

RESOLUTION OF INQUIRY TO THE SECRETARY OF
HOMELAND SECURITY

JULY 21, 2003.—Referred to the House Calendar and ordered to be printed

Mr. COX, from the Select Committee on Homeland Security,
submitted the following

ADVERSE REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 286]

The Select Committee on Homeland Security, to whom was referred the resolution (H. Res. 286) directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, having considered the same, report unfavorably thereon with amendments and recommend that the resolution as amended not be agreed to.

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The amendments are as follows:

On page 2, line 3, strike “14” and insert “30” (and amend the title of the bill accordingly).

Strike all after the enacting clause and insert the following:

That the Secretary of Homeland Security is directed to transmit to the House of Representatives not later than 30 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

Amend the title so as to read:

Resolution directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 30 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any tasks or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

PURPOSE AND SUMMARY

House Resolution 286, introduced by Rep. Green (D–TX) on June 19, 2003, directs the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of its adoption all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

BACKGROUND AND NEED FOR LEGISLATION

House Resolution 286 is a resolution of inquiry, which, pursuant to clause 7 of rule XIII of the Rules of the House of Representatives, requires the Committee to act on the resolution within 14 legislative days, or a privileged motion to discharge the Committee is in order. The day of introduction and the day of discharge are not counted in the 14 days. H. Res. 286 was referred to the Select Committee on Homeland Security on June 19, 2003.

A Committee has several possible courses of action after a resolution of inquiry is referred to it. The Committee may choose to amend the resolution, report it favorably, adversely, with no recommendation, or not at all. Two common reasons for reporting a resolution of inquiry adversely are substantial compliance and competing investigations.

In the first case—the one that applies here—the Executive Branch may deliver documents that substantially fulfill the purpose of the resolution, thus making it unnecessary for the Committee to report the resolution favorably for floor action.

On May 15, 2003, ten Members of the House of Representatives sent a letter to the Office of the Inspector General of the Department of Homeland Security, requesting an investigation of the use of Department of Homeland Security resources to locate a plane be-

longing to former Texas State House Speaker Pete Laney, and believed to be carrying Members of the Texas State Legislature.

The Inspector General of the Department of Homeland Security subsequently performed a full investigation of the matter, releasing a final report, entitled "Air and Marine Interdiction Center," on June 13, 2003. The report contains a comprehensive description of what took place regarding Department resources, and includes relevant documents and transcripts.

The Inspector General concluded that there was no wrongdoing by the Air and Marine Interdiction Coordination Center or other Department personnel, that Department of Homeland Security resources used during this process were de minimis, and that the use of Department of Homeland Security resources warranted no further investigation.

The Committee believes the Inspector General report fulfills the purpose of, and represents substantial compliance with, H. Res. 286. We therefore report the resolution adversely.

HEARINGS

The Committee did not hold hearings on H. Res. 286.

COMMITTEE CONSIDERATION

The Select Committee on Homeland Security met in open mark-up session on Wednesday, July 16, 2003, and took the following action:

H. Res. 286 was ordered reported to the House, adversely, amended, by a recorded vote of 24 yeas and 20 nays (Rollcall Vote No. 8).

The following amendments were offered:

An amendment offered by Ms. Jackson-Lee (#1), page 2, line 3, strike "14" and insert "30" (and amend the title of the bill accordingly) was AGREED TO by unanimous consent.

An Amendment offered by Mr. Pascrell (#2), page 2, line 8, after "May 16, 2003," insert "including an unredacted copy of the Office of Inspector General's Report of Investigation number IN03-OIG-LA-0662-S, dated June 13, 2003, and an unredacted copy of each exhibit to that Report of Investigation," was NOT AGREED TO by a recorded vote of 19 yeas and 24 nays (Rollcall Vote No. 6).

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes that occurred during consideration of H. Res. 286.

On a motion to move the previous question, was AGREED TO by a recorded vote of 24 yeas and 19 nays (Rollcall Vote No. 5) as follows:

SELECT COMMITTEE ON HOMELAND SECURITY
U.S. House of Representatives
108th Congress

Date: July 16, 2003Convened: 1:23 p.m.Adjourned: 2:27 p.m.

