

I would just want to inquire exactly what result they like as a result of their economic theories? We've heard about paying the mortgage with the credit card. Well, the result in the economic theory from that side was an elimination of a \$5½ trillion surplus and the creation of a \$3½ trillion deficit mostly created by borrowing from foreign governments. Exactly what part of that is good? What part of job creation is good? Tens of millions of jobs were created under the Democratic economic theories, worse job performance since the Great Depression was under the Republican theories. What is good about that? What is good about income over the last 8 years, median income that has actually gone down? It went up \$7,000 a family during the 1990s. It went down over the last 8 years. What is good about that? What is good about the Dow Jones Industrial Average going down? It more than tripled from 1993 through 2000, more than tripled. It has actually gone down. Exactly what is good about that?

We've been lectured over and over again about how great these theories are. Maybe they don't like jobs. Maybe they like a deficit. Maybe they like incomes going down or the Dow Jones Industrial Average going down. I would like to see the Dow Jones Industrial Average go up, income go up, surplus rather than deficits and jobs created. But we will let the people decide.

In the meantime, we would like to thank the gentleman from Georgia for introducing the National Teen Dating Violence Awareness and Prevention Week and hope that we will adopt the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 103.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. SCOTT of Virginia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REDUCING OVER-CLASSIFICATION ACT OF 2009

Mr. THOMPSON of Mississippi. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 553) to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Over-Classification Act of 2009".

SEC. 2. FINDINGS.

Congress finds the following:

(1) A key conclusion in the Final Report of the National Commission on Terrorist Attacks Upon the United States (commonly known as the "9/11 Commission") was the need to prevent over-classification by the Federal Government.

(2) The 9/11 Commission and others have observed that the over-classification of homeland security information interferes with accurate, actionable, and timely homeland security information sharing, increases the cost of information security, and needlessly limits public access to information.

(3) The over-classification problem, which has worsened since the 9/11 attacks, causes considerable confusion about what information can be shared with whom both internally at the Department of Homeland Security and with its external partners. This problem negatively impacts the dissemination of homeland security information to the Department's State, local, tribal, and territorial homeland security and law enforcement partners, private sector customers, and the public.

(4) Excessive government secrecy stands in the way of a safer and more secure homeland. This trend is antithetical to the creation and operation of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and must be halted and reversed.

(5) To do so, the Department should start with the understanding that all departmental information that is not properly classified, or marked as controlled unclassified information and otherwise exempt from disclosure, should be made available to members of the public pursuant to section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act").

(6) The Department should also develop and administer policies, procedures, and programs that promote compliance with applicable laws, executive orders, and other authorities pertaining to the proper use of classification markings and the United States National Archives and Records Administration policies implementing them.

SEC. 3. OVER-CLASSIFICATION PREVENTION WITHIN THE DEPARTMENT OF HOMELAND SECURITY.

Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

"SEC. 210F. OVER-CLASSIFICATION PREVENTION PROGRAM.

"(a) IN GENERAL.—The Secretary shall develop and administer policies, procedures, and programs within the Department to prevent the over-classification of homeland security information, terrorism information, weapons of mass destruction information, and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) that must be disseminated to prevent and to collectively respond to acts of terrorism. The Secretary shall coordinate with the Archivist of the United States and consult with representatives of State, local, tribal, and territorial government and law

enforcement, organizations with expertise in civil rights, civil liberties, and government oversight, and the private sector, as appropriate, to develop such policies, procedures, and programs.

"(b) REQUIREMENTS.—Not later than one year after the date of the enactment of the Reducing Over-Classification Act of 2009, the Secretary, in administering the policies, procedures, and programs required under subsection (a), shall—

"(1) create, in consultation with the Archivist of the United States, standard classified and unclassified formats for finished intelligence products created by the Department, consistent with any government-wide standards, practices or procedures for similar products;

"(2) require that all finished intelligence products created by the Department be simultaneously prepared in the standard unclassified format, provided that such an unclassified product would reasonably be expected to be of any benefit to a State, local, tribal or territorial government, law enforcement agency or other emergency response provider, or the private sector, based on input provided by the Interagency Threat Assessment and Coordination Group Detail established under section 210D;

"(3) ensure that such policies, procedures, and programs protect the national security as well as the information privacy rights and legal rights of United States persons pursuant to all applicable law and policy, including the privacy guidelines for the information sharing environment established pursuant to section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), as appropriate;

"(4) establish an ongoing auditing mechanism administered by the Inspector General of the Department or other appropriate senior Department official that randomly selects, on a periodic basis, classified information from each component of the Department that generates finished intelligence products to—

