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Subject: OLA/OPA Weekly Report -- June 7-19, 2015

Secretary and Deputy, below is your weekly OLA and OPA report for June 7-19, 2015.

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OLA/OPA Weekly Report
June 7-19, 2015

OFFICE OF LEGISLATIVE AFFAIRS

Emerging Issues

- TSA Update:** The recent release of findings of the Inspector General's covert testing of Automated Imaging Technology machines, and the media attention to it, has resulted in an increased interest in VADM Neffenger's nomination proceedings. On June 10, the Senate Committee on Homeland Security and Governmental Affairs held VADM Neffenger's confirmation hearing. Seven members attended. The Committee has agreed to an expedited Mark-Up on Monday, June 15, as long as responses to the Questions for the Record are provided by Monday morning. In addition, Senator Sasse wrote a letter to the Secretary requesting information on performance metrics used to make strategic decisions regarding TSA. OLA is

working to provide that response on the same timeline as the questions for the record. Our goal is to have VADM Neffenger confirmed before the July 4 recess.

- Cybersecurity Legislation: In the Senate, the attempt by Senator McConnell to attach cybersecurity legislation to the National Defense Authorization Act (NDAA) did not succeed; votes were generally on party lines with some exceptions as noted below. The Senate could still bring up the Cybersecurity Information Sharing Act (CISA) during the summer, but no formal timeline has been announced. DHS officials continue to make the case for key changes related to “single portal” and “real-time information sharing,” including with staff from Senators Burr and Feinstein on June 10, which followed the Secretary’s June 3 meeting with Senator Burr.
 - NDAA vote count on including CISA: 56 in favor; 40 against; 4 not voting. 60 votes were needed to pass. The vote went along party lines (Republicans in favor, Democrats against) with the following exceptions:
Democrats/Independents voting for: Bennett (CO), Donnelly (IN), King (I-ME), Klobuchar (MN), Manchin (WV), Nelson (FL) and Warner (VA);
Republicans voting against: Heller (NV), Lee (UT), Paul (KY); Not voting: Cruz (R-TX), Leahy (D-VT), Merkley (D-OR), Rubio (R-FL).
- Cybersecurity Operations (OPM): DHS along with its interagency partners have received a significant number of questions and briefing requests on the OPM data breach. Briefings have occurred for all cleared House and Senate staff, plus members of the House Permanent Select Committee on Intelligence. Additional update briefings are tentatively planned for all cleared House and Senate staff plus all House members. Hearings are planned for House Oversight and Government Reform (June 16), House Homeland Security (tentatively June 24) and Senate Homeland Security and Governmental Affairs (tentatively June 25). Most questions have been about the scope of the exposed databases and implications for the intelligence community; the state of OPM’s network security prior to the intrusion and after discovery; and the role of EINSTEIN in detecting the intrusion.

Upcoming Engagements

Secretary and Deputy Secretary Engagement

- On June 17, Secretary Johnson will speak at the 5th Annual New Hampshire Day Luncheon hosted by Senator Shaheen (D-NH).

Hearings

- On June 16, USCG Deputy Commandant for Operations VADM Michel will testify before the House Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation in a hearing titled “Western Hemisphere Drug Interdiction Efforts.”
- On June 16, TSA Deputy Assistant Administrator Stacey Fitzmaurice, TSA’s Office of Intelligence & Analysis, and DHS Inspector General John Roth will testify before the House Committee on Homeland Security, Subcommittee on Transportation Security in a hearing titled “How TSA Can Improve Aviation Worker Vetting.”
- On June 16, NPPD is prepared to provide A/S Andy Ozment to testify before the House Committee on Oversight and Government Reform in a hearing on the recent data breach at the Office of Personnel Management and the Federal Information Security and Management Act compliance and information security within the federal government. However, we are still awaiting OPM’s confirmation that they will also participate in the hearing.
- On June 17, ICE Director Saldaña and USCIS Director Rodríguez will testify before the House Committee on Oversight and Government Reform, Subcommittee on National Security and Subcommittee in a hearing titled “A Review of the President’s Actions on Immigration.”

