

I am pleased to include H.R. 5983 in the package of DHS authorization bills that the Committee on Homeland Security has approved on a bipartisan basis. I urge my colleagues to support me in passing this critical piece of legislation.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Homeland Security Network Defense and Accountability Act of 2008, H.R. 5983. The United States and its allies face a significant and growing threat to our information technology, IT, systems and assets, and to the integrity of our information. The acquisition of this information by outsiders threatens to undermine and over time could cost the United States our advantage over our adversaries. This is a critical national security issue that we can no longer ignore.

As chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I have prioritized this issue in the 110th Congress. I have held seven hearings on cybersecurity issues, heard from hundreds of experts on how best to tackle these problems, reviewed information security best practices in the public and private sectors, investigated cyber incidents across the spectrum—from the State and Commerce Departments to our nation's electric grid—and uncovered and assisted law enforcement in investigating breaches at the Department of Homeland Security. It has become clear that an organization is only as strong as the integrity and reliability of the information that it keeps.

The legislation we're considering today represents a critical step toward improving the cybersecurity posture at the Department of Homeland Security by addressing two key issues: ensuring a robust defense-in-depth of our information systems, and holding individuals at all levels accountable for mitigating vulnerabilities.

This measure is composed of several important provisions. First, it establishes authorities and qualifications for the Chief Information Officer, CIO, position at the Department. In a number of hearings, I have heard concerns that the lack of an information security background can hamper the CIO's understanding and efforts to secure the Department's networks. We cannot allow future Presidents to repeat the mistakes made by this Administration in appointing unqualified individuals to this important office.

Second, the bill establishes specific operational security practices for the CIO, including a continuous, real-time cyber incident response capability, a network architecture emphasizing the positioning of security controls, and vulnerability assessments for each external-facing information infrastructure. These are fundamental elements of a comprehensive information security program.

Third, the bill establishes testing protocols to reduce the number of vulnerability exploitations throughout the Department's networks. Time and again we have heard that the Federal Information Security Management Act—or FISMA—does not operationalize security, and does not effectively reduce the number of successful attacks. We must change this, and we can do so by bringing together the heads of appropriate federal agencies to mitigate known attacks against our governmental infrastructure.

The fourth major provision of the bill requires the DHS Secretary to determine if the

internal security policy of a contractor who provides network services to the Department is consistent with the Department's requirements. Again, this is standard operating procedure for all private sector companies; it should be so for the Federal Government as well.

Finally, this bill seeks a formal report from the Secretary on meeting the deadlines established by the Office of Management and Budget, OMB, for Trusted Internet Connections, TIC, encryption and authentication mandates. These are critical for the Department's efforts in information security, and I am not confident that the proper deadlines are being met.

I encourage my colleagues to support the Homeland Security Network Defense and Accountability Act of 2008 and thank Chairman THOMPSON for his leadership in bringing this important measure to the floor.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. 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. 5983, as amended.

The question was taken.

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

Mr. BILIRAKIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

#### NEXT GENERATION RADIATION SCREENING ACT OF 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5531) to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5531

*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 "Next Generation Radiation Screening Act of 2008".*

#### SEC. 2. MEMORANDUM OF UNDERSTANDING REGARDING ADVANCED SPECTROSCOPIC PORTAL MONITORS.

*(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 is amended by adding at the end the following new sections:*

#### "SEC. 1908. ADVANCED SPECTROSCOPIC PORTAL MONITORS.

*"(a) FINDINGS.—Congress finds the following:*

*"(1) The consequences of radiological or nuclear terrorism would be catastrophic.*

*"(2) A system such as the Advanced Spectroscopic Portal (ASP) is intended to improve the process of screening passengers and*

*cargo to prevent the illicit transport of radiological and nuclear material.*

*"(3) A system such as the ASP can always be improved, even after it is deployed.*

*"(4) There is no upper limit to the functionality that can be incorporated into an engineering project of this magnitude.*

*"(5) Delaying deployment of the ASP to increase functionality beyond what is minimally required for deployment may limit the ability of the United States to screen passengers and cargo for radiological and nuclear material.*

*"(6) There are operational differences between primary and secondary screening procedures. Consideration should be given to the implication these differences have on the minimum functionality for systems deployed for use in primary and secondary screening procedures.*