"(A) assess whether applicable classification policies, procedures, rules, and regulations have been followed;

"(B) describe any problems with the administration of the applicable classification policies, procedures, rules, and regulations, including specific non-compliance issues;

"(C) recommend improvements in awareness and training to address any problems identified in subparagraph (B); and

"(D) report at least annually to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the public, in an appropriate format, on the findings of the Inspector General's audits under this section;

"(5) establish a process whereby employees may challenge original classification decisions made by Department employees or contractors and be rewarded with specific incentives for successful challenges resulting in the removal of classification markings or the downgrading of them;

"(6) inform employees and contractors that failure to comply with the policies, procedures, and programs established under this section could subject them to a series of penalties; and

"(7) institute a series of penalties for employees and contractors who repeatedly fail to comply with the policies, procedures, and programs established under this section after having received both notice of their non-compliance and appropriate training or retraining to address such noncompliance.

"(c) FINISHED INTELLIGENCE PRODUCT DEFINED.—The term 'finished intelligence product' means a document in which an intelligence analyst has evaluated, interpreted,

integrated, or placed into context raw intelligence or information.”.

SEC. 4. ENFORCEMENT OF OVER-CLASSIFICATION PREVENTION WITHIN THE DEPARTMENT OF HOMELAND SECURITY.

Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:

“SEC. 210G. ENFORCEMENT OF OVER-CLASSIFICATION PREVENTION PROGRAMS.

“(a) **PERSONAL IDENTIFIERS.**—The Secretary shall—

“(1) assess the technologies available or in use at the Department by which an electronic personal identification number or other electronic identifying marker can be assigned to each Department employee and contractor with original classification authority in order to—

“(A) track which documents have been classified by a particular employee or contractor;

“(B) determine the circumstances when such documents have been shared;

“(C) identify and address over-classification problems, including the misapplication of classification markings to documents that do not merit such markings; and

“(D) assess the information sharing impact of any such problems or misuse;

“(2) develop an implementation plan for a Department standard for such technology with appropriate benchmarks, a timetable for its completion, and cost estimate for the creation and implementation of a system of electronic personal identification numbers or other electronic identifying markers for all relevant Department employees and contractors; and

“(3) upon completion of the implementation plan described in paragraph (2), or not later than 180 days after the date of the enactment of the Reducing Over-Classification Act of 2009, whichever is earlier, the Secretary shall provide a copy of the plan to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(b) **TRAINING.**—The Secretary, in coordination with the Archivist of the United States, shall—

“(1) require annual training for each Department employee and contractor with classification authority or those responsible for analysis, dissemination, preparation, production, receiving, publishing, or otherwise communicating written classified information, including training to—

“(A) educate each employee and contractor about—

“(i) the Department’s requirement that all classified finished intelligence products that they create be simultaneously prepared in unclassified form in a standard format prescribed by the Department, provided that the unclassified product would reasonably be expected to be of any benefit to a State, local, tribal, or territorial government, law enforcement agency, or other emergency response provider, or the private sector, based on input provided by the Interagency Threat Assessment and Coordination Group Detail established under section 210D;

“(ii) the proper use of classification markings, including portion markings; and

“(iii) the consequences of over-classification and other improper uses of classification markings, including the misapplication of classification markings to documents that do not merit such markings, and of failing to comply with the Department’s policies and procedures established under or pursuant to this section, including the negative consequences for the individual’s personnel evaluation, homeland security, information shar-

ing, and the overall success of the Department’s missions;

“(B) serve as a prerequisite, once completed successfully, as evidenced by an appropriate certificate, for—

“(i) obtaining classification authority; and

“(ii) renewing such authority annually; and

“(C) count as a positive factor, once completed successfully, in the Department’s employment, evaluation, and promotion decisions; and

“(2) ensure that such program is conducted efficiently, in conjunction with any other security, intelligence, or other training programs required by the Department to reduce the costs and administrative burdens associated with the additional training required by this section.

“(c) **DETAILEE PROGRAM.**—The Secretary shall—

“(1) implement a Departmental detailee program to detail Departmental personnel to the National Archives and Records Administration for one year, for the purpose of—

“(A) training and educational benefit for the Department personnel assigned so that they may better understand the policies, procedures and laws governing original classification authorities;

“(B) bolstering the ability of the National Archives and Records Administration to conduct its oversight authorities over the Department and other Departments and agencies; and

“(C) ensuring that the policies and procedures established by the Secretary remain consistent with those established by the Archivist of the United States;

“(2) ensure that the program established under paragraph (1) includes at least one individual for each Department office with delegated original classification authority; and

“(3) in coordination with the Archivist of the United States, report to Congress not later than 90 days after the conclusion of the first year of the program established under paragraph (1), on—

“(A) the advisability of expanding the program on a government-wide basis, whereby other departments and agencies would send detailees to the National Archives and Records Administration; and

“(B) the administrative and monetary costs of full compliance with this section.