Legislation of Interest

House

Bill	Sponsor	Description	Current Status
H.R. 615	Payne	Makes the Under Secretary for Management at DHS responsible for policies and directives to achieve and maintain interoperable communications among DHS components. Requires bi-annual reports	Passed Full House and Senate Committee
H.R. 623	Brooks	Best practices on using social media before, during, and after events.	Passed Full House and Senate Homeland Committee
H.R. 1560	Nunes	Facilitate sharing of cyber threat indicators and authorize DHS programs to protect federal networks.	Passed in the House
H.R. 1731	McCaul	Facilitate sharing of cyber threat indicators.	Passed in the House
H.R. 1147	Smith	Makes mandatory and permanent requirements related to use of an electronic employment eligibility verification system.	Passed out of Committee 3/3
H.R. 1148	Gowdy	Improve immigration law enforcement within the interior of the United States.	Passed out of Committee 3/19

H.R. 1149	Carter	Expedited removal of unaccompanied alien children who are not victims of a severe form of trafficking.	Passed out of Committee on 3/3
H.R. 1153	Chaffetz	Modify the treatment of unaccompanied alien children who are in Federal custody by reason of their immigration status.	Passed out of Committee 3/19
H.R. 1738	McSally	Creates a Subcommittee on the National Advisory Council (to include NPPD)	Approved by CHS on 5/1
H.R. 1615	Carter	Affects FOIA Implementation	Passed out of Committee 5/20
H.R. 1633	Loudermilk	Improves tracking and reporting of DHS employees on paid administrative leave	Passed out of Committee 5/20
H.R. 1640	Walker	Requires a report on DHS HQ consolidation project.	Passed out of Committee 5/20
H.R. 1626	Watson Coleman	To reduce duplication of information technology.	Passed out of Committee 5/20
H.R. 2127	Thompson	Directs the Administrator of TSA to limit who may receive expedited screening.	Referred to CHS Subcommittee on 5/1
H.R. 2199	Perry	Acquisition bill	Referred to CHS on 5/1
H.R. 2206	Payne	Creates a condition on SHSP grants that Governors certify the performance of interoperability coordination functions	Passed out of Committee 5/20
H.R. 2322	Barletta	Reduce costs of Federal real estate and improve building security	Passed out of Committee 5/20
H.R. 1022	Walker	Would require grantee to account for grant money spent on CVE purposes.	Referred to CHS Subcommittee on 3/3

Senate

Bill	Sponsor	Description	Current Status	Next Steps
S. 208	Johnson	Southwest Border Security (Similar to H.R. 399)	Referred to Senate Committee on Homeland Security on 1/21	Awaiting Committee Action
S. 456	Carper	Cyber Threat Sharing Act of 2015	Referred to Senate Committee on Homeland Security on 2/11	Awaiting Committee Action

S. 754	Burr	Cyber Information Sharing Act of 2015	Reported out of Committee on 4/15; failed as amendment to NDAA	Awa Flo Actio stan alo
S. 750	McCain	Will require USDA and DOI to provide access to BP to federal lands for security activities.	Reported out of Committee on 5/6	Awa Flo Act
S. 1180	Johnson	Modernize the public alert warning system.	Reported out of Committee on 5/6	Awa Flo Act

Recent OLA Engagements

Legislative Activity	This Week	114th Congress 1st Session to Date
Hearings	3	61
Witnesses	3	80
Non-hearing engagements	38	1189

Secretary and Deputy Secretary Engagement

- On June 7 and 8, Secretary Johnson traveled to Houston and met with Representatives Jackson-Lee (D-TX), Green (D-TX), and Poe (R-TX) for various engagements.
- On June 10, Deputy Secretary Mayorkas met with Representative Thompson (D-MS).

Hearings

- On June 9, DHS OIG Inspector General John Roth testified before the Senate Committee on Homeland Security and Governmental Affairs in a hearing titled, "Oversight of the Transportation Security Administration: First-Hand and Government Watchdog Accounts of Agency Challenges." Senators showed concern for the failure rate in screening operations, the Pre-Check process, and the inconsistent execution of required TSA procedures. The Senators are concerned that TSA is focused on time versus quality.
- On June 10, USCG Vice Commandant Vice Admiral Neffenger testified before the Senate Committee on Homeland Security and Governmental Affairs in a hearing to

consider his nomination to be TSA Administrator. The hearing was well attended: Chairman Johnson, Ranking Member Carper, Senators Ernst, Sasse, Ayotte, and Heitkamp all were present and asked questions. The majority of questions focused on recent Inspector General audits (covert testing, expansion of TSA Pre✓®, and SIDA badge vetting) as well as the testimony the TSA whistleblowers provided the previous day.

- On June 10, FEMA Deputy Associate Administrator for Response and Recovery Robert Fenton testified before the House Committee on Homeland Security, Subcommittee on Emergency Preparedness, Response and Communications in a hearing titled, “Defense Support of Civil Authorities: A Vital Resource in the Nation’s Homeland Security Missions.” The hearing examined the various roles in homeland defense and federal, state and local support capabilities in cybersecurity, chemical, biological, radiological, and nuclear incident response, and other disaster response activities. Fenton fielded a few questions. Those questions focused on after-action lessons identified from Hurricane Sandy and any misunderstandings of roles and responsibilities, as well as the concept of “whole community” disaster planning and response.

