 at 2946.

<sup>55</sup> 44 U.S.C. 3501 et seq.

**Table 2. Deadlines and Effective Dates: Homeland Security Act and Department of Homeland Security Reorganization Plan**

Event Date	Event
November 25, 2002	<p data-bbox="573 359 1284 422">President George W. Bush signs the Homeland Security Act into law as P.L. 107-296.</p> <p data-bbox="573 457 1317 743">The President, pursuant to Section 1502 of the Homeland Security Act, submits to Congress a reorganization plan regarding two categories of information concerning plans for the Department of Homeland Security: (1) the transfer of agencies, personnel, assets, and obligations to the department; and (2) any consolidation, reorganization, or streamlining of agencies transferred to the department. This plan is required to be submitted not later than 60 days after the enactment of the Homeland Security Act.</p> <p data-bbox="573 779 1317 873">All visa-related third party screening programs in Saudi Arabia are terminated, pursuant to Section 428(i), after the date of the enactment of the Homeland Security Act.</p> <p data-bbox="573 909 1300 1035">Section 812(b), concerning the promulgation of guidelines under the Inspector General Act of 1978, becomes effective, pursuant to Section 812(c)(2), upon the date of the enactment of the Homeland Security Act.</p>
December 25, 2002	<p data-bbox="573 1066 1312 1419">The Attorney General, pursuant to Section 460 of the Act, submits to Congress, not more than 30 days after the date of the enactment of the Homeland Security Act, a report on changes in law, including changes in authorizations of appropriations and in appropriations, that are needed to permit the Immigration and Naturalization Service and the successor Bureau of Citizenship and Immigration Services to ensure a prompt and timely response to emergent, unforeseen, or impending changes in the number of applications for immigration benefits, and otherwise to ensure the accommodation of changing immigration service needs.</p>
December 30, 2002	<p data-bbox="573 1451 1312 1738">The President, pursuant to Section 306(d) of the Act, notifies appropriate congressional committees, not later than 60 days before effecting any transfer of Department of Energy life sciences activities pursuant to Section 303(1)(D) of the Act, of the proposed transfer, including the reasons for same and a description of the effect of the transfer on the activities of the Department of Energy. According to the reorganization plan, Department of Energy life sciences activities are transferred to the department by March 1, 2003.</p>

Event Date	Event
January 24, 2003	<p>The Homeland Security Act, pursuant to Section 4, becomes effective 60 days after the date of its enactment.</p> <p>The Secretary of the Treasury, pursuant to Section 418(b) of the Act, submits, not later than 60 days after the date of the enactment of the Homeland Security Act, a report to the Senate Committee on Finance and House Committee on Ways and Means on proposed conforming amendments to the statutes set forth under Section 412(a)(2), and identify those authorities vested in the Secretary of the Treasury that are exercised by the Commissioner of Customs on or before the effective date of the section.</p> <p>The Secretary of Transportation, pursuant to Section 423(b) of the Act, submits, not later than 60 days after the date of the enactment of the Homeland Security Act, a report to Congress containing a plan for complying with the requirements of Section 44901(d) of Title 49, United States Code, as amended by Section 425 of the Homeland Security Act.</p> <p>Pursuant to the department reorganization plan:</p> <ul style="list-style-type: none"> <li>— the office of the Secretary of Homeland Security is established;</li> <li>— appointments, upon confirmation by the Senate, or transfer pursuant to the transfer provisions of the Homeland Security Act, are begun of as many of the following officers as may be possible — the Deputy Secretary for Homeland Security, five under secretaries, the director of the Bureau of Citizenship and Immigration Services, not more than 12 assistant secretaries, the general counsel, the inspector general, and the Commissioner of Customs;</li> <li>— naming, as soon as possible, of officers to fill the following offices — Assistant Secretary for Information Analysis, Assistant Secretary for Infrastructure Protection, Privacy Officer, Director of Secret Service, Chief Information Officer, Chief Human Capital Officer, Chief Financial Officer, Officer for Civil Rights and Civil Liberties, Director of Shared Services, Citizenship and Immigration Ombudsman, and Director of the Homeland Security Advanced Research Projects Agency;</li> <li>— the Office for State and Local Government;</li> <li>— Coordination, the Office of International Affairs, and the Office of National Capital Region Coordination are established within the office of the Secretary;</li> <li>— the Homeland Security Advanced Research Projects Agency and the Acceleration Fund for Research and Development of Homeland Security Technologies are established;</li> <li>— the Office for National Laboratories is established within the Directorate of Science and Technology;</li> <li>— the Bureau of Border Security, the Bureau of Citizenship</li> </ul>

Event Date	Event
	<p>and Immigration Services, and the Director of Shared Services are established; and  — the Transportation Security Oversight Board is established.</p> <p>Tom Ridge is sworn in as the Secretary of Homeland Security.</p> <p>The director of the Federal Emergency Management Agency, pursuant to Section 507(b)(2) of the Act, revises the Federal Response Plan established under E.O. 12148 and E.O. 12656, not later than 60 days after the date of the enactment of the Homeland Security Act, to reflect the establishment of, and incorporate, the Department of Homeland Security.</p> <p>The President, pursuant to Section 1502 of the Act, transmits to the appropriate congressional committees, not later than 60 days after the date of the enactment of the Homeland Security Act, a reorganization plan for the department.</p>
February 23, 2003	<p>The Secretary of Homeland Security, pursuant to Section 214(e) of the Act, in consultation with appropriate representatives of the National Security Council and the Office of Science and Technology Policy, establishes, not later than 90 days after the date of the enactment of Subtitle B of Title II of the Homeland Security Act, uniform procedures for the receipt, care, and storage by federal agencies of critical infrastructure information that is voluntarily submitted to the government.</p> <p>The Secretary of Defense, pursuant to Section 601(f) of the Act, in coordination with the Attorney General, director of the Federal Bureau of Investigation, and Director of Central Intelligence, prescribes, not later than 90 days after the date of the enactment of the Homeland Security Act, regulations to carry out the provisions of Title VI of the Act concerning charitable trusts for members of the armed forces of the United States and other governmental organizations.</p> <p>The Secretary of Homeland Security, in consultation with the director of the Office of Personnel Management, shall review the pay and benefit plans of each agency whose functions are transferred to the Department of Homeland Security and, within 90 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002), shall submit a plan to the President of the Senate, the Speaker of the House, and the appropriate committees and subcommittees of Congress, for ensuring to the maximum extent practicable the elimination of disparities in pay and benefits throughout the department.</p> <p>The Secretary of Homeland Security, pursuant to Section 888(i) of the Act, in consultation with the Commandant of the Coast Guard, transmits a report to the House and Senate</p>

Event Date	Event
	<p>Appropriations Committees, House Committee on Transportation and Infrastructure, and Senate Committee on Commerce, Science, and Transportation, not later than 90 days after the date of the enactment of the Homeland Security Act, analyzing the feasibility of accelerating the rate of procurement in the Coast Guard's Integrated Deepwater System from 20 years to 10 years and on other related matters.</p> <p>The Secretary of Transportation, pursuant to Section 1204 of the act, transmits to the House Committee on Transportation and Infrastructure and Senate Committee on Commerce, Science, and Transportation, not later than 90 days after the date of the enactment of the Homeland Security Act, a report on war risk insurance matters specified in the section.</p>
March 1, 2003	<p>Pursuant to the department reorganization plan, the following entities are transferred to the department:</p> <ul style="list-style-type: none"> <li>— Critical Infrastructure Assurance Office of the Department of Commerce;</li> <li>— National Communications System;</li> <li>— National Infrastructure Protection Center of the Federal Bureau of Investigation;</li> <li>— National Infrastructure Simulation and Analysis Center;</li> <li>— Energy Assurance Office of the Department of Energy;</li> <li>— Federal Computer Incident Response Center of the General Services Administration;</li> <li>— Coast Guard;</li> <li>— Customs Service;</li> <li>— Transportation Security Administration;</li> <li>— Immigration and Naturalization Service functions;</li> <li>— Federal Protective Service;</li> <li>— Office of Domestic Preparedness;</li> <li>— Federal Law Enforcement Training Center;</li> <li>— Secretary of Agriculture functions relating to agricultural import and entry inspection activities;</li> <li>— United States Secret Service;</li> <li>— Department of Energy chemical and biological national security and supporting programs and activities of the nonproliferation and verification research and development program;</li> <li>— Department of Energy life sciences activities related to microbial pathogens of the Biological and Environmental Research Program;</li> <li>— National Bio-Weapons Defense Analysis Center of the Department of Defense;</li> <li>— Department of Energy nuclear smuggling programs and activities within the proliferation detection program of the nonproliferation and verification research and development program;</li> <li>— Department of Energy nuclear assessment program and activities of the assessment, detection, and cooperation</li> </ul>