“(d) **SUNSET OF DETAILEE PROGRAM.**—Except as otherwise provided by law, subsection (c) shall cease to have effect on December 31, 2012.

“(e) **FINISHED INTELLIGENCE PRODUCT DEFINED.**—The term ‘finished intelligence product’ has the meaning given the term in section 210F(c).”.

SEC. 5. TECHNICAL AMENDMENT.

The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by adding after the item relating to section 210E the following new items:

“Sec. 210F. Over-classification prevention program.

“Sec. 210G. Enforcement of over-classification prevention programs.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and ex-

tend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to include an exchange of letters between the distinguished chairman of the Committee on Oversight and Government Reform and myself.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, February 2, 2009.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN THOMPSON:

I am writing about H.R. 553, the Reducing Over-Classification Act of 2009, which was introduced by Rep. Harman on January 15, 2009, and referred to the Committee on Homeland Security.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding H.R. 553. In particular, I appreciate your willingness to work with me to move a governmentwide over-classification bill to the House floor in the near future.

In the interest of expediting consideration of H.R. 553 and in recognition of your efforts to address my concerns, the Oversight Committee will not request a sequential referral of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 553 or a similar Senate bill be considered in conference with the Senate.

Notwithstanding the Oversight Committee’s agreement to forgo a sequential referral, I believe it is important to reiterate my general concern about H.R. 553 as it applies to the Department of Homeland Security. H.R. 553 creates procedures for the Homeland Security Department to follow in order to reduce the over-classification of information. Several congressional investigations and the 9/11 Commission have emphasized, however, that over-classification is a governmentwide problem that requires a governmentwide solution. Accordingly, I favor an approach that requires all agencies to follow the same classification protocols and encourages the sharing of information between agencies and with the public to the maximum extent possible.

Again, thank you for your efforts to address my concerns with H.R. 553. I look forward to working with you to reduce the significant problem of over-classification throughout the federal government.

This letter should not be construed as a waiver of the Oversight Committee’s legislative jurisdiction over subjects addressed in H.R. 553 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, February 2, 2009.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, House of Representatives,
Washington, DC.

DEAR CHAIRMAN TOWNS: Thank you for your letter regarding H.R. 553, the “Reducing

Over-Classification Act of 2009," introduced by Congresswoman Jane Harman on January 15, 2009.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that H.R. 553 contains provisions that fall under the jurisdictional interests of the Committee on Oversight and Government Reform. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Oversight and Government Reform.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within your jurisdiction, and I agree to support such a request.

I will ensure that this exchange of letters is included in the Congressional Record during floor consideration of H.R. 553. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Madam Speaker, I rise to support this bill and yield myself such time as I may consume.

Madam Speaker, last month, millions of people came together from around the Nation and the world to witness history. The swearing in of Barack Obama as the 44th President of the United States of America ushered in a new, brighter day for our Nation. It also ushered in a new, more open approach to governing that emphasizes partnering with State and local governments. Nowhere is there a greater need for a new approach than when it comes to how government manages information.

During the Bush administration, critical information was routinely over-classified, thereby keeping it out of the hands of our Nation's "first preventers," the police and sheriffs on the front-lines.

The legislation that we are about to consider is one of three homeland security bills that we are considering today. Together, they reflect a new and commonsense approach to homeland security.

Ms. HARMAN introduced H.R. 553, the Reducing Over-Classification Act of 2009, to make the Department of Homeland Security a model when it comes to properly classifying data. To make America more secure, DHS must share as much information as possible with its partners on the State, local and tribal levels as well as the private sector. They are the people who are among the best-positioned to take action when terrorists threaten America's homeland.

Yet in recent years, Madam Speaker, too much of the intelligence products generated by DHS are stamped "Secret." Given that few first preventers have security clearances, they are effectively blocked from information they need.

There is a better way. H.R. 553 would ensure that classification is limited to narrow cases, thereby promoting the

creation of unclassified intelligence products from the outset. Additionally, Ms. HARMAN's bill will start DHS on the path to creating a culture of accountability.