Meeting on : Markup of H. Res. 286, a resolution of inquiry
motion to move the previous question

☐ Attendance ☒ Recorded Vote Vote Number 5 Total: Yeas 24 Nays 19

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Ms. Dunn, Washington Vice Chair	✓			Mr. Turner, Texas Ranking Member		✓	
Mr. Bill Young, Florida				Mr. Thompson, Mississippi		✓	
Mr. Don Young, Alaska				Ms. Sanchez, California			
Mr. Sensenbrenner, Wisconsin	✓			Mr. Markey, Massachusetts			
Mr. Tauzin, Louisiana				Mr. Dicks, Washington		✓	
Mr. Dreier, California	✓			Mr. Frank, Massachusetts		✓	
Mr. Hunter, California	✓			Ms. Harman, California		✓	
Mr. Rogers, Kentucky	✓			Mr. Cardin, Maryland			
Mr. Boehlert, New York	✓			Ms. Slaughter, New York		✓	
Mr. Smith, Texas	✓			Mr. DeFazio, Oregon		✓	
Mr. Weldon, Pennsylvania	✓			Ms. Lowey, New York			
Mr. Shays, Connecticut	✓			Mr. Andrews, New Jersey		✓	
Mr. Goss, Florida	✓			Ms. Norton, District of Columbia		✓	
Mr. Camp, Michigan	✓			Ms. Lofgren, California		✓	
Mr. Diaz-Balart, Florida	✓			Ms. McCarthy, Missouri		✓	
Mr. Goodlatte, Virginia	✓			Ms. Jackson-Lee, Texas		✓	
Mr. Istook, Oklahoma	✓			Mr. Pascrell, New Jersey		✓	
Mr. King, New York	✓			Ms. Christensen, U.S.V.I.		✓	
Mr. Linder, Georgia	✓			Mr. Etheridge, North Carolina		✓	
Mr. Shadegg, Arizona	✓			Mr. Gonzalez, Texas		✓	
Mr. Souder, Indiana	✓			Mr. Lucas, Kentucky		✓	
Mr. Thornberry, Texas	✓			Mr. Langevin, Rhode Island		✓	
Mr. Gibbons, Nevada	✓			Mr. Meek, Florida		✓	
Ms. Granger, Texas	✓						
Mr. Sessions, Texas	✓						
Mr. Sweeney, New York	✓			Mr. Cox, California, Chairman	✓		
				Total	24	19	

An Amendment offered by Mr. Pascrell (#2), page 2, line 8, after "May 16, 2003," insert "including an unredacted copy of the Office of Inspector General's Report of Investigation number IN03-OIG-LA-0662-S, dated June 13, 2003, and an unredacted copy of each exhibit to that Report of Investigation," was NOT AGREED TO by a recorded vote of 19 yeas and 24 nays (Rollcall Vote No. 6) as follows:

SELECT COMMITTEE ON HOMELAND SECURITY
U.S. House of Representatives
108th Congress

Date: July 16, 2003Convened: 1:23 p.m.Adjourned: 2:27 p.m.

Meeting on : Markup of H. Res. 286, a resolution of inquiry
on agreeing amendment offered by Mr. Pascrell (#2)

