

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

WASHINGTON OFFICE:
2435 Rayburn House Office Building
Washington, DC 20515
(202) 225-3816

DISTRICT OFFICE:
1919 SMITH STREET, SUITE 1180
THE GEORGE "MICKEY" LELAND FEDERAL BUILDING
HOUSTON, TX 77002
(713) 655-0050

ACRES HOME OFFICE:
6719 WEST MONTGOMERY, SUITE 204
HOUSTON, TX 77019
(713) 691-4882

HEIGHTS OFFICE:
420 WEST 19TH STREET
HOUSTON, TX 77008
(713) 961-4070

FIFTH WARD OFFICE:
3300 LYONS AVENUE, SUITE 301
HOUSTON, TX 77020

Congress of the United States
House of Representatives
Washington, DC 20515

Opening Statement
Committee on Homeland Security
Subcommittee on Transportation Security and Infrastructure
“Ensuring America's Security: Cleaning up the Nation's Watchlists”
September 9, 2008

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Good afternoon, I am eager to convene today's hearing to evaluate the progress made by the Department of Homeland Security on one of the most important recommendations made by the 9/11 Commission regarding aviation security. Two days from now, we will mark the 7th anniversary of the attacks on the United States by terrorists using our own commercial airplanes. The 9/11 terrorist high-jackings not only scarred the American public by killing thousands of innocent citizens, but also dawned a new era in government—where policymakers must endeavor to keep the American public safe without eroding democratic values and principles.

Over the last six months, the Transportation Security Administration has unveiled several new programs and initiatives with the intention of building a “layered approach” to aviation security. With recent developments, such as the Behavioral Detection Officer program and the deployment of new passenger checkpoint technology, TSA is making important updates to our passenger screening process at airports.

Today's hearing will take a closer look at what the Federal government is doing to improve intelligence driven security programs, as highlighted in “The 9/11 Commission Report.” This Subcommittee needs answers to several questions: What progress has been made by the Department in finalizing the advance passenger prescreening program mandated by Congress, known as “Secure Flight?” How can existing mechanisms at the Department of Homeland Security and TSA be improved to provide sufficient redress for passengers who have been misidentified on the terrorist watchlist? More importantly, how do we ensure that the American public does not continue to feel antagonized by the government's efforts to provide better security for passengers aboard airplanes? These are just some of the questions that our witnesses will have the opportunity to answer this afternoon.

Certainly, the practice of watchlisting individuals plays an important role in identifying possible terrorist suspects. It is important to keep in mind that the watchlist is only as good as the information on it. Without accurate, complete, and reliable information, the purpose of the watchlist is frustrated, the database becomes unreliable, and misidentifications persist.

Just last year, the Government Accountability Office and the Department's Screening Coordination Office expressed concerns to the Full Committee regarding the margin of error that exists in

information gathering related to the database that feeds the watchlists. Today I am determined to learn from our witnesses to what extent these concerns have been addressed.

Getting the watchlist fixed and reducing misidentifications is a particularly difficult challenge. In order to do so, all of the intelligence and law enforcement components that populate the list must come together and work collectively to clean it up. This Subcommittee has been advocating such coordination for some time, and I encourage the TSC to move quickly down this path.

In addition to the watchlist, I remain highly concerned by TSA's lack of demonstrated progress in implementing Secure Flight. Earlier this year, Assistant Secretary Hawley told this Subcommittee that TSA is approaching its final planning stages for Secure Flight, notwithstanding the troubled history of Secure Flight's \$200 million dollar program. Today, we still have no final rule for the program and I am concerned that, given the short amount of time remaining before the end of the year, it is highly doubtful that Secure Flight will be "fully operational" by January 2009, as Assistant Secretary Hawley previously projected. My concerns have become more urgent in view of the impending transition to a new administration in 2009. Thus, it is imperative that Department officials – old and new – are prepared to deal with the roll-out and implementation of this program. As such, we must know when the final rule for Secure Flight will be published and be informed of the timeline for implementation.

Until Secure Flight is operational, redress is the only real recourse for an American who is repeatedly stopped or delayed at airports and border crossings because he or she is misidentified as a terrorist threat. Since April 2008, over 32,000 Americans have sought redress through the DHS Traveler and Redress Inquiry Program, also known as "DHS TRIP." Unfortunately the effectiveness of DHS TRIP remains questionable, as individuals who have gone through the redress process continue to experience problems when traveling. Today, we will look at TSA's policies and administration of the "Cleared" list, which contains the names of individuals who have completed the redress process and have been subsequently cleared. The use of the "Cleared" list by air carriers when screening passengers against the watchlist must also be thoughtfully reviewed.

On June 18, 2008, the House unanimously passed H.R. 4179, the Fair, Accurate, Secure and Timely Redress Act, introduced by my colleague from New York, Congresswoman Yvette Clarke. Under the FAST Redress Act, the "Cleared" list would be shared throughout DHS and with other Federal agencies that use the terrorist watchlist or database. I commend my colleague for her effort to address this issue expeditiously.

At this time, I would like to acknowledge the presence of two people who flew here from California at their own expense to attend today's hearing. Ms. Denise Robinson and her son James came here today so that Ms. Robinson could describe the troubles her eight-year old son and the rest of her family have encountered because of the watchlist. Every time young James travels, he has to deal with the delays and hassles of being consistently misidentified.

Regretfully, James' story is among many about which we have heard recently. It is imperative that the watchlist is accurate and narrowly tailored so that it only includes individuals who may wish to do our country harm.

As a member of our second panel, it is my hope that Ms. Robinson's testimony will provide some real-world perspective to the problems associated with the watchlist. Without objection, James will be allowed to sit with his mother at the witness table during the second panel today, though he will not be testifying or answering questions.