Madam Speaker, H.R. 553 is a commonsense bill that will help foster better information sharing to improve security throughout our Nation. I urge the passage of this important homeland security legislation.

Madam Speaker, I reserve the balance of my time.

Mr. OLSON. Madam Speaker, I yield myself as much time as I may consume.

I rise in support of H.R. 553, the Reducing Over-Classification Act of 2009, which seeks to address the problem of over-classification of sensitive information.

While classification has an essential role in protecting our country from harm, over-classification is a very serious problem within the Federal Government, and Chair HARMAN should be commended for her hard work on the bill.

H.R. 553 rightfully concludes that over-classification could interfere with sharing of critically important homeland security information. Unfortunately, because of jurisdictional issues, this bill only applies to the Department of Homeland Security. So, while the goals of this bill should be supported, we remain concerned that this bill may lead to policies that are not uniform throughout the Federal Government.

As this legislation moves forward, we would encourage the Congress to adopt a government-wide approach to the problem of over-classification so that agencies and departments operate with a uniform set of classification policies.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield, for as much time as she may consume, to the gentlewoman from California, the person who sponsored the legislation, Ms. HARMAN.

Ms. HARMAN. I thank our chairman for yielding and commend him for his role on this bill and the two that will follow. Let me also point out, Madam Speaker, that our committee is an extremely bipartisan committee. This legislation, I would say to the manager on the Republican side, was reported unanimously by our subcommittee last year, unanimously by our full committee, and was adopted by voice vote on the House floor. This legislation, which applies only to the Department of Homeland Security, was the result of a very careful set of hearings. There may be arguments to deal with this subject in other parts of the government, but I believe this legislation, and the careful way it was considered, is a model for what the House should be doing. And I urge its prompt enactment again.

Madam Speaker, America's first preventers faced an enormous challenge 2 weeks ago, as Chairman THOMPSON

said. They protected key members of the old and new administrations, especially the First Families. Though the so-called "Purple Tunnel of Doom" incident meant many ticket holders could not get in, a thoroughly preventable fiasco, our first preventers did manage a crowd of millions for the largest American Presidential inauguration ever, working almost seamlessly with Federal counterparts to do so.

The most important part of this extraordinary feat was the efficient sharing of accurate, actionable and timely information, especially information about threats, with police officers on the ground.

Now that the inauguration is over, local law enforcement shouldn't have to return to business as usual. Information sharing, we should all be reminded, was a huge problem leading up to 9/11. And 8 years later, we still have unfinished business.

Though hard to believe, sheriffs and police chiefs cannot readily access the information they need to prevent or disrupt a potential terrorist attack because those at the Federal level resist sharing information. Over-classification and pseudoclassification, which is stamping with any number of sensitive-but-unclassified markings, remain rampant.

Protecting sources and methods is the only valid reason to refuse to share information. It is no exaggeration that people die and our ability to monitor certain targets can be compromised if sources and methods are revealed. As one who served on our Intelligence Committee for 8 years, I saw this up close and personal. But, Madam Speaker, classifying information to protect turf or avoid embarrassment is wrong. As I mentioned, I served for many years on the Intelligence Committee and became incredibly frustrated with this practice, which the Bush administration elevated to an art form. And sadly, the practice has spread to our newest Federal agency, the Department of Homeland Security.

Madam Speaker, the next attack in the United States will not be stopped because a bureaucrat in Washington, D.C. found out about it in advance. It will be the cop on the beat who is familiar with the rhythms and nuances of his or her own neighborhood who will foil that attack.

H.R. 553 is an attempt to establish a gold standard at DHS when it comes to classification practices. It requires that all classified intelligence products created at the department be simultaneously created in a standard unclassified format if such a product would help local law enforcement keep us safe.

□ 1600

This is unprecedented. Furthermore, the bill requires portion marking, the identification of paragraphs in a document that are unclassified, permitting the remainder of the document to remain unclassified.

I misspoke, Madam Speaker. The portion marking is for portions that are classified, to leave the remainder of the document unclassified.

The measure will promote accountability by requiring the DHS Inspector General to randomly sample classified intelligence products and identify problems that exist in those samples. It also directs the Secretary to develop a plan to track electronically how and where information classified by DHS is disseminated, so that misuse can be prevented.

And finally, the legislation requires the Secretary to establish extensive annual training on the proper use of the classification regime, and penalties for staff who repeatedly fail to comply with applicable classification policies.