Event Date	Event
	<p>program of the international materials protection and cooperation program, as well as the advanced scientific computing research program and activities at Lawrence Livermore National Laboratory;</p> <ul style="list-style-type: none"> <li>— Environmental Measurements Laboratory of the Department of Energy;</li> <li>— Federal Emergency Management Agency;</li> <li>— Integrated Hazard Information System of the National Oceanic and Atmospheric Administration;</li> <li>— National Domestic Preparedness Office of the Federal Bureau of Investigation and functions of the Attorney General relating thereto;</li> <li>— Domestic Energy Support Team of the Department of Justice and functions of the Attorney General relating thereto;</li> <li>— Metropolitan Medical Response System of the Department of Health and Human Services and functions of the Secretary of Health and Human Services and Assistant Secretary for Public Health</li> <li>— Emergency Preparedness relating thereto;</li> <li>— National Disaster Medical System of the Department of Health and Human Services and functions of the Secretary of Health and Human Services and Assistant Secretary for Public Health Emergency Preparedness relating thereto;</li> <li>— Office of Emergency Preparedness and National Strategic Stockpile of the Department of Health and Human Services and functions of the Secretary of Health and Human Services and Assistant Secretary for Public Health Emergency Preparedness relating thereto; and</li> <li>— authority for the Secretary of Homeland Security to direct the Nuclear Incident Response Team of the Department of Energy to operate as an organizational unit.</li> </ul> <p>Sections 451-456 of the Act, establishing the Bureau of Citizenship and Immigration Services, become effective, pursuant to Section 455, upon the transfer of relevant functions of the Immigration and Naturalization Service to the department.</p> <p>Authorities, appropriations, and personnel of the Immigration and Naturalization Service are transferred to the Bureau of Citizenship and Immigration, pursuant to Section 456 of the Act, upon the transfer of relevant functions of the Service to the department.</p> <p>Section 462 of the Act, concerning children's affairs, becomes effective, pursuant to Section 462(d), upon the transfer of relevant functions of the Immigration and Naturalization Service to the department.</p>

Event Date	Event
	<p>Upon the abolishment of the Immigration and Naturalization Service pursuant to Section 471 of the Act, but before they obligate any resources for voluntary separation incentive payments, the Attorney General or Secretary of Homeland Security submit, pursuant to Section 472(b), a strategic restructuring plan to the House and Senate Appropriations and Judiciary Committees, House Committee on Government Reform, and Senate Committee on Governmental Affairs.</p>
<p>March 25, 2003</p>	<p>The director of the Office of Science and Technology Policy, Executive Office of the President, pursuant to Section 428(h) of the Act, submits to Congress, not later than 120 days after the date of the enactment of the Homeland Security Act, a report on how the provisions of the visa issuance section will affect procedures for the issuance of student visas.</p> <p>The Secretary of Homeland Security, pursuant to Section 461(c) of the Act, establishes, not later than 60 days after the effective date of the Homeland Security Act, a Technical Advisory Committee to assist with establishing an online filing system mandated by Section 461(a) of the Act.</p>
<p>April 24, 2003</p>	<p>The Comptroller General of the United States, pursuant to Section 416 of the Act, submits, not later than three months after the effective date of the Homeland Security Act, a report to Congress setting forth all trade functions performed by the executive branch, specifying each agency that performs each such function.</p>
<p>May 1, 2003</p>	<p>The United States Sentencing Commission, pursuant to Section 225(c) of the Act, submits, not later than May 1, 2003, a brief report to Congress explaining actions taken by it in response to provisions of the section and including any recommendations it may have regarding statutory penalties for offenses under Section 1030 of Title 18, United States Code.</p>
<p>May 23, 2003</p>	<p>Section 1122 concerning permits for purchasers of explosives becomes effective, pursuant to Section 1122(i) of the Act, 180 days after the date of the enactment of the Homeland Security Act.</p>
<p>May 24, 2003</p>	<p>The Secretary of Homeland Security, pursuant to Section 477(a) of the Act, submits to the House and Senate Appropriations and Judiciary Committees, not later than 120 days after the effective date of the Homeland Security Act, a report on the proposed division and transfer of funds, including unexpended funds, appropriations, and fees, between the Bureau of Citizenship and Immigration Services and the Bureau of Border Security.</p> <p>The Secretary of Homeland Security, pursuant to Section 477(b) of the Act, submits to the House and Senate</p>



Event Date	Event
	<p>Appropriations and Judiciary Committees, not later than 120 days after the effective date of the Homeland Security Act, a report on the proposed division of personnel between the Bureau of Citizenship and Immigration Services and the Bureau of Border Security.</p> <p>The Secretary of Homeland Security, pursuant to Section 477(c) of the Act, submits to the House and Senate Appropriations and Judiciary Committees, not later than 120 days after the effective date of the Homeland Security Act and every six months thereafter until the termination of FY2005, an implementation plan concerning the separation of the Bureau of Citizenship and Immigration Services and the Bureau of Border Security.</p> <p>The Under Secretary of Transportation for Security, pursuant to Section 1403(c)(2) of the Act, transmits to Congress, not later than six months after the date of the enactment of the Homeland Security Act, a report on the results of a study to evaluate the benefits and risks of providing flight attendants with nonlethal weapons to aide in combating air piracy and criminal violence in commercial airlines.</p> <p>The Secretary of Transportation, pursuant to Section 1404(b) of the Act, transmits to Congress, not later than six months after the date of the enactment of the Homeland Security Act, a report on the results of a study on federal law enforcement officers traveling on commercial airliners annually and other related matters specified in the section.</p>
June 1, 2003	Pursuant to the department reorganization plan, the Plum Island Animal Disease Center of the Department of Agriculture is transferred to the department, and the Homeland Security Science and Technology Advisory Committee is established.
June 30, 2003	The Citizenship and Immigration Services Ombudsman, pursuant to Section 452(c), submits, not later than June 30 of each calendar year, directly to the House and Senate Judiciary Committees, a report containing recommendations, summarizing problems encountered by individuals and employers, and other information as deemed advisable by the ombudsman.
July 24, 2003	<p>The Attorney General, pursuant to Section 812(b)(2) of the Act, promulgates, not later than 180 days after the effective date of the Homeland Security Act, guidelines under Section 6(e)(4) of the Inspector General Act of 1978 applicable to the inspector general offices described under Section 6(e)(3) of that Act.</p> <p>Section 812(a) concerning law enforcement powers of inspector general agents becomes effective, pursuant to Section</p>

Event Date	Event
	<p>812(c)(1) of the act, 180 days after the effective date of the Homeland Security Act.</p> <p>The Agency Chief Human Capital Officers subchapter, prescribed in Section 1302, becomes effective, pursuant to Section 1305 of the act, 180 days after the effective date of the Homeland Security Act.</p>
September 30, 2003	<p>Pursuant to the departmental reorganization plan, any incidental transfers, pursuant to Section 1516 of the Act, of personnel, assets, and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by the act are completed.</p>
November 25, 2003	<p>The Attorney General, pursuant to Section 234(c) of the Act, submits to the House and Senate Judiciary Committees, not later than one year after the date of the enactment of the Homeland Security Act, a report on the implementation of Subtitle D of Title II of the Act.</p> <p>The director of the Office of Science and Technology of the Department of Justice, pursuant to Section 235(d) of the Act, submits to Congress, not later than 12 months after the date of the enactment of the Homeland Security Act, a report assessing the effectiveness of the existing system of National Law Enforcement and Corrections Technology Centers and identifying the number of such Centers necessary to meet the technology needs of federal, state, and local law enforcement in the United States.</p> <p>The Secretary of Homeland Security, pursuant to Section 308(b)(2) of the Act and acting through the Under Secretary for Science and Technology, establishes, within one year of the date of the enactment of the Homeland Security Act, a university-based center of centers for homeland security.</p> <p>The Secretary of Homeland Security and the Secretary of State, pursuant to Section 428(e)(4), submit to Congress, not later than one year after the date of the enactment of the Homeland Security Act, a report on the implementation of the subsection concerning the assignment of homeland security employees to diplomatic and consular posts with any legislative proposals necessary to further the objectives of the subsection.</p> <p>The Secretary of Homeland Security, pursuant to Section 428(g)(2) of the act, submits to the House Committee on the Judiciary, House Committee on International Relations, House Committee on Government Reform, Senate Committee on the Judiciary, Senate Committee on Foreign Relations, and Senate Committee on Governmental Affairs, a report, not later than one year after the date of the enactment of the Homeland Security Act, containing the findings of a study of the role of</p>