Briefings

Below are key highlights of the Congressional engagements OLA had this week.

House Permanent Select Committee on Intelligence

- On June 9, DHS NPPD and an interagency team briefed members of the House Permanent Select Committee on Intelligence on the cyber activity related to OPM. The briefing consisted of an overview of the threat actor and a timeline of recent incidents. The questions focused on the content of affected records and implications for the Intelligence Community as well as the various actions taken since the incident’s discovery. Several Representatives asked OPM why it had not done more to put strong cybersecurity measures in place prior to the breach, or whether the Administration had denied requests from OPM for additional resources for network security. Representative Murphy (D-FL) asked about EINSTEIN capabilities. While the DHS portion of the briefing was well-received, the still-evolving nature of the investigation into the breach led to confusion among other briefers about the exposed information, which raised concerns from several members. Publicly, the only member to comment to media following the brief was Representative Schiff (D-CA), who simply said “the scope of the exposure” and “extent of the damage” were still being investigated.

Senate Committee on Homeland Security and Governmental Affairs

- On June 8, NPPD Cybersecurity and Communications staff briefed Senator Carper's staff regarding the Federal Information Security and Management Act metrics and score card. The goal was to gain an assessment on how Continuous Diagnostics and Mitigation (CDM) could have a greater impact to the community at large.

- On June 8, NPPD Cybersecurity and Communications staff briefed Senate Committee on Homeland Security and Governmental Affairs majority and minority staff on the National Cybersecurity Assessment and Technical Services (NCATS) red and blue team assessment capabilities. Committee staff are interested in the Department's technical scanning capabilities, partnerships, including NSA, as well as understanding how National Cybersecurity Assessment and Technical Services fits into the National Cyber Security and Communications Integration Center.
- On June 10, program managers from the DHS Science and Technology Directorate (S&T) and Office of Health Affairs (OHA) provided a briefing on the status of the BioWatch Program to majority and minority staff from the Senate Committee on Homeland Security and Governmental Affairs. The briefing focused on the steps taken by both S&T and the Office of Health Affairs since the issuance of an Acquisition Decision Memorandum (ADM) in April 2014 which canceled BioWatch Generation 3. DHS program managers explained steps taken in response to the Acquisition Decision Memorandum to include the development of operational requirements which will inform current, near term, and long term technology development in support of BioWatch.

House and Senate Committee on Appropriations

- On June 9, the NPPD Office of Infrastructure Protection conducted a conference call with staff of House and Senate Committees on Appropriations to provide updates on the status of the Ammonium Nitrate Security Program. Questions focused on delays in publishing a final rule, obstacles to publishing a final rule in the near term, and the possibility/effectiveness of publishing a supplemental notice of proposed rulemaking. Staff also asked how DHS plans to handle issues raised in a recent letter from a group of Senators concerned about how DHS proposes to regulate mixtures containing ammonium nitrate.

House Committee on Homeland Security

- On June 11, the Inspector General John Roth briefed members of the House Committee on Homeland Security on the recent round of covert testing of Automate Imaging Technology machines. Chairman McCaul, Representative Katko, Representative Mike Rogers, Representative Barletta, and Representative Hurd attended the briefing. Following the Inspector General's briefing on results, General Taylor, Deputy Administrator Hatfield, and Alan Metzler provided a briefing on the immediate steps that the Secretary has directed to mitigate these vulnerabilities. Rep Rogers was a vocal critic in the briefing, and identified the use of more canines as the best solution to these issues.

Staff Briefings

- This week, the Office of Intelligence and Analysis provided briefings to staff from the Senate Committee on Appropriations, the Senate Homeland Security and Governmental Affairs Committee, the Senate Select Committee on Intelligence, the

House Permanent Select Committee on Intelligence, and the House Committee on Homeland Security on the new Intelligence and Analysis organization.

CODELS/STAFFDELS

June 5 – 8, the USCG Commandant met with Chairman Duncan Hunter (R-CA) for a tour of Coast Guard District 7 (Key West and Miami). U.S. SOUTHCOM, the Joint Interagency Task Force South, and the USCG Cutter MOHAWK were visited.

OFFICE OF PUBLIC AFFAIRS

June 7-12

Emerging Issues

- TSA IG Reports: We expect continuing coverage of the recent results from the Office of the Inspector General's reports on security screening and aviation worker vetting.
- OPM Incident: We expect continuing coverage of the recently announced cybersecurity incident at OPM and the Department's cybersecurity efforts.
- U.S. Secret Service Clearance Process: We expect continuing coverage of the backlog of clearance processing requests at the U.S. Secret Service following the new hires of employees.