Madam Speaker, a key to homeland security is personal preparedness. A prepared public is not likely to be terrorized. Access to important unclassified information is essential to ensure preparedness, and this bill protects the public's right to know. It enjoys broad support by privacy and civil liberties groups.

Madam Speaker, on behalf of first preventers and first responders everywhere, I urge passage of this essential bipartisan legislation, again commend our committee members and staff for their work on this legislation, and urge its prompt consideration following our action by the Senate.

Mr. OLSON. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Madam Speaker, I am glad that we are considering this legislation today, which will be helpful to local law enforcement agencies who are such a vital part of our homeland security. We have, in Congress, I think, for too many years not done enough to bring local law enforcement into the homeland security network that's essential to protecting this Nation against attack from terrorists, people who would enter this country to hurt us, crossing our borders. I am although strenuously opposed to the scale of this spending bill that the liberal majority has pushed through this House with so little public input, so little public notice, so few public hearings. The scale of the bill is one that we in the long term, I think, will find a crushing burden on our kids and grandchildren. At least the legislation includes some small fraction of money for ports of entry. I understand the legislation includes funding to help strengthen airport security. However, the Democrat, the liberal stimulus bill does not include funding for expanding and building more rapidly the border fence, as it should.

This so-called stimulus bill of almost \$1.3 trillion spending spree that we have seen in the first 17 days of this new majority in Congress, the money that is spent in this stimulus bill only focuses on the little piece that focuses on homeland security, focuses on land ports of entry and airports. I would

certainly encourage the chairman of the Homeland Security Committee to work with our subcommittee on appropriations. I serve on the Homeland Security Appropriations Subcommittee. We would like to work with you in finding ways to send more funding to our local border sheriffs, to our local law enforcement agencies that are working along the border to secure this country against narcoterrorists and extremist Islamic terrorists coming across our border, southern and northern. We need to do far more to work in cooperation with these local law enforcement agencies. And the precious dollars that we spend in this Congress, the hard-earned tax dollars of our constituents, when we do need to spend them, should be focused on things like national security, like protecting the security of this Nation when it comes to the border.

It's just inexcusable that this profligate stimulus bill that the majority has put together, has things utterly unrelated to job growth, such as neighborhood stabilization activities, \$4.19 billion for groups like ACORN. How desperately that money is needed to strengthening our southern border, to helping reimburse local law enforcement agencies for housing foreign nationals in county jails, the SCAP program, the State and County Alien Assistance Program, to help the local taxpayers pay for the cost of housing foreign nationals who are in this country illegally and arrested by local sheriffs and housed in county jails at massive expense. Why aren't we helping these local taxpayers and local jailers who are doing their part for Homeland Security instead of spending money on ACORN neighborhood stabilization activities? \$3 billion for prevention and wellness programs utterly unrelated to job growth. If we were spending some of this money for local jails to house criminal foreign nationals, they would be hiring more local, more law enforcement officials in that local jail, that would at least be some job growth and help make the streets of our communities safer when it comes to homeland security.

\$400 million for climate change research? What's that got to do with the short-term recovery of the economy of the United States?

Our highest priority today, as we stand here today, at the beginning of February 2009, is to reassure the American public that we are being responsible with their tax dollars and doing everything in our power to strengthen the economy and be sure that people are going to have a paycheck and a job next month.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield as much time as he may consume to the chairman of the Management Information Oversight Subcommittee, Mr. CARNEY from Pennsylvania.

Mr. CARNEY. Madam Speaker, I rise today in very strong support of H.R. 553, the Reducing the Over-Classifica-

tion Act of 2009. It's an essential part of our national security, and this act is identical to one that passed the House last year, H.R. 4806.

I was proud to work on that legislation with Ms. HARMAN and my other Intelligence Subcommittee colleagues last year, and I am pleased that we are moving it anew this Congress. Our goal is a simple one, to make DHS the gold standard when it comes to classification practice.

As someone with many years of intelligence experience as a member of the U.S. military, I know that intel is useless if it doesn't get to the people who need it. And I have witnessed personally the missed opportunities that can arise from over-classification.

That's why H.R. 553 is designed to ensure that as much homeland security information as possible is shared with the Department's State, local, tribal and private sector partners, the men and women on the front lines of the Nation's homeland security efforts.

As the 9/11 Commission and others have noted, it is those officers who, during their day-to-day police work, are most likely to uncover a terrorist plot in the making, and those who are best positioned to disrupt or even prevent it. They are not only our first responders, they are also our first preventers.

Unfortunately, what we have heard time and again from those officers is not encouraging. They are not getting important information that can keep people safe because too much of it is stamped "Top Secret."