Event Date	Event
	<p>foreign nationals in the granting or refusals of visas and other documents authorizing the entry of aliens into the United States.</p> <p>The Comptroller General of the United States, pursuant to Section 477(d)(3) of the Act, submits to the House and Senate Judiciary Committees, a report, not later than one year after the date of the enactment of the Homeland Security Act, examining whether the Bureau of Citizenship and Immigration Services is likely to derive sufficient funds from fees to carry out its functions in the absence of appropriated funds.</p> <p>The Secretary of Homeland Security, pursuant to Section 479(a) of the Act, submits to the President, House and Senate Judiciary Committees, House Committee on Government Reform, and Senate Committee on Governmental Affairs, a report, one year after the date of the enactment of the Homeland Security Act and each year thereafter, on the impact that transfers made by this subtitle have had on immigration functions.</p> <p>The Secretary of Homeland Security, pursuant to Section 706 of the Act, develops and submits to Congress, not later than one year after the date of the enactment of the Homeland Security Act, a plan for consolidating and co-locating department regional or field offices.</p> <p>The Federal Acquisition Regulation, pursuant to Section 834(a) of the Act, is revised, within one year of the date of the enactment of the Homeland Security Act, to include regulations with regard to unsolicited proposals.</p> <p>The President, pursuant to Section 893 of the Act, submits, not later than 12 months after the date of the enactment of the Homeland Security Act, a report, to the House and Senate Judiciary Committees, House Permanent Select Committee on Intelligence, and Senate Select Committee on Intelligence, on the implementation of procedures under which relevant federal agencies share relevant and appropriate homeland security information with other federal agencies, including the department and appropriate state and local personnel as prescribed by Section 892.</p>
January 24, 2004	<p>The Privacy Officer, pursuant to Section 222(5), submits to Congress, on an annual basis, a report on activities of the department that affect privacy, including complaints of privacy violations, implementation of the Privacy Act of 1974, internal controls, and other matters.</p> <p>The Homeland Security Institute, pursuant to Section 312(f) of the Act, transmits to the Secretary of Homeland Security and</p>

Event Date	Event
	<p data-bbox="573 243 1073 275">Congress an annual report on its activities.</p> <p data-bbox="573 310 1305 499">The Secretary of Agriculture and the Secretary of Homeland Security, pursuant to Section 421(e)(1), enter into an agreement before the end of the transition period, which is the 12-month period beginning on the effective date of the Act, to effectuate the transfer of certain agricultural inspection functions required specified in the section.</p> <p data-bbox="573 535 1317 724">The Secretary of Agriculture, pursuant to Section 421(g), transfers to the Secretary of Homeland Security, not later than the completion of the transition period, which is the 12-month period beginning on the effective date of the act, not more than 3,200 full-time equivalent positions of the Department of Agriculture.</p> <p data-bbox="573 760 1279 928">The Secretary of Homeland Security, pursuant to Section 428(e)(4), submits to Congress, on an annual basis, a report that describes the basis for each determination that the assignment of an employee of the department at a particular diplomatic post would not promote homeland security.</p> <p data-bbox="573 963 1317 1257">Subsection 428(e) of the Act, concerning the assignment of homeland security employees to diplomatic and consular posts, becomes effective one year after the effective date of the Homeland Security Act, pursuant to Section 428(e)(8), unless the President has previously published notice in the <i>Federal Register</i> that the President has submitted a report to Congress setting forth a memorandum of understanding between the Secretary of Homeland Security and the Secretary of State governing the implementation of Section 428 of the Act.</p> <p data-bbox="573 1293 1308 1587">The Secretary of Homeland Security, pursuant to Section 445 of the Act, submits to the House and Senate Appropriations and Judiciary Committees, not later than one year after being sworn into office, a report with a plan detailing how the Bureau of Border Security, after the transfer of Immigration and Naturalization Service functions to the department occurs, will enforce comprehensively, effectively, and fairly all the enforcement provisions of the Immigration and Naturalization Act relating to such functions.</p> <p data-bbox="573 1623 1305 1917">The Secretary of Homeland Security, pursuant to Section 459 of the Act, submits to the House and Senate Appropriations and Judiciary Committees, not later than one year after the effective date of the Homeland Security Act, a report with a plan detailing how the Bureau of Citizenship and Immigration Services, after the transfer of Immigration and Naturalization Service functions to the department occurs, will complete efficiently, fairly, and within a reasonable time, adjudications described in Section 451(b)(1)-(5) of the Act.</p>

Event Date	Event
	<p>The Secretary of Homeland Security, pursuant to Section 461(a) of the Act, establishes, not later than one year after the effective date of the Homeland Security Act, and in consultation with the Technology Advisory Committee, an Internet-based system that will permit a person, employer, immigrant, or nonimmigrant who has filed with a Secretary of Homeland Security for any benefit under the Immigration and Naturalization Act, access to online information about the processing status of the filing involved.</p> <p>The Secretary of Homeland Security, pursuant to Section 461(b)(2), reports to the House and Senate Judiciary Committees, not later than one year after the effective date of the Homeland Security Act, on a feasibility study on an online filing system mandated by Section 461(a) of the Act.</p> <p>The Secretary of Homeland Security, pursuant to Section 705(b) of the Act, submits to the President of the Senate, the Speaker of the House, and appropriate committees and subcommittees of Congress, on an annual basis, a report on the implementation of the section establishing the Officer for Civil Rights and Civil Liberties.</p> <p>The Office for National Capital Region Coordination of the department, pursuant to Section 882(c), submits an annual report to Congress, including certain specified details.</p> <p>The Inspector General of the department, pursuant to Section 888(f), reports to the House and Senate Appropriations Committees, House Committee on Government Reform, House Committee on Transportation and Infrastructure, Senate Committee on Governmental Affairs, and Senate Committee on Commerce, Science, and Transportation, on an annual basis, the results of a review assessing thoroughly the performance by the Coast Guard of all of its missions with a particular emphasis on examining the non-homeland security missions.</p> <p>The Chief Human Capital Officers Council, pursuant to Section 1302 of the Act at 5 U.S.C. 1303(d), submits to Congress, on an annual basis, a report on the activities of the council.</p> <p>The President's reorganization plan for the department, prepared pursuant to Section 1502 of the Act, becomes effective, pursuant to Section 1502(d), either as specified in terms of dates included in the plan or at the end of the transition period, which is 12 months after the effective date of the Homeland Security Act.</p>
January 31, 2004	The Homeland Security Science and Technology Advisory Committee renders, pursuant to Section 311(h)(1), an annual

Event Date	Event
	report, describing the activities and recommendations of the committee during the previous year, to the Under Secretary for Science and Technology for transmittal to Congress on or before January 31 of each year.
February 2, 2004	The director of the Office of Science and Technology of the Department of Justice, pursuant to Section 232(g) of the Act, prepares a report on the activities of the Office, to be included with the President's budget as submitted to Congress not later than the first Monday in February of each year (31 U.S.C. 1105(a)).
March 1, 2004	<p>The Assistant Secretary of the Bureau of Border Security, pursuant to Section 442(a)(5)(A), designs and implements, not later than one year after the transfer of Immigration and Naturalization Service (INS) functions to the bureau, a managerial rotation program under which bureau employees holding positions involving supervisory or managerial responsibility gain some experience in all major functions performed by the bureau and work in at least one local office of the bureau. According to the reorganization plan, INS functions are transferred to the department on March 1, 2003.</p> <p>The Director of the Bureau of Citizenship and Immigration Services, pursuant to Section 451(a)(4)(A), designs and implements, not later than one year after the transfer of Immigration and Naturalization Service (INS) functions to the bureau, a managerial rotation program under which bureau employees holding positions involving supervisory or managerial responsibility gain some experience in all major functions performed by the bureau and work in at least one local office of the bureau. According to the reorganization plan, INS functions are transferred to the department on March 1, 2003.</p>
March 31, 2004	The Comptroller General of the United States, pursuant to Section 857 of the Act, reports to the House Committee on Government Reform and Senate Committee on Governmental Affairs, not later than March 31, 2004, the results of a review of the extent to which procurements of property and services have been made in accordance with the federal emergency procurement flexibility authority prescribed in Sections 851-856 of the Act.
May 25, 2004	The Secretary of Homeland Security, pursuant to Section 427(c), in consultation with the Secretary of Agriculture, Secretary of Health and Human Services, and head of each other department or agency determined to be appropriate by the Secretary of Homeland Security, submits to Congress, not later than 18 months after the date of the enactment of the Homeland Security Act, a report on the coordination of information and information technology described in the section and a plan to complete implementation of the section.