☐ Attendance ☒ Recorded Vote Vote Number 6 Total: Yeas 19 Nays 24

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Ms. Dunn, Washington Vice Chair		✓		Mr. Turner, Texas Ranking Member	✓		
Mr. Bill Young, Florida				Mr. Thompson, Mississippi	✓		
Mr. Don Young, Alaska				Ms. Sanchez, California			
Mr. Sensenbrenner, Wisconsin		✓		Mr. Markey, Massachusetts			
Mr. Tauzin, Louisiana				Mr. Dicks, Washington	✓		
Mr. Dreier, California		✓		Mr. Frank, Massachusetts	✓		
Mr. Hunter, California		✓		Ms. Harman, California	✓		
Mr. Rogers, Kentucky		✓		Mr. Cardin, Maryland			
Mr. Boehlert, New York		✓		Ms. Slaughter, New York	✓		
Mr. Smith, Texas		✓		Mr. DeFazio, Oregon	✓		
Mr. Weldon, Pennsylvania		✓		Ms. Lowey, New York			
Mr. Shays, Connecticut		✓		Mr. Andrews, New Jersey	✓		
Mr. Goss, Florida		✓		Ms. Norton, District of Columbia	✓		
Mr. Camp, Michigan		✓		Ms. Lofgren, California	✓		
Mr. Diaz-Balart, Florida		✓		Ms. McCarthy, Missouri	✓		
Mr. Goodlatte, Virginia		✓		Ms. Jackson-Lee, Texas	✓		
Mr. Istook, Oklahoma		✓		Mr. Pascrell, New Jersey	✓		
Mr. King, New York		✓		Ms. Christensen, U.S.V.I.	✓		
Mr. Linder, Georgia		✓		Mr. Etheridge, North Carolina	✓		
Mr. Shadegg, Arizona		✓		Mr. Gonzalez, Texas	✓		
Mr. Souder, Indiana		✓		Mr. Lucas, Kentucky	✓		
Mr. Thornberry, Texas		✓		Mr. Langevin, Rhode Island	✓		
Mr. Gibbons, Nevada		✓		Mr. Meek, Florida	✓		
Ms. Granger, Texas		✓					
Mr. Sessions, Texas		✓					
Mr. Sweeney, New York		✓		Mr. Cox, California, Chairman		✓	
				Total	19	24	

On a motion to move the previous question, was AGREED TO by a recorded vote of 24 yeas and 20 nays (Rollcall Vote No. 7) as follows:

SELECT COMMITTEE ON HOMELAND SECURITY
U.S. House of Representatives
108th Congress

Date: July 16, 2003Convened: 1:23 p.m.Adjourned: 2:27 p.m.

Meeting on : Markup of H. Res. 286, a resolution of inquiry
motion on the previous question

☐ Attendance ☒ Recorded Vote Vote Number 7 Total: Yeas 24 Nays 20

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Ms. Dunn, Washington Vice Chair	✓			Mr. Turner, Texas Ranking Member		✓	
Mr. Bill Young, Florida				Mr. Thompson, Mississippi		✓	
Mr. Don Young, Alaska	✓			Ms. Sanchez, California		✓	
Mr. Sensenbrenner, Wisconsin	✓			Mr. Markey, Massachusetts			
Mr. Tauzin, Louisiana				Mr. Dicks, Washington		✓	
Mr. Dreier, California	✓			Mr. Frank, Massachusetts		✓	
Mr. Hunter, California	✓			Ms. Harman, California		✓	
Mr. Rogers, Kentucky	✓			Mr. Cardin, Maryland			
Mr. Boehlert, New York	✓			Ms. Slaughter, New York		✓	
Mr. Smith, Texas	✓			Mr. DeFazio, Oregon		✓	
Mr. Weldon, Pennsylvania	✓			Ms. Lowey, New York			
Mr. Shays, Connecticut	✓			Mr. Andrews, New Jersey		✓	
Mr. Goss, Florida	✓			Ms. Norton, District of Columbia		✓	
Mr. Camp, Michigan	✓			Ms. Lofgren, California		✓	
Mr. Diaz-Balart, Florida	✓			Ms. McCarthy, Missouri		✓	
Mr. Goodlatte, Virginia	✓			Ms. Jackson-Lee, Texas		✓	
Mr. Istook, Oklahoma	✓			Mr. Pascrell, New Jersey		✓	
Mr. King, New York	✓			Ms. Christensen, U.S.V.I.		✓	
Mr. Linder, Georgia	✓			Mr. Etheridge, North Carolina		✓	
Mr. Shadegg, Arizona	✓			Mr. Gonzalez, Texas		✓	
Mr. Souder, Indiana	✓			Mr. Lucas, Kentucky		✓	
Mr. Thornberry, Texas	✓			Mr. Langevin, Rhode Island		✓	
Mr. Gibbons, Nevada	✓			Mr. Meek, Florida		✓	
Ms. Granger, Texas	✓						
Mr. Sessions, Texas	✓						
Mr. Sweeney, New York				Mr. Cox, California, Chairman	✓		
				Total	24	20	

On reporting H. Res. 286 adversely to the House, as amended, by a recorded vote of 24 yeas and 20 nays (Rollcall Vote No. 8) as follows:

SELECT COMMITTEE ON HOMELAND SECURITY
U.S. House of Representatives
108th Congress

Date: July 16, 2003Convened: 1:23 p.m.Adjourned: 2:27 p.m.