Major Announcements & Events

- On June 7-8, Secretary of Homeland Security Jeh Johnson traveled to Houston, Texas.
 - On June 7, Secretary Johnson, joined by Congresswoman Sheila Jackson Lee, participated in workforce engagements with Transportation Security Administration (TSA) and U.S. Customs and Border Protection (CBP) employees. Closed press. Secretary Johnson and Congresswoman Jackson Lee also visited the Federal Emergency Management Agency (FEMA) Mobile Registration Intake Center located at Spring Woods Middle School to view the ongoing recovery efforts for the severe weather that had impacted the area in the last few weeks. Following the visit, Secretary Johnson participated in a brief media availability. Open press.
 - OPA issued a readout of Secretary Johnson's trip on June 7.
 - On June 8, Secretary Johnson, along with U.S. Citizenship and Immigration Services (USCIS) Director León Rodríguez, Congresswoman Jackson Lee, and Houston Mayor Annise Parker, participated in a naturalization ceremony for 41 citizenship candidates. Open press.
 - On June 8, Secretary Johnson participated in roundtable discussions with young adults and community leaders at the Syrian American Cultural Club to discuss the Department's continued efforts to expand partnerships with

community organizations and with state and local officials on civil rights and civil liberties to safeguard local communities. Closed press. Following the discussions, Secretary Johnson participated in a media availability.

Open press.

- On June 8, Secretary Johnson delivered remarks entitled “Immigration: Perception Versus Reality” at Rice University’s Baker Institute for Public Policy. Open press.
 - OPA released Secretary Johnson’s remarks as delivered on June 8.
 - OPA issued a readout of Secretary Johnson’s trip on June 8.
- On June 8, Deputy Secretary of Homeland Security Alejandro Mayorkas traveled to Miami to deliver remarks on the Department’s efforts on security and facilitation of legitimate travel and trade at the International Air Transport Association Annual General Meeting and World Air Transport Summit. While in Miami, Deputy Secretary Mayorkas also participated in workforce engagements with TSA employees. Closed press.
 - OPA issued a readout of Deputy Secretary Mayorkas’ trip on June 8.
- On June 10, OPA issued a message to all employees from the Under Secretaries for Management and the National Protection and Programs Directorate (NPPD) on cybersecurity and steps that employees can take to protect themselves both at work and at home.
- On June 11, Secretary Johnson traveled to Sterling, Va., to meet with the All Dulles Area Muslim Society (ADAMS) to discuss the Department’s ongoing efforts to expand partnerships with community organizations and state and local officials on civil rights and civil liberties to safeguard local communities. Closed press.
 - OPA issued a statement announcing Secretary Johnson’s trip on June 10.
 - OPA issued a readout of Secretary Johnson’s trip on June 11.
- On June 11, OPA forwarded a press release from FEMA announcing the launch of a new data visualization tool that enables users to see when and where disaster declarations have occurred across the country.

Interviews

- On June 10, FEMA Administrator Craig Fugate interviewed with the *Associated Press* to discuss the launch of a data visualization tool that enables users to see when and where disaster declarations have occurred across the country.
- On June 12, Secretary Johnson participated in an on-the-record meeting with David Ignatius of *The Washington Post* to discuss a wide range of homeland security-related priorities, including the Department’s counterterrorism, cybersecurity, and border security efforts and the preliminary findings of the DHS Inspector General’s report on TSA security screening.
- On June 12, TSA Deputy Administrator Mark Hatfield interviewed with *The New York Times* to discuss TSA security screening, training, resources and technology.
- On June 12, USCIS Director Rodríguez interviewed with *La Opinion* to discuss the Task Force on New Americans and the upcoming three-year anniversary of the Deferred Action for Childhood Arrivals (DACA) program.

Social Media

- On June 8-9, OPA promoted Secretary Johnson's various engagements during his trip to Houston across the Department's Twitter, Facebook, Instagram and Flickr accounts.
 - Imagery from each of Secretary Johnson's engagements is available for download by the media and the public on Flickr.
 - On June 9, OPA live tweeted Secretary Johnson's remarks at the Baker Institute.
- On June 9, OPA posted a blog post by NPPD Assistant Secretary for Cybersecurity and Communications Dr. Andy Ozment on the Department's first Information Sharing and Analysis Organization Workshop.
- On June 9, OPA posted a blog post by Office of Health Affairs Assistant Secretary Dr. Kathryn Brinsfield on the release of improvised explosive device and active shooter guidance for first responders.
- On June 9, OPA posted a blog post by NPPD Office of Infrastructure Protection Assistant Secretary Caitlin Durkovich on joint efforts by the Departments of Homeland Security and Labor and the Environmental Protection Agency to improve chemical facility safety and security.
- On June 10, OPA posted imagery from a nationwide, joint effort by U.S. Immigration and Customs Enforcement (ICE), Interpol, and the U.S. Marshals Service to arrest criminal foreign fugitives with Interpol Red Notices.