Event Date	Event
September 1, 2004	The Comptroller General of the United States, pursuant to Section 477(d)(1) of the Act, submits to the House and Senate Appropriations and Judiciary Committees, not later than 18 months after the date on which Immigration and Naturalization Service functions are transferred to the department, and every six months thereafter, a status report on the transition and related matters specified in the section.
November 25, 2004	<p>The requirement in Section 424a of the Act, that the Transportation Security Administration be maintained as a distinct entity within the department under the Under Secretary for Border Transportation and Security, ceases, pursuant to Section 424b of the Act, to apply two years after the date of the enactment of the Homeland Security Act.</p> <p>The Chief Human Capital Officer, pursuant to Section 704(3) of the Act, informs Congress, not later than 24 months after the date of the enactment of the Homeland Security Act, of achieving certification from the Office of Special Counsel of the Department of Homeland Security's compliance with Section 2302(c) of Title 5, United States Code.</p>
January 24, 2005	The Comptroller General of the United States, pursuant to Section 831(b) of the Act, reports to the House Committee on Government Reform and Senate Committee on Governmental Affairs, not later than two years after the effective date of the Homeland Security Act and annually thereafter, concerning the use of the research and development projects authority provided in Section 831(a) of the Act.
February 1, 2005	The homeland security funding analysis required by Section 889 for inclusion in the President's budget submission to Congress becomes effective, pursuant to Section 889(c), with the FY2005 budget submission.
March 1, 2005	<p>The Secretary of Homeland Security, pursuant to Section 442(a)(5)(B), submits to Congress, not later than two years after the transfer of Immigration and Naturalization Service functions to the department, a report on the implementation of a managerial rotation program under which Bureau of Border Security employees holding positions involving supervisory or managerial responsibility gain some experience in all major functions performed by the bureau and work in at least one local office of the bureau. According to the reorganization plan, Immigration and Naturalization Service functions are transferred to the department by March 1, 2003.</p> <p>The Secretary of Homeland Security, pursuant to Section 451(a)(4)(B), submits to Congress, not later than two years after the transfer of Immigration and Naturalization Service functions to the department, a report on the implementation of a managerial rotation program under which Bureau of Citizenship and Immigration Services employees holding</p>

Event Date	Event
	positions involving supervisory or managerial responsibility gain some experience in all major functions performed by the bureau and work in at least one local office of the bureau. According to the reorganization plan, Immigration and Naturalization Service functions are transferred to the department by March 1, 2003.
May 1, 2005	Each budget request submitted to Congress for the department under Section 1105 of Title 31, United States Code, shall, pursuant to Section 874 of the Act, at or about the same time, be accompanied by a Future Years Homeland Security Program, effective with the submission of the FY2005 budget request for the department and for any subsequent fiscal year, except the first such program submission shall be not later than 90 days after the department's FY2005 submission to Congress.
March 28, 2006	The Comptroller General of the United States, pursuant to Section 833(e) of the Act, reports to the House Committee on Government Reform and the Senate Committee on Governmental Affairs, not later than 180 days after the end of FY2005, on the use of the special streamlined acquisition authority prescribed in the section.
March 1, 2007	The Comptroller General of the United States, pursuant to Section 477(d)(2) of the Act, submits to the House and Senate Appropriations and Judiciary Committees, a report, not later than four years after the transfer of Immigration and Naturalization Service functions to the department, on improvements in the management, financial administration, and other matters regarding such functions.
September 30, 2007	The Secretary of Homeland Security, pursuant to Section 833(a)(1) of the Act, may use special streamlined acquisition authority prescribed in the section beginning on the effective date of the Homeland Security Act and ending September 30, 2007.
November 25, 2007	The Attorney General and the Secretary of Homeland Security, pursuant to Section 473 of the Act, conduct, not later than five years after the date of the enactment of the Homeland Security Act, a demonstration project for the purpose of determining whether one or more changes in the policies or procedures relating to methods for disciplining employees would result in improved personnel management.
January 24, 2008	The Secretary of Homeland Security, pursuant to Section 831(a) of the Act, may carry out a pilot program, during the five-year period after the effective date of the Homeland Security Act, of prototype projects in accordance with the requirements and conditions provided for same under Section 845 of the National Defense Authorization Act for Fiscal Year 1994.



Event Date	Event
January 24, 2009	The authority of the Secretary of Homeland Security and the director of the Office of Personnel Management to prescribe regulations jointly for a department human resources management system under Section 841 of the Act expires, pursuant to Section 9701(h) of Title 5, United States Code, five years after the conclusion of the transition period defined in Section 1501 of the Act.

**Congressional Oversight.** By one estimate, “[a]t least 11 full committees in the Senate and 14 full committees in the House — as well as their numerous subcommittees — claim oversight or some responsibility for various U.S. programs for combating terrorism.”<sup>56</sup> In the House, the President’s legislative proposal for a Department of Homeland Security was referred to 12 standing committees deemed to have some jurisdiction over the legislation. These situations suggested that many House and Senate committees and subcommittees could conduct oversight of the administration and operations of the Department of Homeland Security. However, during its initial organization meeting, when adopting new rules, the House agreed to the establishment, for the duration of the 108<sup>th</sup> Congress, of a Select Committee on Homeland Security. The panel, whose members were appointed by the Speaker, had legislative authority and was mandated to “review and study on a continuing basis laws, programs, and Government activities relating to homeland security.”<sup>57</sup> Some additional oversight was conducted by other House standing committees. The Senate relied largely upon the Committee on Governmental Affairs for oversight, but this did not preclude oversight efforts by other committees. On February 11, 2003, the House Committee on Appropriations reorganized its subcommittees, creating a Subcommittee on Homeland Security, with jurisdiction over the agencies and programs of the new department, and a reconfigured Subcommittee on Transportation and Treasury. A similar subcommittee reorganization occurred within the Senate Committee on Appropriations a few weeks later, in early March 2003. The periodic authorization of the expenditure of appropriated funds by the Department of Homeland Security for its programs and operations provides one basis for oversight. GAO audits and reviews of the accounts and activities of the Department of Homeland Security also fostered and assisted oversight efforts. For example, in early April 2003, a GAO study found that traditional Coast Guard duties had suffered as it turned its focus to homeland security responsibilities.<sup>58</sup>

As the second year of oversight began, the focus shifted from the start-up of the department and its general administrative operations and overall organizational arrangements to particular programs, areas of concern, and intergovernmental relations — as reflected in a report prepared by the minority party members of the

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<sup>56</sup> U.S. Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, *Second Annual Report: Toward a National Strategy for Combating Terrorism* (Arlington, VA: Rand Corporation, Dec. 15, 2001), p. vii.

<sup>57</sup> See *Congressional Record*, daily edition, vol. 149, Jan. 7, 2003, p. H10.

<sup>58</sup> Christopher Lee, “Traditional Coast Guard Duties Suffer, Study Says,” *Washington Post*, Apr. 2, 2003, p. A15.

House Select Committee.<sup>59</sup> Also, January 2004 found the House Select Committee examining ways to measure how spending on homeland security was deterring terrorists, and beginning to design a homeland security authorization bill similar to the annual defense authorization legislation. Earlier, in November 2003, the committee had begun exploring performance measures, priorities, and reporting requirements for the department.