*"(b) AGREEMENT ON FUNCTIONALITY OF ADVANCED SPECTROSCOPIC PORTAL MONITORS.—The Director of the Domestic Nuclear Detection Office and the Commissioner of Customs and Border Protection shall enter into an agreement regarding the minimum required functionality for the deployment of ASP by United States Customs and Border Protection (CBP).*

*"(c) REPORT TO CONGRESS.—Not later than 60 days after the date of the enactment of this section, the Secretary shall provide Congress with the signed memorandum of understanding between the Office and CBP.*

#### "SEC. 1909. CRITERIA FOR CERTIFICATION.

*"(a) FINDINGS.—Congress finds the following:*

*"(1) In developing criteria for Advanced Spectroscopic Portal (ASP) performance, special consideration should be given to the unique challenges associated with detecting the presence of illicit radiological or nuclear material that may be masked by the presence of radiation from naturally occurring radioactive material or legitimate radioactive sources such as those associated with medical or industrial use of radiation.*

*"(2) Title IV of division E of the Consolidated Appropriations Act, 2008 (Public Law 110-161) requires the Secretary to submit to Congress a report certifying that 'a significant increase in operational effectiveness will be achieved' with the ASP before 'funds appropriated under this heading shall be obligated for full-scale procurement of Advanced Spectroscopic Portal Monitors', and requires that 'the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal Monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment'.*

*"(b) SPECIFICATION OF SIGNIFICANT INCREASE IN OPERATIONAL EFFECTIVENESS.—*

*"(1) IN GENERAL.—The Secretary shall, in accordance with the requirements of title IV of division E of the Consolidated Appropriations Act, 2008, and in consultation with the National Academies, develop quantitative metrics that demonstrate any significant increased operational effectiveness (or lack thereof) of deploying the ASP in Primary and Secondary Screening sites, as determined by United States Customs and Border Protection (CBP).*

*"(2) METRICS.—The metrics referred to in paragraph (1) shall include the following:*

*"(A) A quantitative definition of 'significant increase in operational effectiveness'.*

*"(B) All relevant threat materials.*

*"(C) All relevant masking scenarios.*

*"(D) Cost benefit analysis in accordance with the Federal Accounting Standards Advisory Board Generally Accepted Accounting Principles.*

*"(E) Any other measure the Director and the Commissioner determine appropriate.*

*"(c) CONSIDERATION OF EXTERNAL REVIEWS IN THE DECISION TO CERTIFY.—In determining whether or not to certify that the ASP shows a significant increase in operational effectiveness, the Secretary may consider the following:*

“(1) Relevant reports on the ASP from the Government Accountability Office.

“(2) An assessment of the ASP by the Independent Review Team led by the Homeland Security Institute.

“(3) An assessment of the ASP in consultation with the National Academies.

“(4) Any other information the Secretary determines relevant.

**“SEC. 1910. AUTHORIZATION OF SECURING THE CITIES INITIATIVE.**

“(a) FINDINGS.—Congress finds the following:

“(1) The Securing the Cities Initiative of the Department uses next generation radiation detection technology to detect the transport of nuclear and radiological material in urban areas by terrorists or other unauthorized individuals.

“(2) The technology used by partners in the Securing the Cities Initiative leverages Advanced Spectroscopic Portal (ASP) technology used at ports of entry.

“(3) The Securing the Cities Initiative has fostered unprecedented collaboration and coordination among its Federal, State, and local partners.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director of the Domestic Nuclear Detection Office of the Department \$40,000,000 for fiscal year 2009 and such sums as may be necessary for each subsequent fiscal year for the Securing the Cities Initiative.”.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 1907 the following new items:

“Sec. 1908. Advanced spectroscopic portal monitors.

“Sec. 1909. Criteria for certification.

“Sec. 1910. Authorization of Securing the Cities Initiative.”.

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

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include 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. Mr. Speaker, I rise in support of this measure, and yield myself such time as I may consume.

I rise today to express my strong support for H.R. 5531, the Next Generation Radiation Screening Act of 2008, and I ask my colleagues to support this bill. I would like to congratulate Ranking Member KING for offering this legislation. I thank him for continuing to work in a bipartisan manner in accepting some of our recommendations to improve the bill in his amendment in the nature of a substitute, which passed out of our committee unanimously.

