

DIRECTING THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES NOT LATER THAN 14 DAYS AFTER THE DATE OF THE ADOPTION OF THIS RESOLUTION DOCUMENTS IN THE SECRETARY'S POSSESSION RELATING TO ANY EXISTING OR PREVIOUS AGREEMENT BETWEEN THE DEPARTMENT OF HOMELAND SECURITY AND SHIRLINGTON LIMOUSINE AND TRANSPORTATION, INCORPORATED, OF ARLINGTON, VIRGINIA

MAY 25, 2006.—Referred to the House Calendar and ordered to be printed

Mr. KING of New York, from the Committee on Homeland Security, submitted the following

ADVERSE REPORT

[To accompany H. Res. 809]

The Committee on Homeland Security, to whom was referred the resolution (H. Res. 809) directing the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation, Incorporated, of Arlington, Virginia, having considered the same, report unfavorably thereon without amendment and recommend that the resolution not be agreed to.

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PURPOSE AND SUMMARY

The purpose of H. Res. 809, is to direct the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation Inc., of Arlington, Virginia.

BACKGROUND AND NEED FOR LEGISLATION

In late April 2006, news reports indicated that the Department of Homeland Security (DHS) had awarded two multi-million dollar contract for shuttle bus and sedan services to a company with a history of poor financial and business practices and whose owner has a criminal record. The company, Shirlington Limousine and Transportation Inc., was awarded two contracts for such transportation services: a \$4 million contract awarded in April 2004, and a \$21.2 million contract awarded in October 2005.

While the Department conducted a financial review of the company, including background checks on the drivers it employed, the Department review does not appear to have revealed the company's history of poor performance and financial difficulty. For instance, the company's owner has filed for personal bankruptcy twice, and the company itself has endured extensive financial and performance problems. Additionally, the Department's review did not uncover information regarding the criminal record of the company's owner, which reportedly includes drug possession, attempted robbery, and car theft.

The Committee is currently reviewing the Department of Homeland Security's contract with Shirlington Limousine and Transportation, Inc., as well as the Department's security and procurement practices. The Subcommittee on Management, Integration, and Oversight commenced its review of the contract on May 4, 2006. The Subcommittee held a hearing on May 18, 2006, on DHS human capital and security clearance procedures, during which the DHS Director of the Office of Security and other witnesses were queried about the lack of adequate background checks on the owner of Shirlington Limousine and Transportation Inc., and associated security risks. At that hearing, the Subcommittee Chairman announced that a separate hearing would be held in June 2006 on the procedures DHS used in competing and awarding the limousine contracts at issue. As part of this bipartisan review, the Subcommittee Chairman and Ranking Member submitted a request to the Department for documents similar to those requested in H. Res. 809. The Ranking Member of the Full Committee also has submitted document requests to the Department of Homeland Security. Therefore, in light of the ongoing review of and upcoming hearing on DHS contracts with Shirlington Limousine and Transportation Inc., H. Res. 809 is premature and would duplicate and interfere with the Committee's ongoing efforts.

HEARINGS

No Committee hearings were held on H. Res. 809.

COMMITTEE CONSIDERATION

H. Res. 809 was introduced by Ms. Slaughter on May 9, 2006, and referred solely to the Committee on Homeland Security. H. Res. 809 was retained at the Full Committee for consideration.

On May 26, 2006, the Full Committee met in open markup session and ordered H. Res. 809 adversely reported to the House of Representatives, by voice vote, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto.

No recorded votes were requested on H. Res. 809.

COMMITTEE OVERSIGHT FINDINGS

The Committee has not held any oversight hearings on this measure and makes no oversight findings pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The purpose of H. Res. 809 is to direct the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation Inc., of Arlington, Virginia.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H. Res. 809 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation 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

The Resolution directs the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation Inc., of Arlington, Virginia. Such documents include: (1) All records setting forth or discussing policies, procedures, or guidelines relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine; (2) all records of communication between the Department of Homeland Security and the President or other current or former officials of the Federal Government, including the executive and legislative branches, relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine; (3) all records indicating or discussing any negotiations between the Department of Homeland Security and Shirlington Limousine relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine; (4) all records indicating or discussing any negotiations between the Department of Homeland Security and ADCS, Incorporated, including its current and former principals, relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine; (5) all records indicating or discussing any negotiations between the Department of Homeland Security and MZM, Incorporated, including its current and former principals, relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine; and (6) all records indicating or discussing any negotiations between the Department of Homeland Security and Athena Innovative Solutions, Incorporated, including its current and former principals, or its parent company, including its current and former principals, relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation Inc.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

No changes are made to existing law as a result of H. Res. 809.