In May 2004, the House Select Committee on Homeland Security received testimony from DHS Deputy Secretary James Loy, who told the panel the department's most important management task at the moment was bringing its headquarters employees — scattered in 38 different places across the Washington area — into one location. Personnel who answered directly to Secretary Ridge had been moving to the DHS temporary headquarters located at the U.S. Naval Security Station near American University in northwest Washington.<sup>60</sup> At that time, a proposal was reportedly being developed by the committee to reorganize DHS by moving the Management Directorate into the office of Deputy Secretary Loy so that some management officials, such as the CIO, would report directly to the Deputy Secretary. The change, proponents thought, would foster better integration of the department's components. The CIO, for example, would be able to more effectively forge an integrated enterprise architecture for DHS and better coordinate other information technology functions.

The first authorization bill for the Department of Homeland Security (H.R. 4852) was introduced on July 19, 2004, by Representative Christopher Cox, but an attempt to mark up the measure immediately within the Select Committee on Homeland Security stalled due to differences over how action on the measure should proceed. Among the provisions in the legislation for improving homeland security management and coordination among federal agencies, as well as state and local governments, was one relocating the department's Management Directorate to the office of the department's deputy secretary, with the result that some management officials, such as the CIO, would report directly to the deputy secretary. Another provision mandated an interagency Homeland Security Information Requirements Board, chaired by the secretary, to oversee the establishment of homeland security requirements and collection management for all terrorism-related and other homeland security information, and to prioritize the collection and use of such information.

Also, in July 2004, GAO recommended to Congress that DHS be made subject to the requirements of the Chief Financial Officers Act of 1990, which requires agencies to place a presidentially appointed, Senate-confirmed Chief Financial Officer in charge of developing and maintaining an integrated accounting system capable of providing accurate and timely financial data to program managers.<sup>61</sup> At

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<sup>59</sup> *America at Risk: The State of Homeland Security — Initial Findings*, prepared by the Democratic Members of the House Select Committee on Homeland Security (Washington: January 2004), available at [<http://www.house.gov/hsc/democrats/>].

<sup>60</sup> Eileen Sullivan, "Centralizing Headquarters is Homeland's Top Priority," *Federal Times*, May 10, 2004, p. 15.

<sup>61</sup> U.S. General Accounting Office, *Financial Management: Department of Homeland Security* (continued...)

that time, other financial management accountability legislation for DHS (H.R. 4259/S. 1567) was pending finalization by the House and the Senate, and it ultimately became law in October.<sup>62</sup>

Other than creating specialized appropriations subcommittees for homeland security and experimenting with a select committee on homeland security in the House, the 108<sup>th</sup> Congress, by one assessment, “balked at consolidating committee jurisdictions when it comes to overseeing the \$39 billion Department of Homeland Security and its constituent agencies.”<sup>63</sup> This resistance occurred in the face of recommendations by the National Commission on Terrorist Attacks Upon the United States for such consolidation and streamlining not only for more effective oversight, but also to overcome the existing difficulties posed by DHS leaders being subject to appearing before 88 committees and subcommittees of Congress.<sup>64</sup> The Senate, in October 2004, vested the Committee on Governmental Affairs with broadened jurisdiction for DHS matters and expanded the panel’s name to reflect this change. This modification, however, was thought to have provided the committee “authorization authority over only 38 percent of the department’s budget and 8 percent of its 175,000 employees.”<sup>65</sup> A *Washington Post* editorial appearing in late December, while counting 79 congressional oversight panels having some jurisdiction over homeland security matters, found a situation in need of reform: “Department officials spend too much time responding to their many congressional masters; last year alone, according to departing secretary Tom Ridge, he and other top department officials testified 145 times before various committees and subcommittees.” The editorial concluded with the comment that how congressional committee structure is shaped to address homeland security “will be one of the first big tests of the 109<sup>th</sup> Congress — and one that will affect America’s ability to deal with the threat of terrorism for many Congresses to come.”<sup>66</sup>

The Homeland Security Act contains a number of provisions prescribing actions and requiring reports to Congress by the Secretary of Homeland Security, Department of Homeland Security officials, other executive branch officials, and the General Accounting Office. Valuable for congressional oversight, these provisions are identified in **Table 3**.

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<sup>61</sup> (...continued)

*Security Faces Significant Financial Management Challenges*, GAO Report GAO-04-774 (Washington: July 2004).

<sup>62</sup> 118 Stat. 1275.

<sup>63</sup> Walter Pincus, “Congress Resists Key Recommendation of 9/11 Panel,” *Washington Post*, Jan. 1, 2005, p. A3.

<sup>64</sup> U.S. National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington: GPO, 2004), pp. 419-421.

<sup>65</sup> Pincus, “Congress Resists Key Recommendation of 9/11 Panel,” p. A3.

<sup>66</sup> Editorial, “Homeland Security Oversight,” *Washington Post*, Dec. 28, 2004, p. A18.

**Table 3. Homeland Security Act Action and Reporting Requirements**

Section	Action or Requirement
§214(e)	Not later than 90 days after the enactment of Subtitle B of Title II of the Homeland Security Act, the Secretary of Homeland Security shall, in consultation with appropriate representatives of the National Security Council and the Office of Science and Technology Policy, establish uniform procedures for the receipt, care, and storage by federal agencies of critical infrastructure information that is voluntarily submitted to the government.
§222(5)	The Privacy Officer of the Department of Homeland Security shall prepare and submit a report to Congress on an annual basis on activities of the department that affect privacy, including complaints of privacy violations, implementation of the Privacy Act of 1974, internal controls, and other matters.
§225(c)	Not later than May 1, 2003, the United States Sentencing Commission shall submit a brief report to Congress that explains any actions taken by the Sentencing Commission in response to this section, known as the Cyber Security Enhancement Act of 2002, and includes any recommendations the commission may have regarding statutory penalties for offenses under 18 U.S.C. 1030.
§232(g)	The director of the Office of Science and Technology, Department of Justice, shall include with the budget justification materials submitted to Congress in support of the Department of Justice budget for each fiscal year a report on the activities of the office, including certain specified details.
§234(c)	Not later than one year after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Attorney General shall submit to the Committee on the Judiciary of the Senate and the House of Representatives a report on the implementation of Subtitle D of Title II of the Act, including certain specified details.
§235(d)	Not later than 12 months after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the director of the Office of Science and Technology, Department of Justice, shall submit to Congress a report assessing the effectiveness of the existing system of National Law Enforcement and Corrections Technology Centers, authorized by the section, and identify the number of centers necessary to meet the technology needs of federal, state, and local law enforcement in the United States.

Section	Action or Requirement
§306(d)	Not later than 60 days before effecting any transfer of Department of Energy life sciences activities pursuant to Section 303(1)(D) (which is March 1, 2003, according to the President's November 25, 2002, reorganization plan), the President shall notify the appropriate congressional committees of the proposed transfer and shall include the reasons for the transfer and a description of the effect of the transfer on the activities of the Department of Energy.
§308(b)(2)	Within one year of the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Secretary of Homeland Security, acting through the Under Secretary for Science and Technology, shall establish a university-based center or centers for homeland security.
§308(b)(2)(C)	The Secretary of Homeland Security has discretion to establish university-based centers and to consider additional criteria as necessary to meet the evolving needs of homeland security and shall report to Congress concerning the implementation of this provision.
§308(c)(3)(E)	If the Secretary of Homeland Security chooses to establish a headquarters laboratory, a report shall be made to appropriate congressional committees on which laboratory was so selected, how the selected laboratory meets the published criteria, and what duties the headquarters laboratory shall perform.
§310(d)(1)	At least 180 days before any change in the biosafety level at the Plum Island Animal Disease Center, the President shall notify Congress of the change and describe the reasons for the change.
§311(h)(1)	The Homeland Security Science and Technology Advisory Committee shall render an annual report to the Under Secretary for Science and Technology, Department of Homeland Security, for transmittal to Congress on or before January 31 of each year, and such report shall describe the activities and recommendations of the advisory committee during the previous year.
§311(h)(2)	The Homeland Security Science and Technology Advisory Committee, in addition to its annual report, may render to the Under Secretary for Science and Technology, Department of Homeland Security, for transmittal to Congress such additional reports on specific policy matters as it considers appropriate.
§311(j)	The Department of Homeland Security Science and Technology Advisory Committee terminates three years after the effective date of the Homeland Security Act (which was January 24, 2003).
§312(f)	The Homeland Security Institute shall transmit to the Secretary of Homeland Security and Congress an annual report on the activities of the Institute.

