



One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

April 13, 2007

The Honorable Michael Chertoff
Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Chertoff:

In the past, we and other Members of the Committee on Homeland Security have written you regarding missed deadlines for critical reports and documents due to Congress from the Department of Homeland Security. During the past several months, we have raised concerns regarding several overdue reports from components in the Preparedness Directorate.

Of particular concern is the Department's failure to meet the numerous reporting requirements included in P.L. 109-295, the Department of Homeland Security Appropriations Act of 2007 that President Bush signed into law on October 4, 2006. Title VI of this law, cited as the Post Katrina Emergency Management Reform Act of 2006 ("the Act"), made substantial changes to the Federal Emergency Management Agency (FEMA) to ensure that FEMA is more fully prepared to handle a terrorist event or the next major natural disaster. Numerous letters have been sent to you indicating that deadlines have been missed. This Committee has yet to receive an adequate response on the Department's progress on changes to FEMA, as well as functions currently residing in the preparedness and infrastructure areas.

We are also concerned that the impending departure of Undersecretary George Foresman, who was responsible for many of the issues outlined in this letter, may serve to further delay completion of the required reports. As you know, these requirements are not merely perfunctory tasks but items that are critical to Congress' oversight function, as well as to assuring the Department's accountability in the infrastructure protection and preparedness areas of homeland security.

Please provide us with a written response on the status of each of these items no later than April 27, 2007.

FEMA Deadlines

- **Homeland Security Rotation Program** – The program was to be established and a report submitted to Congress by April 2, 2007. This program has been designed to enable the Department's middle and senior employees the opportunity to broaden their knowledge through exposure to other components of the Department through rotational assignments. This program will help to build professional relationships and invigorate the workforce with exciting and professionally rewarding opportunities.
- **Target Capabilities and Preparedness Priorities**– Guidelines defining risk-based target capabilities for Federal, State and local government preparedness were to be created and distributed to Congress by April 2, 2007. These priorities will enable the Nation to prevent, respond to, recover from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.
- **National Training and Exercise Programs** – By April 2, 2007, FEMA should have established national training and exercise programs that will aid in implementing the National Preparedness Goal. The purpose of these programs will determine the readiness of Federal, State, local and tribal governments to respond and recover in a coordinated and unified manner to catastrophic incidents.
- **National Emergency Family Registry and Locator System** – The Act required the Administrator of FEMA, by no later than January 2, 2007, to enter into a memorandum of understanding with the Department of Justice, the National Center for Missing and Exploited Children, the Department of Health and Human Services, the American Red Cross, and other relevant private organizations to enhance the sharing of information to facilitate reuniting displaced individuals with their families. Further, by April 2, 2007, the Registry and Locator system should have been established. The committee has not received an update.
- **Small States and Rural Advocate** – A report was due to Congress by April 2, 2007 detailing the extent to which disaster declaration regulations meet the needs of small states and comply with statutory restrictions on the use of arithmetic formulas and scales based on income or population. The purpose of the advocate is to ensure the fair treatment of small States and rural communities in the provision of assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
- **Advance Contracting** – A report to Congress was due on April 2, 2007 identifying recurring disaster response requirements, including specific goods and services for which the Agency can and cannot contract in advance of a disaster. The purpose of the contracting guidelines are to ensure that contracts for goods and services are coordinated with State and local governments, as appropriate, and that any and all contracting is performed in a cost effective manner.

- **Quarterly Vacancy Report** – The Act required an initial report on the vacancies at FEMA, which was due on January 4, 2007 to the Committee. The report is required to include: (a) vacancies of each category of employee position; (b) the number of applicants for each vacancy for which public notice has been given; (c) the length of time that each vacancy has been pending; (d) hiring-cycle time for each vacancy that has been filled; and (e) a plan for reducing the hiring-cycle time and reducing the current and anticipated vacancies with highly-qualified personnel. These reports will assist in hiring qualified applicants, reducing the time in which they are hired and ultimately reducing the number of vacancies.
- **Individuals with Disabilities Guidelines** – The Act required the Disability Coordinator at FEMA to develop guidelines no later than January 2, 2007 to accommodate individuals with disabilities. These guidelines should include: (1) the accessibility of, and communications and programs in, shelters, recovery centers, and other facilities; and (2) devices used in connection with disaster operations, including first aid stations, mass feeding areas, portable payphone stations, portable toilets, and temporary housing. These guidelines will enable FEMA to respond and provide assistance more efficiently and effectively to the disabled.
- **Public Assistance Pilot Program** – The Act required the FEMA Administrator, by no later than January 2, 2007, to initiate the implementation of a public assistance pilot program. The pilot program is intended to reduce the costs to the Federal government of providing various types of disaster assistance to State and local governments, as well as to expedite and increase the flexibility in the administration of such assistance.

National Protection and Programs Deadlines

- **Office of Emergency Communications** – Section 1801(f) required the Secretary to report to Congress on the resources and staff necessary to carry out the responsibilities of the Office of Emergency Communications. This report was due on February 1, 2007. The purpose of this new office is to support, promote, monitor, and promulgate operable and interoperable communication capabilities, as well as consolidate various offices across the Federal government.
- **US-VISIT** - In December 2004, Congress called for the development of a strategic plan to accelerate the full implementation of an automated “biometric entry and exit data system,” which we know today as US-VISIT. The purpose of US-VISIT is to enhance the security of our citizens and visitors, facilitate legitimate travel and trade, and ensure the integrity of our immigration system. The law required the Department to submit a detailed report describing the plan to develop and deploy this automated biometric entry and exit data system by June 2005. Today, nearly two years after this congressionally mandated deadline, Congress is still waiting for the Department to submit this report.

- **Sector Specific Plans** – The development of these plans are required under the National Infrastructure Protection Plan and Homeland Security Presidential Directive-7. The Committee requested by letter that such plans be received by March 30, 2007. Yesterday, we received a letter from the Department requesting an extension of our deadline. Thank you for acknowledging our request and we eagerly await your response. As you know, these plans are critical to assuring that a robust public-private partnership is in place to protect our critical infrastructure. It is our understanding that the various sectors have worked extensively with the government to assure that plans to secure our infrastructure are developed. The delay of these plans is unacceptable and sends an inappropriate message to our private sector partners, who, as you know, own 85% of the infrastructure.

Should you have questions about this request, please contact Jessica Herrera-Flanigan, Homeland Security Committee Staff Director and General Counsel, at (202) 226-2616. Thank you for your consideration in this important matter.

Sincerely,



Bennie G. Thompson
Chairman
Committee on Homeland Security



Peter T. King
Ranking Member
Committee on Homeland Security