Meeting on : Markup of H. Res. 286, a resolution of inquiry
reporting H. Res. 286 adversely to the House, as amended

☐ Attendance ☒ Recorded Vote Vote Number 8 Total: Yeas 24 Nays 20

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Ms. Dunn, Washington Vice Chair	✓			Mr. Turner, Texas Ranking Member		✓	
Mr. Bill Young, Florida				Mr. Thompson, Mississippi		✓	
Mr. Don Young, Alaska	✓			Ms. Sanchez, California		✓	
Mr. Sensenbrenner, Wisconsin	✓			Mr. Markey, Massachusetts			
Mr. Tauzin, Louisiana				Mr. Dicks, Washington		✓	
Mr. Dreier, California	✓			Mr. Frank, Massachusetts		✓	
Mr. Hunter, California	✓			Ms. Harman, California		✓	
Mr. Rogers, Kentucky	✓			Mr. Cardin, Maryland			
Mr. Boehlert, New York	✓			Ms. Slaughter, New York		✓	
Mr. Smith, Texas	✓			Mr. DeFazio, Oregon		✓	
Mr. Weldon, Pennsylvania	✓			Ms. Lowey, New York			
Mr. Shays, Connecticut	✓			Mr. Andrews, New Jersey		✓	
Mr. Goss, Florida	✓			Ms. Norton, District of Columbia		✓	
Mr. Camp, Michigan	✓			Ms. Lofgren, California		✓	
Mr. Diaz-Balart, Florida	✓			Ms. McCarthy, Missouri		✓	
Mr. Goodlatte, Virginia	✓			Ms. Jackson-Lee, Texas		✓	
Mr. Istook, Oklahoma	✓			Mr. Pascrell, New Jersey		✓	
Mr. King, New York	✓			Ms. Christensen, U.S.V.I.		✓	
Mr. Linder, Georgia	✓			Mr. Etheridge, North Carolina		✓	
Mr. Shadegg, Arizona	✓			Mr. Gonzalez, Texas		✓	
Mr. Souder, Indiana	✓			Mr. Lucas, Kentucky		✓	
Mr. Thornberry, Texas	✓			Mr. Langevin, Rhode Island		✓	
Mr. Gibbons, Nevada	✓			Mr. Meek, Florida		✓	
Ms. Granger, Texas	✓						
Mr. Sessions, Texas	✓						
Mr. Sweeney, New York				Mr. Cox, California, Chairman	✓		
				Total	24	20	

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on its oversight activities, are incorporated into this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply, as H. Res. 286 does not authorize funding.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply, as H. Res. 286 does not provide new budgetary authority or increased tax expenditures.

COMMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee estimates the costs of implementing H. Res. 286 would be minimal.

FEDERAL MANDATES STATEMENT

H. Res. 286 provides no Federal mandates.

ADVISORY COMMITTEE STATEMENT

H. Res. 286 does not establish or authorize any new advisory committees.

CONSTITUTIONAL AUTHORITY STATEMENT

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives does not apply, as H. Res. 286 is not a bill or joint resolution.

APPLICABILITY TO LEGISLATIVE BRANCH

H. Res. 286 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

H. Res. 286, as amended, is a simple resolution directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 30 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H. Res. 286 makes no changes to existing law.

DISSENTING VIEWS OF HONORABLE JIM TURNER

The Select Committee on Homeland Security has considered and rejected H. Res. 286, a Resolution of Inquiry authorized by clause 7 of House Rule XIII, directing the Secretary of Homeland Security to transmit to the House certain records and documents in the possession of the Department of Homeland Security. This procedure is contained in and authorized by the Rules as a tool to enable the Congress to effectively carry out our oversight responsibility.

