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REPORT
108–220

REQUEST FOR DEPARTMENT OF TRANSPORTATION RECORDS ON USE OF AGENCY RESOURCES RELATING TO MEMBERS OF TEXAS LEGISLATURE

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

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

ADVERSE REPORT

together with

SEPARATE VIEWS

[To accompany H. Res. 288]

The Committee on Transportation and Infrastructure, to whom was referred the resolution (H. Res. 288) directing the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, having considered the same, report unfavorably thereon without amendment and recommend that the resolution not be agreed to.

PURPOSE OF THE LEGISLATION

House Resolution 288 directs the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

BACKGROUND AND NEED FOR THE LEGISLATION

H. Res. 288 is a resolution of inquiry, which pursuant to clause 7 of rule XIII of the Rules of the House of Representatives, directs the Committee to act on the resolution within 14 legislative days, or a privileged motion to discharge the Committee is in order. H. Res. 288 was introduced and referred to the Committee on Transportation and Infrastructure on June 19, 2003, and was ordered reported unfavorably by the Committee on July 15, 2003.

Under the rules and precedents of the House, a resolution of inquiry is a means by which the House requests information from the President of the United States or the head of one of the executive departments.

The issues considered in addressing H. Res. 288 involve the subject of redistricting, an issue that is inherently political but also a foundation of the democratic process. An additional issue is the process by which legislative bodies compel members' attendance for the purpose of achieving a quorum.

The majority of states as well as the Rules of the U.S. House of Representatives authorize a minority of the members to compel the attendance of absent members for the purpose of achieving a quorum. Consequently, seeking members for the purpose of securing a quorum so that the legislative body can address legislative business is an official government function.

H. Res. 288 asks for the production of records and documents in the possession of the Secretary of Transportation. By July 15, 2003, prior to the commencement of the hearing on H. Res. 288, the Committee on Transportation and Infrastructure had received all relevant documents requested by the resolution.

Events in the State of Texas giving rise to the resolution

As of mid May 2003, the Texas legislature was in the midst of a pitched debate on redistricting legislation after failing to adopt a plan during their prior session in 2001. To deprive the Texas House of a quorum, approximately 50 Democratic members left the state for Oklahoma. Some departed on Sunday afternoon May 11, 2003 and some on Monday May 12, 2003.

On May 12, 2003 the Texas House of Representatives took action pursuant to its rules, instructing the Sergeant-at-Arms and officers appointed by Sergeant-at-Arms to return absent members, not previously excused from the House chamber. The Sergeant-at-Arms in turn asked the Texas Department of Public Safety (DPS) to secure, by any available means, including extradition if an absent member was outside the state, members and return them to the Texas House for the purpose of reinstating a quorum.

The Attorney General of Texas wrote to DPS on May 12, 2003 to verify the appropriate role of the DPS in helping the Texas House obtain a quorum for the purpose of conducting business. In that letter, the Texas AG identified the Texas constitutional provisions and the House rules relating to the issue and indicated that DPS had the authority to secure such attendance including the power to arrest members. He concluded by the letter by stating:

> This is a serious legal matter for the State of Texas. I trust that all persons with information or knowledge whatsoever of the whereabouts of any absent member of the

House will assist you and offer their full cooperation in your efforts to execute the directive of the House.

A May 12, 2003 press release issued by the Texas Department of Public Safety asked "the public for assistance in locating 53 Texas legislators who have disappeared." According to the release, "[u]nder the Texas Constitution, the majority of members present in session in the House can vote to compel the presence of enough members to make a quorum. Members of the House did so this morning and directed the Sergeant-at-Arms of the House and the DPS to locate the absent members and bring them back to Austin."

The search for members therefore was an enforcement action in which the public and all local, state, and federal government officials were being asked to provide assistance and relevant information on the fugitive legislators.

By May 13, 2003 the Texas House of Representatives Sergeant-at-Arms wrote to the DPS and informed them that the efforts of the DPS were appreciated but that since the truant legislators had been found in Okalahoma the DPS was no longer needed to help find and apprehend them.