H.R. 553 will promote accountability and best practices at DHS by requiring employees and contractors to use the classification regime the way it was intended: To protect sensitive sources and methods, not to hide embarrassing facts or protect political turf.

Among other things, H.R. 553 will promote accountability by requiring that all classified intelligence products created at the Department be simultaneously created with a standard unclassified format as well if such a product would help police and sheriffs keep us safe. This will help change the intelligence culture that is still far too comfortable with classifying rather than sharing.

H.R. 553, likewise, will promote accountability by requiring the Secretary to create an auditing mechanism for the DHS Inspector General that randomly samples classified intelligence products, identifies problems that exist in those samples, and recommends improvements to fix them.

To further engage Department staff in their efforts to get classification right, H.R. 553 requires the Secretary to establish a process through which employees may challenge original DHS classification decisions and be rewarded for bringing those abuses to light.

The legislation further requires the Secretary to establish penalties for staff who repeatedly fail to comply

with applicable classification policies, despite notice of their noncompliance and an opportunity to undergo retraining.

Mr. CULBERSON. Will the gentleman from Pennsylvania yield for a brief question?

Mr. CARNEY. I will not. I will finish my statement at this time.

Mr. CULBERSON. And I can ask at the end of your statement?

Mr. CARNEY. Perhaps. H.R. 553 is a bipartisan fix to a decades-old problem that will only get worse if we don't act now.

Mr. Speaker, I would like to thank Ms. HARMAN for her leadership on this bill. And on behalf of first preventers, first responders everywhere, I urge passage of this essential legislation.

Mr. CULBERSON. Would the gentleman yield for a brief question?

Mr. CARNEY. Yes.

Mr. CULBERSON. Thank you, Mr. CARNEY. I wanted to ask if you could please, sir, I would like to know how spending \$50 million for the National Endowment of the Arts and \$3 billion on sexually transmitted diseases is going to stimulate the economy in Pennsylvania or anywhere else. How will spending money on the NEA and sexually transmitted diseases stimulate the economy in Pennsylvania?

Mr. CARNEY. Those provisions are removed from the stimulus package, if I'm correct.

Mr. CULBERSON. The National Endowment of the Arts funding, the prevention and wellness programs, \$3 billion. How will spending \$3 billion on prevention and wellness programs stimulate the economy in Pennsylvania?

Mr. OLSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague from Texas for the opportunity to speak on this legislation today.

And I think Congress agrees, I think we are going to have a nice bipartisan vote on this legislation. I want to thank the chairman for his hard work on this legislation.

But we have a greater issue that we also need to talk about today, Mr. Speaker. And action is truly needed to rebuild our economy. We know that. The American people know that. And our elected leaders know that we have to not only have good policies for homeland security and national security, but our economic security at home. And unfortunately, the Democrat majority in their so-called stimulus bill, which is really nothing more than a spending bill, does nothing of the sort. It devotes, "tens of billions of dollars to causes that have little to do with jolting our economy out of recession," as the Associated Press says.

Only 3 percent of the funds in the so-called stimulus bill, or the pork barrel bill, are dedicated to road and highway infrastructure projects. And just 2.7 percent is dedicated to small business

tax relief, even though we know that 90 percent of Americans are employed by small businesses, and most of the new jobs that this country creates are created by small businesses. And the Democrats' answer to stimulating the economy is not by helping small businesses, but by creating 32 new government programs and spending \$646,214 per government job that is created under that bill.

To make matters worse, the non-partisan Congressional Budget Office reported that over half the money will be spent between 2011 and 2019, after most economists say this economy will have recovered and we will be out of this recession.

Look, this was nothing more than a partisan opportunity to lard up and load up this piece of legislation and add a bunch of different liberal spending priorities. It's not about a stimulus. It's not about helping the American people through these economic times.

And with so many of my constituents struggling in Western North Carolina just to keep their head above water, this Congress passed an \$819 billion spending bill that will do nothing but add to our debt and deficit and cause us massive inflation in the years to come, as well as mounting debt every day. And I'm in agreement with so many of these economists who predict that this legislation will have a disastrous effect on our long term economic security in this country and will do little to stimulate this economy.

Well, the one thing that is certain is the result of this type of legislation will be a massive tax increase by this Democrat Congress in the future. I think this is highly unfortunate.

I think we should come together, as President Obama has said, and work for a bipartisan piece of legislation that will have tax cuts for small businesses in this country, as well as proper infrastructure spending that will help our economy regain its footing, so we can get back to economic growth and creating new jobs and good jobs for my constituents in Western North Carolina, as well as all Americans in all 50 States.