Section	Action or Requirement
§312(g)	The Homeland Security Institute terminates three years after the effective date of the Homeland Security Act (which was January 24, 2002).
§416	Not later than three months after the effective date of the Homeland Security Act (which was January 24, 2003), the Comptroller General of the United States shall submit to Congress a report that sets forth all trade functions performed by the executive branch, specifying each agency that performs each such function.
§417(b)	The Secretary of Homeland Security shall notify the House Committee on Ways and Means and the Senate Committee on Finance at least 90 days prior to taking any action which would (1) result in any significant reduction in customs revenue services, including hours of operation, provided at any office within the department or any port of entry; (2) eliminate or relocate any office of the department which provides customs revenue services; or (3) eliminates any port of entry.
§418(a)	The United States Customs Service shall, on and after the effective date of the Homeland Security Act (which was January 24, 2003), continue to submit to the House Committee on Ways and Means and the Senate Committee on Finance any report required, on the day before the effective date of the act, to be so submitted under any provision of law.
§418(b)	Not later than 60 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Secretary of the Treasury shall submit a report to the House Committee on Ways and Means and the Senate Committee on Finance of proposed conforming amendments to the statutes set forth under Section 412(a)(2) in order to determine the appropriate allocation of legal authorities described under this subsection. The Secretary of the Treasury shall also identify those authorities vested in the Secretary of the Treasury that are exercised by the Commissioner of Customs on or before the effective date of this section.
§421(e)(1)	Before the end of the transition period, which is the 12-month period beginning on the effective date of the Homeland Security Act (which was January 24, 2003), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to effectuate the transfer of certain agricultural inspection functions as specified in the section.
§421(g)	Not later than the completion of the transition period, which is the 12-month period beginning on the effective date of the Homeland Security Act (which was January 24, 2003), the Secretary of Agriculture shall transfer to the Secretary of Homeland Security not more than 3,200 full-time equivalent positions of the Department of Agriculture.

Section	Action or Requirement
§423(b)	Not later than 60 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Secretary of Transportation shall transmit to Congress a report containing a plan for complying with the requirements of 49 U.S.C. 44901(d), as amended by Section 425 of the Homeland Security Act.
§424	Two years after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the requirement that the Transportation Security Administration be maintained as a distinct entity within the Department of Homeland Security expires.
§425	<p>Amendments to 49 U.S.C. 44901(d) specify:</p> <ul style="list-style-type: none"> <li>— the Under Secretary of Transportation for Security shall submit to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a detailed plan, which may be submitted in security classified form, for the deployment of the number of explosive detection systems necessary to meet prescribed requirements as soon as practicable but in no event later than December 31, 2003; and</li> <li>— until the Transportation Security Administration has met prescribed explosive detection systems requirements, the Under Secretary for Transportation Security shall submit a security classified report every 30 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002) to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation describing the progress made toward meeting such requirements at each airport.</li> </ul>
§427(c)	Not later than 18 months after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Secretary of Homeland Security, in consultation with the Secretary of Agriculture, Secretary of Health and Human Services, and head of such other department or agency determined to be appropriate by the Secretary of Homeland Security, shall submit to Congress a report on the progress made in implementing information and information technology coordination arrangements prescribed in the section and a plan to complete implementation of same.
§428(e)(4)	The Secretary of Homeland Security shall, on an annual basis, submit a report to Congress that describes the basis for each determination that the assignment of an employee of the Department of Homeland Security at a particular diplomatic post for visa issuance duties would not promote homeland security.

Section	Action or Requirement
§428(e)(7)	Not later than one year after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Secretary of Homeland Security and the Secretary of State shall submit to Congress a report on the implementation of the visa issuance program with any legislative proposals necessary to further the objectives of the program.
§428(g)	The Secretary of Homeland Security shall conduct a study of the role of foreign nationals in the granting or refusal of visas and other documents authorizing the entry of aliens into the United States, including certain specified details. Not later than one year after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Secretary of Homeland Security shall submit a report containing the findings of the aforementioned study to the House Government Reform, International Relations, and Judiciary Committees and the Senate Foreign Relations, Governmental Affairs, and Judiciary Committees.
§428(h)	Not later than 120 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the director of the Office of Science and Technology Policy, Executive Office of the President, shall submit to Congress a report on how the provisions of the visa issuance program will affect procedures for the issuance of student visas.
§442(a)(5)	Not later than one year after the date on which the transfer of the immigration enforcement functions specified in Section 441 takes effect (which is March 1, 2003, according to the President's November 25, 2002, reorganization plan), the assistant secretary of the Bureau of Border Security shall design and implement a management rotation program under which bureau employees holding positions involving supervisory or managerial responsibility of grade GS-14 and above shall gain some experience in all of the major functions performed by the bureau and work in at least one local office of the bureau. Not later than two years after the date on which the transfer of the immigration enforcement functions specified in Section 441 takes effect (which is March 1, 2003, according to the President's November 25, 2002, reorganization plan), the Secretary of Homeland Security shall submit a report to Congress on the implementation of the management rotation program.



Section	Action or Requirement
§445(a)	The Secretary of Homeland Security, not later than one year after being sworn into office (which was January 24, 2003, for Secretary Tom Ridge), shall submit to the Committees on Appropriations and the Judiciary of the House and Senate a report with a plan detailing how the Bureau of Border Security, after the transfer of immigration enforcement functions specified in Section 441 takes effect (which is March 1, 2003, according to the President's November 25, 2002, reorganization plan), will enforce comprehensively, effectively, and fairly all the enforcement provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) relating to such functions.
§451(a)(4)	Not later than one year after the date on which the transfer of the functions specified in Section 441 takes effect (which is March 1, 2003, according to the President's November 25, 2002, reorganization plan), the director of the Bureau of Citizenship and Immigration Services shall design and implement a management rotation program under which bureau employees holding positions involving supervisory or managerial responsibility of grade GS-14 and above shall gain some experience in all of the major functions performed by the bureau and work in at least one local office of the bureau. Not later than two years after the date on which the transfer of the functions specified in Section 441 takes effect (which is March 1, 2003, according to the President's November 25, 2002, reorganization plan), the Secretary of Homeland Security shall submit a report to Congress on the implementation of the management rotation program. (Section 455 prescribes that Sections 451-456 shall take effect on the date that the transfer of the functions specified in Section 441 takes effect.)
§452(c)	Not later than June 30 of each calendar year, the Citizenship and Immigration Services Ombudsman shall report directly to the Committee on the Judiciary of the House and Senate on the objectives of the office of the ombudsman for the fiscal year beginning in such calendar year, including certain specified details.
§458	Amends Section 204(a)(1) of the Immigration Services and Infrastructure Improvements Act of 2002 (8 U.S.C. 1573(a)(1)) to extend the immigration benefit backlog elimination deadline to one year after the enactment of the Homeland Security Act (which was November 25, 2002).
§459	The Secretary of Homeland Security, not later than one year after the effective date of the Homeland Security Act (which was January 24, 2003), shall submit to the Committees on Appropriations and the Judiciary of the House and Senate a report with a plan detailing how the Bureau of Citizenship and Immigration Services, after the transfer of functions takes effect, will complete efficiently, fairly, and within a reasonable time, the adjudications described in paragraphs (1) through (5) of Section 451(b).

Section	Action or Requirement
§460	Not later than 30 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Attorney General shall submit to Congress a report on changes in law, including changes in authorizations of appropriations and in appropriations that are needed to permit the Immigration and Naturalization Service, and, after the transfer of functions takes effect (which is March 1, 2003, according to the President's November 25, 2002, reorganization plan), the Bureau of Citizenship and Immigration Services, to ensure a prompt and timely response to emergent, unforeseen, or impending changes in the number of applications for immigration benefits, and otherwise to ensure the accommodation of changing immigration service needs.
§461	The Secretary of Homeland Security, not later than one year after the effective date of the Homeland Security Act (which was January 24, 2003), shall establish an Internet based system that will permit access to online information about the processing status of filings for immigration benefits. Moreover, the Secretary of Homeland Security shall conduct a feasibility study of online filing for immigration benefits. A report on this study shall be submitted to the Committee on the Judiciary of the House and Senate not later than one year after the effective date of the Homeland Security Act.
§471(a)	Upon completion of all transfers from the Immigration and Naturalization Service (which is March 1, 2003, according to the President's November 25, 2002, reorganization plan), that agency is abolished.
§472(b)	Before the Attorney General or the Secretary of Homeland Security obligates any resources for voluntary separation incentive payments authorized by the section, such official shall submit to the appropriate committees of Congress a strategic restructuring plan, including specified details.
§473(f)	The General Accounting Office shall prepare and submit to the House Committees on Government Reform and the Judiciary and the Senate Committees on Governmental Affairs and the Judiciary periodic reports on any disciplinary act demonstration project authorized by the section, such reports to be submitted after the second and fourth years of operation.
§477(a)	The Secretary of Homeland Security, not later than 120 days after the effective date of the Homeland Security Act (which was January 24, 2003), shall submit to the Committees on Appropriations and the Judiciary of the House and Senate a report on the proposed division and transfer of funds, including unexpended funds, appropriations, and fees, between the Bureau of Citizenship and Immigration Services and the Bureau of Border Security.