Major Coverage of the Week

Illegal Immigration Lowest Since 1972, DHS Chief Jeh Johnson Says

On June 8, *The Washington Times* reported on Secretary Johnson's remarks at Rice University in Houston. Secretary Johnson described how "in recent years the total number of those who attempt to illegally cross our southwest border has declined dramatically, while the percentage of those who are apprehended has gone up." Johnson also discussed his belief that federal courts will eventually allow the Obama Administration to proceed with its executive actions on immigration.

Deputy Secretary Speaks at IATA Meeting

On June 9, *The Miami Herald* reported on Deputy Secretary Mayorkas who was among the speakers at the International Air Transport Association's annual meeting the day before. In light of a recent report indicating that TSA Agents failed to detect contraband during tests conducted by Homeland Security Inspector General, Deputy Secretary Mayorkas responded, stating that both he and Secretary Johnson "take the latest test results very seriously." Deputy Secretary Mayorkas reiterated that TSA intends to respond to the report and address security vulnerabilities.

TSA Administrator Nominee Appears Before Senate Committee

On June 10, *USA Today* reported that Coast Guard Vice Adm. Peter Neffenger, nominated to be the next TSA Administrator, said before the Senate Homeland Security Committee that "some of what I've heard" regarding reported weapons detection lapses at checkpoints "is reassuring," but "some of what I've heard is absolutely disturbing."

Neffenger also stressed that improvement of background checks would be prioritized, saying, "If confirmed, I will make sure we are connected to all those databases...I think that's an imperative." Committee chairman Ron Johnson was cited saying Neffenger "will have a difficult task if confirmed to deal with low employee morale and potential vulnerabilities;" Johnson was quoted saying, "I do believe TSA has been in a state of denial." Sen. Thomas Carper stated that "TSA faces serious challenges that demand strong, permanent, Senate-confirmed leadership," and was cited adding that "Neffenger could provide that leadership."

Federal Aid for Flood Victims Tops \$11 Million

On June 8, *The Houston Chronicle* reported that two FEMA mobile registration intake centers were recently opened in Houston and FEMA is encouraging those citizens who have been affected by the recent flooding and storm damage to register their information with FEMA representatives at the centers. According to (b)(6) the external affairs representative for FEMA, FEMA "has already approved...more than \$11 million in individual assistance."

June 15-19

Activities

- On June 15, Secretary Johnson will travel to Texas to view operations at the Karnes Family Residential Center and to participate in workforce engagements with CBP and U.S. Immigration and Customs Enforcement (ICE) employees. Closed press.
- On June 16, Secretary Johnson will deliver congratulatory remarks at the Science and Technology Directorate (S&T) Patent Awards ceremony to recognize employees for their technology advancements and inventions contributing to the homeland security mission in Washington, D.C. Open press.
- On June 16, Secretary Johnson will travel to Maryland to meet with local community leaders to discuss the Department's ongoing efforts to expand partnerships with community organizations and state and local officials on civil rights and civil liberties to safeguard local communities. Closed press.
- On June 16-19, Deputy Secretary Mayorkas will travel to San Diego to deliver remarks at the National Association of Attorney Generals Annual Summer Meeting. Open press. While in San Diego, Deputy Secretary Mayorkas will meet with local stakeholders to discuss the Department's implementation efforts related to executive actions on immigration. Closed press.
- On June 17, Secretary Johnson will deliver remarks at Senator Jeanne Shaheen's 5th Annual New Hampshire Business Day event. Closed press.
- On June 18, Secretary Johnson will travel to New York to participate in a moderated discussion at the Hudson Union Society on a wide range of homeland security-related priorities. Closed press.
- On June 19, Secretary Johnson will deliver remarks at the ICE Human Exploitation Rescue Operative (HERO) Corps program graduation ceremony in Washington, D.C. Open press.

Major Announcements

- On June 15, the Department will commemorate the third anniversary of the Deferred Action for Childhood Arrivals (DACA) program.
- On June 15, FEMA and the Federal Insurance and Mitigation Administration will launch a National Flood Insurance Program call center to support policy holders seeking general information regarding their policies and recovery technical assistance.

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