This legislation reflects the committee's oversight of next generation radiation portal monitors. It fits well within our package of DHS authorization bills, since H.R. 5531 will greatly im-

prove DHS's operational effectiveness in the areas of border and port security, domestic preparedness, and nuclear detection.

Specifically, H.R. 5531 will put in motion a plan to deploy next generation radiological detection technology at our ports of entry to help more effectively and more efficiently scan cargo as it enters the United States. Al Qaeda and other terrorist groups, as well as rogue nations, have made clear their plans to obtain fissile material and aspirations to detonate a radiological or nuclear device in the United States.

Events around the world continue to sharpen our focus on this growing threat. Just last year, it was reported that Pakistan was expanding its nuclear program, constructing new facilities capable of producing weapons grade plutonium. In November of last year, three men were arrested in Slovakia for illegally possessing highly enriched uranium. That same month, a coordinated attack took place in South Africa's most secretive nuclear facility, where a laptop containing sensitive information was stolen, only to be recovered during a shoot-out with guards.

It is imperative that we implement the best, most effective technology at our disposal to protect the American people from attack. This bipartisan legislation requires firm benchmarks for the Domestic Nuclear Detection Office to measure progress and to ensure that only the best technology is installed at our borders.

It also requires the Secretary of Homeland Security to clearly define what he considers a significant increase in operational effectiveness, the standard required by law to procure and deploy Advanced Spectroscopic Portals, or ASPs.

The Department expects to complete its certification this fall. H.R. 5531 will ensure the certification criteria are clearly laid out and quantified before a final decision is made. The bill also authorizes \$40 million for the Securing the Cities Initiative, which my committee strongly supports. The initiative employs the concept of defense in-depth, and deploys an array of detection technologies, both stationary and mobile, throughout New York City, for added layers of security.

This initiative shows what is possible when Federal, State, and local authorities cooperate. Certainly, it is a model that can be replicated in other major U.S. cities.

H.R. 5531 will ensure that both the ASP program and the Securing the Cities Initiative are operationally effective and cost-effective too. I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. I yield myself such time as I may consume.

I rise today in support of H.R. 5531, the Next Generation Screening Act,

sponsored by my Homeland Security Committee ranking member, PETER KING. Since 2003, the Department of Homeland Security has deployed radiation detectors at our Nation's ports of entry. The Department has also engaged in an aggressive research and development program to test, evaluate, and deploy the next generation of radiation detection technology to detect and identify radioactive material.

This technology, known as the Advanced Spectroscopic Portals, has the potential to provide improved detection capabilities, while reducing the number of nuisance alarms caused by the legitimate transport of non-threat-related radioactive material, such as cat litter and fertilizer.

H.R. 5531 requires the Director of the Domestic Nuclear Detection Office and Commissioner of U.S. Customs and Border Protection to enter into an agreement regarding the minimum standards of operational functionality in order to deploy ASP systems. This legislation also clarifies what is meant by previously passed statute.

Last year's omnibus appropriations bill stated the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness for each type of deployment. H.R. 5531 requires the Secretary to develop a quantitative definition of significant increase in operational effectiveness and develop appropriate metrics for measuring this effectiveness.

In addition to authorizing the ASP program, this bill also authorizes the Securing the Cities Initiative, a pilot program to prevent the illicit transport of radiological material in the New York City metropolitan area. The Securing the Cities Initiative has fostered unprecedented collaboration and coordination among its Federal, State, and local partners, and has advanced the security of the New York City metropolitan region.

The bill authorizes \$40 million for the initiative, the same amount that was appropriated in fiscal year 2008 to ensure its continuation in fiscal year 2009.

Mr. Speaker, I urge all of my colleagues to join me in supporting this important bill.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further speakers, and if the gentleman from Florida is prepared to close, I am prepared to go after him.

Mr. BILIRAKIS. Mr. Speaker, before I yield back the remaining time, I just want to emphasize how important I believe it is for the House to consider both an authorization and appropriations bill for the Department of Homeland Security this year.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

In closing, I once again want to express my strong support for H.R. 5531, the Next Generation Radiation Screening Act of 2008. I again thank Ranking Member KING for offering this legislation and for continuing to work in a bipartisan manner as we move legislation to make our country more secure.