And so with that, I urge this congressional leadership to work together and listen to what President Obama has said.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no more speakers and I am prepared to close if the gentleman from Texas is.

Mr. OLSON. Mr. Speaker, I have one more speaker.

Mr. THOMPSON of Mississippi. I reserve.

Mr. OLSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana (Mr. CASSIDY).

(Mr. CASSIDY asked and was given permission to revise and extend his remarks.)

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Mr. CASSIDY. Mr. Speaker, I would classify "intelligence" as important,

but when I was back in my district last weekend, what folks asked me about was the stimulus package. They sense that something is needed, but they also sense, as, I think, all of us do, that what is most important are tax cuts and infrastructure development. Yet the bill that came out last week reminded me a little bit as though my wife had sent me to Wal-Mart and had said, "I want you to get some bread and meat," and instead, I come back with a DVD and a grill. Now, DVDs and grills are great, but someday, you have got to pay the credit card bill.

Right now, we have to focus on the bread and meat—the jobs and the infrastructure—not on the DVDs and grills. I keep on thinking: What would Dave Ramsey say? He is the guy who kind of advises couples on how to get out of financial difficulty. Dave would say, "Get a job, and stop spending on your credit card." Now, the parts of this that are infrastructure and tax cuts are "get a job," but the part of this that is maxing out the credit card and that is putting \$2,700 worth of debt on my children and grandchildren going henceforth is the part that Dave would advise against.

I ask that we in Congress follow Dave Ramsey's wisdom—that we focus on tax cuts and infrastructure and forgo the rest.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am prepared to close. I do not have any more speakers.

Mr. OLSON. I have no further speakers, and I am prepared to close.

Mr. Speaker, the bill we are discussing today rightfully focuses on our physical security. But what of our economic security? What of our future? What of our freedom?

Mr. Speaker, I represent a State that is known for rolling up their sleeves and for working hard. Texans know that prosperity does not come from borrowing and spending but, rather, from working hard and from saving for the future. As I spent this last weekend down in my district, speaking with my constituents about the need to help the economy, the overwhelming message I heard was of the concern that, once again, Washington was out of touch.

My constituents do not want to support a stimulus that creates 30 new government programs. They want a real stimulus that creates real, new jobs. They want tax relief for hard-working Americans, and they want economic relief for businesses, small and large, in order to rebuild our economy. They find the prospect of saddling their children and grandchildren with trillions of dollars of debt to be unthinkable.

Make no mistake. The bipartisan coalition that opposed this misguided measure last week acted simply not to obstruct but, rather, to promote commonsense measures for economic growth. We voted for tax cuts, for better jobs, for long-term growth over short-term gimmicks, and for the post-partisan environment that we saw on

the west front of this very building on January 20.

I yield back the balance of my time. Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Let me first thank Ms. HARMAN for her leadership on this bill. She brought it up through her subcommittee on Homeland Security and in the full committee. Mr. REICHERT, who is no longer on the committee, was ranking member.

As already noted, it passed out of the committee unanimously, and it was passed here on the floor likewise. So, basically, any hesitation or reservation on this bill is being noted for the first time, and I would hope that we do not mix a good bill with other politics of this body. For that reason, Mr. Speaker, we have new leadership here in Washington. It is committed to change for our Nation. With this bill, we have a profound opportunity to deliver a change for the better at the Department of Homeland Security.

The overclassification of materials impedes information sharing with State, local and tribal law enforcement. It also impedes information sharing with the owners and operators of critical infrastructure. Given that over 85 percent of our Nation's critical infrastructure, including electrical grids, airports, power plants, and mass transit systems, are all in the hands of nongovernmental entities, it is critical that DHS establish robust, stable lines of communication.

Last year, this legislation, as I indicated, was passed unanimously out of the committee, and was approved by this House by voice vote. Today, we have the opportunity to send it over to the Senate with another strong message for change.

Before I yield back, I want to express my profound disappointment that this bipartisan bill is seen as an opportunity for empty partisan attacks dealing with the economic stimulus. It is fine to attack the stimulus, but you need to attack it in its consistent form and not just attack it in good bills like this—bills that pass bipartisan in our committee and again by voice vote on the floor.

Mr. Speaker, I yield back the balance of my time and urge passage of the bill.

The SPEAKER pro tempore (Mr. LARSEN of Washington). The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 553.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FAST REDRESS ACT OF 2009

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 559) to amend

the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair, Accurate, Secure, and Timely Redress Act of 2009" or the "FAST Redress Act of 2009".