Section	Action or Requirement
§477(b)	The Secretary of Homeland Security, not later than 120 days after the effective date of the Homeland Security Act (which was January 24, 2003), shall submit to the Committees on Appropriations and the Judiciary of the House and Senate a report on the proposed division of personnel between the Bureau of Citizenship and Immigration Services and the Bureau of Border Security.
§477(c)	The Secretary of Homeland Security, not later than 120 days after the effective date of the Homeland Security Act (which was January 24, 2003), and every six months thereafter until the termination of FY2005, shall submit to the Committees on Appropriations and the Judiciary of the House and Senate an implementation plan regarding the separation of the Bureau of Citizenship and Immigration Services and the Bureau of Border Security, including certain specified details.
§477(d)(1)	Not later than 18 months after the date on which the transfer of functions specified in Section 411 takes effect (which is March 1, 2003, according to the President's November 25, 2002, reorganization plan), and every six months thereafter until full implementation has been completed, the Comptroller General of the United States shall submit to the Committees on Appropriations and the Judiciary of the House and Senate a report on the transition, including certain specified details.
§477(d)(2)	Not later than four years after the date on which the transfer of functions specified in Section 411 takes effect (which is March 1, 2003, according to the President's November 25, 2002, reorganization plan), the Comptroller General of the United States shall submit to the Committees on Appropriations and the Judiciary of the House and Senate a report on the management improvements resulting from the transfer of functions from the Immigration and Naturalization Service to the Bureau of Citizenship and Immigration Services and the Bureau of Border Security, including certain specified details and recommendations for improvements.
§477(d)(3)	Not later than one year after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Comptroller General of the United States shall submit to the Committee on the Judiciary of the House and Senate a report examining whether the Bureau of Citizenship and Immigration Services is likely to derive sufficient funds from fees to carry out its functions in the absence of appropriated funds.

Section	Action or Requirement
§478(a)	One year after the date of the enactment of the Homeland Security Act (which was November 25, 2002), and each year thereafter, the Secretary of Homeland Security shall submit a report to the President, the House Government Reform and Judiciary Committees, and the Senate Governmental Affairs and Judiciary Committees on the impact that the transfer of Immigration and Naturalization Service functions made by Subtitle F has had on immigration functions, including certain specified details.
§507(b)(2)	Not later than 60 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the director of the Federal Emergency Management Agency shall revise the Federal Response Plan (established under E.O. 12148 and E.O. 12656) to reflect the establishment of and incorporate the Department of Homeland Security.
§601(f)	Not later than 90 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Secretary of Defense, in coordination with the Attorney General, the director of the Federal Bureau of Investigation, and the Director of Central Intelligence, shall prescribe regulations to carry out Title VI concerning charitable trusts for members of the armed forces of the United States and other governmental organizations.
§704(3)	Not later than 24 months after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Chief Human Capital Officer of the Department of Homeland Security shall inform Congress of having achieved certification from the Office of Special Counsel of the department's compliance with 5 U.S.C. 2302(c).
§705(b)	The Secretary of Homeland Security shall submit to the President of the Senate, the Speaker of the House, and the appropriate committees and subcommittees of Congress on an annual basis a report on the implementation of the section establishing an Officer for Civil Rights and Civil Liberties, including certain specified details.
§706	Not later than one year after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Secretary of Homeland Security shall develop and submit to Congress a plan for consolidating and co-locating regional or field offices of agencies transferred to the Department of Homeland Security or portions of regional and field offices of other federal agencies, to the extent that such offices perform functions that were transferred to the Secretary of Homeland Security.

Section	Action or Requirement
§812(b)(2)	Not later than 180 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Attorney General shall promulgate guidelines pursuant to the Inspector General Act of 1978 regarding law enforcement powers of inspector general agents.
§831(b)	Not later than two years after the effective date of the Homeland Security Act (which was January 24, 2003), and annually thereafter, the Comptroller General of the United States shall report to the House Committee on Government Reform and the Senate Committee on Governmental Affairs whether the Secretary of Homeland Security's use of the section's research and development authorities attracts nontraditional government contractors and results in the acquisition of needed technologies, and, if such authorities were to be made permanent, whether additional safeguards are needed with respect to the use of such authorities.
§833(e)	Not later than 180 days after the end of FY2005, the Comptroller General of the United States shall submit to the House Committee on Government Reform and the Senate Committee on Governmental Affairs a report on the use of the special streamlined acquisition authority provided in the section, including certain specified details.
§834(a)	Within one year of the date of the enactment of the Homeland Security Act, the Federal Acquisition Regulation shall be revised to include regulations with regard to unsolicited proposals.
§841	An amendment to Subpart I of Part III of Title 5, United States Code, establishing a human resources management system for the Department of Homeland Security requires (Section 9701(e)(1)(B)(i)) the Secretary of Homeland Security and the director of the Office of Personnel Management to notify Congress of those parts of the human resources management system proposal or adjustments to same to which they have not accepted recommendations by employee representatives, and (Section 9701(e)(1)(C)(iii)) the Secretary of Homeland Security to notify Congress promptly of the implementation of any part of the human resources management system proposal or adjustments to same to which they have not accepted recommendations by employee representatives, and furnish with such notice an explanation of the proposal, any changes made to the proposal as a result of recommendations from employee representatives, and the reasons why implementation is appropriate.
§855(b)(2)	The director of the Office of Management and Budget shall issue guidance and procedures for the use of simplified acquisition procedures for a purchase of property or services in excess of \$5,000,000 under the authority of this section.

Section	Action or Requirement
§857	Not later than March 31, 2004, the Comptroller General of the United States shall complete a review of the extent to which procurements of property and services have been made in accordance with the federal emergency procurement flexibility provisions of Subtitle F, which shall include certain specified details and shall address specific issues and topics identified in consultations with the House Committee on Government Reform and the Senate Committee on Governmental Affairs, and the results of such review, together with relevant recommendations, shall be reported to the committees so consulted.
§873(c)	Pursuant to 31 U.S.C. 1105, the President shall submit to Congress a detailed budget request for the Department of Homeland Security for FY2004, and for each subsequent fiscal year.
§874	Each budget request submitted to Congress for the Department of Homeland Security pursuant to 31 U.S.C. 1105 shall, at or about the same time, be accompanied by a Future Years Homeland Security Program, modeled after the Future Years Defense Program mandated by 10 U.S.C. 221, effective with respect to the preparation and submission of the FY2005 budget request for the department and for any subsequent fiscal year, except that the first such program shall be submitted not later than 90 days after the department's FY2005 budget request is submitted to Congress.
§881	The Secretary of Homeland Security, in consultation with the director of the Office of Personnel Management, shall review the pay and benefit plans of each agency whose functions are transferred to the Department of Homeland Security and, within 90 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002), shall submit a plan to the President of the Senate, the Speaker of the House, and the appropriate committees and subcommittees of Congress, for ensuring, to the maximum extent practicable, the elimination of disparities in pay and benefits throughout the department.
§882(c)	The Office for National Capital Region Coordination, Department of Homeland Security, shall submit an annual report to Congress that includes (1) the identification of the resources required to implement fully homeland security efforts in the National Capital Region, (2) an assessment of the progress made by the National Capital Region in implementing homeland security efforts; and (3) recommendations to Congress regarding the additional resources needed to implement fully homeland security efforts in the National Capital Region.