I strongly dissent from the Committee's rejection of H. Res. 286 and use of the motion on the previous question to limit the opportunity for Members to express their strongly held views in support of the Resolution. This Resolution, and the mark up session to address it, provided an important opportunity to address a matter which should not be partisan in nature. This Resolution of Inquiry arises out of the very serious allegation that Department of Homeland Security resources were used to advance a partisan effort to achieve passage of Congressional Redistricting by the Texas Legislature.

When this issue was first brought to our attention, I was pleased that serious concern over this allegation was expressed on both sides of the aisle on this Committee. Ensuring that federal Homeland Security resources are not used for political gain is a matter of utmost importance and I was pleased that Secretary Ridge agreed to conduct an Inspector General's investigation into the matter.

While Chairman Cox and other Members on the Republican side of the aisle now argue that the issuance of the Department's IG Office's report on June 13, 2003, makes further review of this matter unnecessary, there can be no disagreement that agency investigations have never been a substitute for the exercise of our responsibility for Congressional oversight.

Indeed, Chairman Cox previously led a probing inquiry into the transfer of missile technology to China even though multiple investigations by the Executive Branch were ongoing, including criminal prosecutions. Many Committees of this Congress investigated a host of issues during the 1990s, even though Executive Branch or outside probes had been conducted.

History is clear. We have a right and a duty to conduct independent inquiries when there are serious allegations that the public trust has been abused.

The need for further inquiry into the allegations of misuse of federal Homeland Security resources is highlighted by the stark contrast between the investigative report filed by the Homeland Security IG Office and the report prepared by the Department of Transportation IG Office issued on July 11, 2003, and presented on July 15th to the House Transportation Committee.

The deficiencies of the Homeland Security IG Office's report are numerous and disturbing. The report reveals a lack of clarity, lack of disclosure, lack of thoroughness, lack of concern for the misuse of federal resources, and lack of recommendations for prevention of such misuse in the future. These deficiencies, coupled with the total failure to deal with the homeland security threat implications arising from the ready accessibility of information that could be useful to potential terrorists, shows a complete lack of concern by the Department for an array of legitimate and compelling issues presented by the events brought to the Department's attention by this Committee.

While the Department of Transportation IG documented how Federal Aviation Administration resources were used for partisan purposes, the Department of Homeland Security IG Office's investigation barely even touched on this important issue. The Homeland Security IG Office assumed that it was appropriate for agency employees to track down a private airplane flown by law abiding citizens, even though there was no evidence that the plane had crashed, was otherwise in danger, or was involved in criminal activity. The Homeland Security IG Office totaled up the amount of time spent tracking the plane and concluded that this was a "nominal" use of assets.

This is not the point. The question is whether it was right and proper for Department officials to use positions of responsibility, to use the power of the federal government, to hunt for a private plane carrying a law abiding member of the Texas legislature. Indeed, there are suggestions in the report that government officials knew full well that they were involved in the political dispute in Texas.

For example, the Department of Homeland Security employee at the Air and Marine Interdiction Coordination Center (AMICC) who spent 40 minutes of his time seeking to track the plane's whereabouts told the IG Office that this was a "normal part of his duties." The IG Office accepted that at face value. Yet, that same employee said that he found it "fishy" that the Texas Department of Public Safety official stated "they're Texas legislators and that's all he was at liberty to say." That same employee "got a bad feeling" when he learned from an airport contractor that there had been something about this in the news or the media and the contractor sounded reluctant to look for the aircraft. Even after these gut reactions by the AMICC employee, he continued to search for the plane.

But the IG Office ignored this evidence. There are other signs of a lack of a professional, rigorous investigation:

There is no indication that any of the persons interviewed were asked specifically about their awareness of the political situation going on in Texas.

There is no corroboration in the Report to justify the IG Office's willingness to accept the assertion that this incident was a "typical request from a law enforcement agency, which reportedly occurs at least thirty times a day."

There are no signs that the IG office reviewed any email exchanges relating to this matter.