SEC. 2. ESTABLISHMENT OF APPEAL AND REDRESS PROCESS FOR INDIVIDUALS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT, OR DENIED A RIGHT, BENEFIT, OR PRIVILEGE.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

"SEC. 890A. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT, OR DENIED A RIGHT, BENEFIT, OR PRIVILEGE.

"(a) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this section, the Secretary shall establish a timely and fair process for individuals who believe they were delayed or prohibited from boarding a commercial aircraft or denied a right, benefit, or privilege because they were wrongly identified as a threat when screened against any terrorist watchlist or database used by the Transportation Security Administration (TSA) or any office or component of the Department.

"(b) OFFICE OF APPEALS AND REDRESS.—

"(1) ESTABLISHMENT.—The Secretary shall establish in the Department an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the TSA and such other offices and components of the Department as the Secretary determines appropriate.

"(2) COMPREHENSIVE CLEARED LIST.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office, under the direction of the Secretary, will maintain and appropriately disseminate a comprehensive list, to be known as the 'Comprehensive Cleared List', of individuals who—

"(A) were misidentified as an individual on any terrorist watchlist or database;

"(B) completed an approved Department of Homeland Security appeal and redress request and provided such additional information as required by the Department to verify the individual's identity; and

"(C) permit the use of their personally identifiable information to be shared between multiple Departmental components for purposes of this section.

"(3) USE OF COMPREHENSIVE CLEARED LIST.—

"(A) IN GENERAL.—The Secretary shall—

"(i) except as provided in subparagraph (B), transmit to the TSA or any other appropriate office or component of the Department, other Federal, State, local, and tribal entities, and domestic air carriers and foreign air carriers that use any terrorist watchlist or database, the Comprehensive Cleared List and any other information the Secretary determines necessary to resolve misidentifications and improve the administration of the advanced passenger prescreening system and reduce the number of false positives; and

"(ii) ensure that the Comprehensive Cleared List is taken into account by all appropriate offices or components of the Department when assessing the security risk of an individual.

"(B) TERMINATION.—

"(i) IN GENERAL.—The transmission of the Comprehensive Cleared List to domestic air carriers and foreign air carriers under clause (i) of subparagraph (A) shall terminate on the date on which the Federal Government assumes terrorist watchlist or database screening functions.

"(ii) WRITTEN NOTIFICATION TO CONGRESS.—Not later than 15 days after the date on which the transmission of the Comprehensive Cleared List to the air carriers referred to in clause (i) of this subparagraph terminates in accordance with such clause, the Secretary shall provide written notification to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate of such termination.

"(4) INTERGOVERNMENTAL EFFORTS.—The Secretary may—

"(A) enter into memoranda of understanding with other Federal, State, local, and tribal agencies or entities, as necessary, to improve the appeal and redress process and for other purposes such as to verify an individual's identity and personally identifiable information; and

"(B) work with other Federal, State, local, and tribal agencies or entities that use any terrorist watchlist or database to ensure, to the greatest extent practicable, that the Comprehensive Cleared List is considered when assessing the security risk of an individual.

"(5) HANDLING OF PERSONALLY IDENTIFIABLE INFORMATION.—The Secretary, in conjunction with the Chief Privacy Officer of the Department, shall—

"(A) require that Federal employees of the Department handling personally identifiable information of individuals (in this paragraph referred to as 'PII') complete mandatory privacy and security training prior to being authorized to handle PII;

"(B) ensure that the information maintained under this subsection is secured by encryption, including one-way hashing, data anonymization techniques, or such other equivalent technical security protections as the Secretary determines necessary;

"(C) limit the information collected from misidentified passengers or other individuals to the minimum amount necessary to resolve an appeal and redress request;

"(D) ensure that the information maintained under this subsection is shared or transferred via an encrypted data network that has been audited to ensure that the anti-hacking and other security related software functions perform properly and are updated as necessary;

"(E) ensure that any employee of the Department receiving the information maintained under this subsection handles such information in accordance with section 552a of title 5, United States Code, the Federal Information Security Management Act of 2002 (Public Law 107-296), and other applicable laws;

"(F) only retain the information maintained under this subsection for as long as needed to assist the individual traveler in the appeal and redress process;

"(G) engage in cooperative agreements with appropriate Federal agencies and entities, on a reimbursable basis, to ensure that legal name changes are properly reflected in any terrorist watchlist or database and the Comprehensive Cleared List to improve the appeal and redress process and to ensure the