Section	Action or Requirement
§888(f)	The Inspector General of the Department of Homeland Security shall conduct an annual review that shall assess thoroughly the performance by the Coast Guard of all of its missions with a particular emphasis on examining the non-homeland security missions and shall report the results of this review to the House Appropriations, Government Reform, and Transportation and Infrastructure Committees and the Senate Appropriations, Commerce, Science, and Transportation, and Governmental Affairs Committees.
§888(i)	Not later than 90 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard, shall submit a report to the House Appropriations and Transportation and Infrastructure Committees and the Senate Appropriations and Commerce, Science, and Transportation Committees concerning certain specified aspects of the Coast Guard's Integrated Deepwater System.
§889	Beginning with the FY2005 submission, the President's budget shall include a homeland security funding analysis as specified in amendments to 31 U.S.C. 1105(a).
§893	Not later than 12 months after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the President shall submit to the House Permanent Select Intelligence and Judiciary Committees and the Senate Select Intelligence and Judiciary Committees a report on the implementation of Section 892 concerning procedures facilitating homeland security information sharing between and among federal, state, and local entities.
§1001	(The provisions of this section, amending Subchapter II of Chapter 35, United States Code, are overridden by similar provisions of Section 301 of the E-Government Act of 2002 (116 Stat. 2899), which, in relevant part, are set out below. The requirements take effect on the date of the enactment of the E-Government Act (which was December 17, 2002).) Section 301 amends Chapter 35 of Title 44, United States Code, (35 U.S.C. 3543(a)(8)) to require the director of the Office of Management and Budget to report to Congress no later than March 1 of each year on agency compliance with the information security requirements of the subchapter, including certain specified details. Another such amendment (35 U.S.C. 3544(c)) requires each agency to report annually to the director of the Office of Management and Budget, the House Government Reform and Science Committees, the Senate Commerce, Science, and Transportation and Governmental Affairs Committees, the appropriate authorization and appropriations committees of Congress, and the Comptroller General of the United States on information security matters as specified in the subsection. Another such amendment (35

Section	Action or Requirement
	U.S.C. 3545(e) requires each agency, each year, not later than the date established by the director of the Office of Management and Budget, to submit to the director the results of an annual independent information security evaluation required by the section, and a summary of the results of these evaluations is provided to Congress (35 U.S.C. 3545(g)) in the aforementioned annual report of the director.
§1003	(The provisions of this section, amending Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), are overridden by similar provisions of Section 303 of the E-Government Act of 2002 (116 Stat. 2899), which, in relevant part, are set out below. The requirement takes effect on the date of the enactment of the E-Government Act (which was December 17, 2002).) Section 303 amends the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(d)(10)) to require the Institute to prepare an annual public report on activities undertaken in the previous year, and planned for the coming year, to carry out information security responsibilities under the section.
§1005	(The provisions of this section, amending the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), are overridden by similar provisions of Section 305 of the E-Government Act of 2002 (116 Stat. 2899), which, in relevant part, are set out below. The requirement takes effect on the date of the enactment of the E-Government Act (which was December 17, 2002).) Section 305 amends the Paperwork Reduction Act (44 U.S.C.3505(c)(4)) to require the director of the Office of Management and Budget to issue guidance for, and oversee the implementation of, the major information systems inventory requirement of the subsection.
§1204	Not later than 90 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Secretary of Transportation shall transmit to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report on war risk insurance as detailed in the section.
§1302	Amends Part II of Title 5, United States Code, to establish a Chief Human Capital Officers Council, which is required (5 U.S.C. 1303(d)) each year to submit a report to Congress on the activities of the council.



Section	Action or Requirement
§1403(c)(2)	Not later than six months after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the Under Secretary of Transportation for Security shall transmit to Congress a report on the results of a study to evaluate the benefits and risks of providing flight attendants with nonlethal weapons to aide in combating air piracy and criminal violence on commercial airlines.
§1404	The Secretary of Transportation shall conduct a commercial airline security study, including certain specified details, the results of which, not later than six months after the date of the enactment of the Homeland Security Act (which was November 25, 2002), shall be transmitted to Congress in a report which may be submitted in security classified and redacted form.
§1502	Not later than 60 days after the date of the enactment of the Homeland Security Act (which was November 25, 2002), the President shall transmit to the appropriate congressional committees a reorganization plan, including certain specified details.

## Refining the Mandate

With the final adjournment of the 108<sup>th</sup> Congress, various bills to refine the mandate of the Department of Homeland Security by modifying or supplementing the Homeland Security Act were pending. Such proposals included the following measures.

**H.R. 484 (Ose).** H.R. 484 amends the Homeland Security Act to give the Secretary of Homeland Security discretion to establish criteria for the creation of university-based centers for homeland security, to repeal certain vaccine liability protection provisions, and to modify the authority of the Secretary of Homeland Security regarding contract waivers required in the interest of homeland security. Introduced January 29, 2003, and referred to the Select Committee on Homeland Security and Committees on Energy and Commerce, Science, and Government Reform.

**H.R. 1416 (Cox).** H.R. 1416 amends the Homeland Security Act to make technical corrections. Introduced March 25, 2003, and referred to the Select Committee on Homeland Security. Hearing held March 28; markup held and bill ordered to be reported March 31; reported with amendments (H.Rept. 108-104) and placed on Union Calendar May 15; considered under suspension of the rules and subsequently adopted on a 415-0 roll call vote June 24; received in the Senate and referred to the Committee on Governmental Affairs June 25; ordered to be reported favorably with an amendment October 22, 2003; reported with amendment (S.Rept. 108-214) and placed on Senate Legislative Calendar November 25.

**S. 6 (Daschle).** S. 6 establishes various new responsibilities and programs for the Department of Homeland Security, makes the department subject to the

Federal Advisory Committee Act, and reorganizes the intelligence community leadership. Introduced January 7, 2003, and referred to the Committee on the Judiciary.

**S. 28 (Nelson).** S. 28 gives the Secretary of Homeland Security discretion to establish criteria for the creation of university-based centers for homeland security. Introduced January 7, 2003, and referred to the Committee on Health, Education, Labor, and Pensions.

**S. 41 (Lieberman).** S. 41 modifies provisions of the Homeland Security Act regarding product liability protection, federal advisory committee meetings, and university-based homeland security research centers, and for other purposes. Introduced January 7, 2003, and referred to the Committee on Governmental Affairs.

**S. 45 (Feingold).** S. 45 modifies the organization and operations of the Office for State and Local Government Coordination of the Department of Homeland Security. Introduced January 7, 2003, and referred to the Committee on Governmental Affairs.

**S. 134 (Dayton).** S. 134 amends the Homeland Security Act regarding waivers of certain prohibitions on contracts with corporate expatriates. Introduced January 7, 2003, and referred to the Committee on Governmental Affairs.

**S. 910 (Akaka).** S. 910 ensures the continuation of non-homeland security functions of federal agencies transferred to the Department of Homeland Security. Introduced April 11, 2003, and referred to the Committee on Governmental Affairs; marked up and ordered to be reported, with an amendment, by the committee June 17; reported (S.Rept. 108-115) with amendments July 29 and placed on the Senate legislative calendar.

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- . *Privacy in the Hands of the Government: the Privacy Officer for the Department of Homeland Security*. Hearing. 108<sup>th</sup> Congress, 2<sup>nd</sup> session. February 10, 2004. Washington: GPO, 2004.
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- U.S. Congress. House. Committee on Science. *Amendment and Views to the Select Committee on Homeland Security on H.R. 5005, the Homeland Security Act of 2002 (Including Committee Markup of H.R. 5005)*. Committee print. 107<sup>th</sup> Congress, 2<sup>nd</sup> session. July 10, 17, 2002. Washington: GPO, 2002.
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- . *Homeland Security Technical Corrections Act of 2003*. Report to accompany H.R. 1416. 108<sup>th</sup> Congress, 1<sup>st</sup> session. H.Rept. 108-104. Washington: GPO, 2003.
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- U.S. Congress. Senate. Committee on Environment and Public Works. *Creating the Department of Homeland Security*. Hearing. 107<sup>th</sup> Congress, 2<sup>nd</sup> session. July 10, 2002. Washington: GPO, 2004.
- U.S. Congress. Senate. Committee on Governmental Affairs. *President Bush's Proposal to Create a Department of Homeland Security*. Hearing. 107<sup>th</sup> Congress, 2<sup>nd</sup> session. June 20, 2002. Washington: GPO, 2002.
- . *Non-Homeland Security Mission Performance Act of 2003*. Report to accompany S. 910. 108<sup>th</sup> Congress, 2<sup>nd</sup> sess. S.Rept. 108-115. Washington: GPO, 2003.

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