In contrast, the Department of Transportation IG showed in great detail, that Mr. DeLay's office triggered the use of FAA resources to track down the Texas legislators. The Homeland Security IG Office showed little interest or initiative to ascertain the initial source of the Department of Homeland Security's involvement into a purely partisan political matter.

The Department of Transportation IG realized that important policy matters were at stake and made important recommendations on changes that should be made to ensure that federal resources not be misused again. I note that on July 15th, the Transportation Department responded to its IG's recommendations by making changes to its procedures governing release of aircraft tracking information. The Homeland Security IG Office failed to understand this point. By limiting its review to a criminal investigative matter, the Office of Inspector General failed to ensure that agency resources are not diverted from the homeland security mission.

The Department of Transportation IG report identified the persons involved in this incident and recommended that they be held accountable. The Homeland Security IG Office's report and exhibits are filled with redactions which have hidden information from public view and made the report incomprehensible. Attached to my dissenting views are two documents which clearly set forth the differences in approach and show the contrast in Congress's ability to gather the facts.

We are entitled to the full findings and recommendations of Inspectors General throughout the government. By law, the Inspector General is obligated to keep the Congress fully and currently informed concerning problems with the programs and operations of the Department, recommendations for corrective action, and the Department's progress in implementing such recommendations.

For this reason, the Democratic Members of the Committee unanimously supported the amendment to the Resolution offered by Mr. Pascrell to ensure that the House of Representatives be provided an unredacted version of the IG Office's report and exhibits.

I am disappointed that the Majority rejected Mr. Pascrell's amendment. Congress receives documents containing our most sensitive national security secrets and sensitive law enforcement matters. There is no acceptable justification to withhold from Congress a complete, unredacted version of this report on allegations involving the use of federal resources funded by taxpayer dollars and involving the official actions of government officials. Thus it comes as no surprise that the Majority cut short the debate on the amendment and offered no rationale for their votes.

This Committee must protect its oversight responsibilities and demand that the Inspector General's first effort at preparing a report to this Committee meet a high standard for accountability and responsiveness to the Congress. We expect a higher quality of work from the Inspector General's Office.

Finally, I am very disappointed that this matter was not treated with greater seriousness and more deliberation by the Majority. The limitation of debate and discussion was inconsistent with the bipartisan manner that this Committee has heretofore functioned

and will function in the future on the critical issue of homeland security, where all Americans stand united in defense of our Nation.

JIM TURNER.

No Redactions to Transcript Made by DOT Office of Inspector General

*(Page taken from third enclosure to the Office of the Inspector General's
July 11, 2003, letter to Senator Lieberman)*

Transcript of FAA Washington Operations Center Communications on
May 12, 2003, Regarding Civil Aircraft N711RD

Prepared by the Office of the Chief Counsel, Federal Aviation Administration

5/12 1617E Washington Operations Center Telephone Position 1 (Conversation between Mike Gabrini, Washington Operations Center, and David Balloff, Assistant Administrator for Government and Industry Affairs)

16:17:22 Gabrini: Operations Center, Mike Gabrini. May I help you?

Balloff: Yeah, Mike, it's David Balloff. I wanna ask you a question. I've got a Congressional office on the other line and they want to know . . . they gave me the tail number of a plane, and can you tell by the tail number—it's a Piper Cherokee—if the plane ever took off or if it's in the air right now?

Gabrini: Possibly, what's the N number?

Balloff: It's 7-1-1 Ralph David.

Gabrini: And do you know where it was supposed to take off from?

Balloff: Let me ask, just a second.

Gabrini: Okay.

16:18:06 Balloff: Going from Austin.

Gabrini: Leaving from Austin?

Balloff: Yeah.

Gabrini: Okay, stand by.

16:18:25 (Conversation between David Balloff and an unidentified person while waiting for a response from Mike Gabrini)

Balloff: [unintelligible] . . . took off from but she didn't tell me where it was going.

Unidentified person: . . . Well, they probably . . . [unintelligible].

16:18:44 Gabrini: Sir, it may take us a couple of moments to check it. Is that okay?