This bill will help to ensure the state-of-the-art technology that allows our Customs and Border Protection officers to effectively and efficiently scan cargo is procured and deployed. This was the promise of the Advanced Spectroscopic Portal Monitors program.

We have to make sure that the ASP delivers and provides significant improvement of operational effectiveness. Al Qaeda and other terrorist groups are interested in attacking us with dirty bombs, and we must do everything we can to find and intercept these materials. That means looking for materials not just at our borders and ports, but inside the United States too, and that is why authorizing the Securing the Cities Initiative is so important.

I am proud to support this critical bill that also advances the important process of providing congressional input to improve the Department. H.R. 5531 represents an important step in protecting the country from nuclear terrorism, and I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. 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. 5531, as amended.

The question was taken.

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

Mr. BILIRAKIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

#### AUTHORIZING COAST GUARD MOBILE BIOMETRIC IDENTIFICATION PROGRAM

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2490) to require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2490

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

#### SECTION 1. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

(c) COST ANALYSIS.—Within 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Homeland Security of the House of Representatives and the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate an analysis of the cost of expanding the Coast Guard's biometric identification capabilities for use by the Coast Guards Deployable Operations Group, cutters, stations, and other deployable maritime teams considered appropriate by the Secretary, and any other appropriate Department of Homeland Security maritime vessels and units. The analysis may include a tiered plan for the deployment of this program that gives priority to vessels and units more likely to encounter individuals suspected of making illegal border crossings through the maritime environment.

(d) DEFINITION.—For the purposes of this section, the term "biometric identification" means use of fingerprint and digital photography images.

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

The Chair recognizes the gentleman from Mississippi.

#### GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include 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. Mr. Speaker, I rise in support of this measure, and yield myself such time as I may consume.

H.R. 2490 is an important milestone in protecting our Nation's maritime security. This bill authorizes a program that has been conducted by the Coast Guard since November of 2006. The Biometric Identification at Sea Pilot Project has allowed the Coast Guard to collect biometrics from individuals interdicted in the Caribbean to run them against terrorists and criminal data bases.

Under this program, the Coast Guard has collected biometric information from over 1,100 individuals, using state-of-the-art handheld scanners. As a result, over 250 individuals with criminal records have been identified, and 72 have been brought ashore for prosecution under U.S. laws.

This program breaks the cycle of migrants with criminal histories being re-

turned to their country of origin without prosecution. It also has proven itself to be an effective partnership between the Coast Guard and Federal law enforcement.

I would note that these provisions also are carried on H.R. 2830, the FY 2009 U.S. Coast Guard Authorization, a measure that was approved by the House in April of 2008.

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I am pleased that this is being considered today as one of the key provisions that we have included in our DHS authorization package. I urge passage of this important legislation, which will significantly improve the security of our Nation's maritime environment.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of legislation I have introduced, H.R. 2490, which would codify and expand a Coast Guard pilot program to collect biometric information on aliens interdicted at sea. I want to thank Homeland Security Committee Chairman BENNIE THOMPSON for his willingness to move this bill through our committee and to the floor for consideration today. I also want to thank PETER KING, our ranking member, for his support of this measure and his determined effort to strengthen our homeland security, first as chairman of our committee and now as ranking member. I am honored to serve with both of these great men.

The House unanimously adopted H.R. 2490 as an amendment to the Coast Guard Authorization Act several months ago. However, I believe it is important for this body to act on H.R. 2490 independently, given the uncertain prospect for enactment of the Coast Guard bill in this Congress.

My bill requires the Coast Guard to move forward on its biometrics at sea effort within 1 year and provide a cost analysis to Congress on expanding these capabilities to other Coast Guard and Department of Homeland Security vessels and units. As part of this analysis, my bill also encourages DHS to give priority to expanding mobile biometric collection capability to assets and areas that are most likely to encounter illegal border crossings in the maritime environment.

The efforts of the Coast Guard in this area show great promise. Since the collection of limited biometrics on individuals interdicted at sea began, the Coast Guard has collected biometric data from 1,530 migrants, resulting in nearly 30 matches against databases of wanted criminals, immigration violators and others who have previously encountered government authorities. Instead of being released to repeat their dangerous and illegal behavior, these individuals are now detained and prosecuted. The U.S. Attorney's Office in San Juan, Puerto Rico, has prosecuted more than 118 individuals for violations of U.S. immigration laws and other offenses based substantially