Redactions to Transcript Made by DHS Office of Inspector General

*(Page taken from Exhibit 8 to the Office of the Inspector General's report of
investigation #IN03-OIG-LA-0662-S)*

1 [REDACTED] [REDACTED] how may I help you?
2 [REDACTED]: [REDACTED] my name is [REDACTED] I'm a
3 [REDACTED] with DPS in Austin, Texas.
4 [REDACTED] Yes.
5 [REDACTED]: Got a problem. Hope you can help me
6 out. We had a plane that was supposedly to be going from
7 Ardmore, Oklahoma to Georgetown, Texas. It had state
8 representatives in it, and we cannot find this plane.
9 [REDACTED] Okay. What's the tail number of
10 the airplane?
11 [REDACTED]: NORA-711 ROBERT DAVID.
12 [REDACTED]: Robert David.
13 [REDACTED]: Now we checked with the Austin
14 flight line, and they had no flight plan for that plane.
15 [REDACTED] And you said it was going from --
16 [REDACTED] Ardmore, Oklahoma.
17 [REDACTED] -- To Georgetown?
18 [REDACTED]: To Georgetown, Texas. And they have
19 supposedly left at 5:00.
20 [REDACTED] Okay. You haven't talked to any of
21 the FAA people or --
22 [REDACTED] No, I have not.
23 [REDACTED] Okay. Can I get a phone number for
24 you?
25 [REDACTED] [REDACTED] --

DISSENTING VIEWS OF REPRESENTATIVE BILL PASCRELL,
JR.

I fully concur with the Dissenting Views of Ranking Minority Member Jim Turner. The Committee's rejection of H. Res. 286, a Resolution of Inquiry authorized by longstanding House Rules, is an abrogation of our responsibility to conduct oversight of the Department of Homeland Security. The Committee's rejection of my amendment to ensure that we receive a full, unredacted version of the Department's Inspector General report on allegations involving the misuse of taxpayer dollars is mind-boggling. But most of all, the manner in which this Committee cut off debate on both my amendment and the Resolution itself is very disturbing and I hope will never be repeated.

I dissent from the Committee's final vote on H. Res. 286 and use of the motion on the previous question to limit the opportunity for Members to discuss and debate the Resolution and my amendment.

It is my firm view that the Department of Homeland Security was used by others to carry out a partisan political objective relating to Congressional redistricting by the Texas Legislature. It is unconscionable to use these precious resources at a fledgling department for political purposes when there is so much left to do to improve homeland security. This is simply unacceptable to the American people, and should be unacceptable to the Members of Congress. It is our duty to seek out all of the facts on this matter to make sure that it never happens again.

The report by the Transportation Department's Inspector General makes crystal clear what contacts were made with FAA officials to search for a private aircraft that no one, at any time, suggested had crashed, was in distress, or was involved in a criminal endeavour. These included a Congressional request from the Office of Congressman DeLay. And the FAA was quick to respond. But what was the reaction after the fact by one FAA official? According to the IG's report, he said, "* * * I just felt like I had been used * * *."

Whereas, the FAA felt used, our Committee was shortchanged when we rejected this Resolution and my amendment. The Transportation Committee dispensed with the resolution in a bipartisan manner because the Congress received the information requested—in its totality. We wish this Committee would do the same, but the report we have is unsatisfactory. We didn't carry out our responsibility to get the full facts, something that lends itself to a bipartisan process.

As I have made clear, I am extremely disappointed in the quality of the Department of Homeland Security IG Office's report, which didn't get all the facts, didn't appreciate the significance of the facts they had, and missed a golden opportunity to educate the Department of Homeland Security about this matter by publishing a

comprehensive report. Instead, what we received was the product of a narrow look at the facts and a report riddled with so many redactions that we can make no sense of it. For that reason, I offered my amendment to ensure that we receive a full, uncensored copy of the IG Report. This is not a partisan issue. This is not a Texas issue. Rather, it is about setting a precedent. The Congress has certainly been trusted with information much more sensitive than this. As representatives of the people, we have a right to know.

The Majority's action to stifle debate on my amendment and to vote it down without explanation is deeply disturbing. We simply failed to carry out our oversight responsibility here. As Mr. Turner said in his dissenting views, we must do better.

BILL PASCRELL, Jr.