Practice of the U.S. House of Representatives to compel members for a quorum

At the federal level, the United States House of Representative's Rules of the 108th Congress, set forth an explicit procedure to compel absent members to return. Rule XX (5)(a) requires that, in the absence of a quorum, at least 15 members (which may include the speaker) can compel the attendance of absent members. Rule XX (5)(b) allows those members present to order the Sergeant-at-Arms to send officers to arrest members who do not have a sufficient excuse for their absence, and allows the House to determine their discharge condition(s).

Practices of the States to compel members presence for a quorum

The majority of states (41) have rules that allow a minority of legislators to compel absent members to return in order to form a quorum. Although most states do not articulate a specific method through which to compel this return, they allow the legislature a great deal of leeway to accomplish this task. One state that has a statutory mechanism for compelling attendance, Ohio, authorizes the same means found in House rules: arrest and return of the absent members. New Hampshire's Supreme Court has judicially created a rule that allows the Speaker of the House to compel member attendance.

Events involving the Federal Government giving rise to the resolution

Three events occurred on May 12, 2003 that affect the agencies under the jurisdiction of the Transportation and Infrastructure Committee. One deals with a direct inquiry by the Texas DPS to the Federal Aviation Administration to provide assistance in locating a plane that was believed to have been used to ferry some of the absent legislators out of Texas. The second was an inquiry from a U.S. House Member's office to the FAA to find out the same information. And finally, the Federal Air and Marine Interdiction Coordination Center contacted the FAA as a result of contacts AMICC

received from the Texas DPS. Again the purpose was to find information concerning the plane believed to be ferrying legislators out of Texas. In all three cases the information provided by FAA was public in nature and available from both sources within the DOT as well as from several commercial and Internet sources.

Department of Transportation evaluation of the events

There have been several Congressional and Administration inquiries since May 15, 2003 to review the events. To evaluate the conduct of individuals within the Department of Transportation, Kirk Van Tine, the DOT General Counsel, conducted an initial review. His office reviewed relevant emails, interviewed the parties involved, and produced transcripts of recorded conversations. On June 26, 2003 the Committee on Transportation and Infrastructure requested all relevant information that his office had collected. On July 1, 2003 Mr. Van Tine provided the information requested and advised the Committee that DOT Inspector General Ken Mead was undertaking an additional independent review. By the time of the Committee's July 15, 2003 hearing, the review of the DOT IG was complete and that the information had been provided to the Committee.

In addition, Mr. Mead participated in the hearing to summarize his findings. In his testimony and report Mr. Mead indicated that FAA personnel provided information that was publicly available through the Internet. Actions by the parties involved were consistent with the search for the truant legislators and the request of the Texas House of Representatives and the Texas Attorney General.

The Committee members consistently praised the Department of Transportation and the Inspector General for the forthcoming nature of the information and the thoroughness of the IG's report. No information in the documentation of the IG or the records of the Department indicated that the requests to the FAA personnel were for any purpose other than to seek information to be used in finding the truant legislators as requested by the Texas House of Representatives and the Texas Attorney General.

During the hearing, the DOT IG testified that air traffic safety was not compromised by the requests for information. The FAA air traffic controllers were operating in their normal course of duties. In addition, there were no findings that federal resources were misused or that agency personnel violated any departmental rules or regulations. In each case, FAA personnel appeared to act expeditiously and properly in providing the information requested during the May 12, 2003 contacts.

The Committee determined that the information requested by the resolution had been received by the Congress prior to the Committee hearing and markup. At the hearing the sponsor of the resolution, Congressman Gene Green from Texas stated that he believed the purpose of the resolution had been achieved and recommended unanimous support of the Committee to report the resolution unfavorably.

Because the House had possession of the records and documents identified by the resolution prior to the Committee's markup, the Committee deemed the resolution to be moot and, accordingly, ordered it reported unfavorably by voice vote.

SUMMARY OF THE LEGISLATION

House Resolution 288 directs the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of the resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

H. Res. 288 was introduced on June 19, 2003 and referred to the Committee on Transportation and Infrastructure. On July 15, 2003 the Committee held a hearing at which time the sponsor and the Department of Transportation made presentations on the legislation and the result of the Department's inquiry into the matter. The hearing was followed immediately by a markup in open session, at which the measure was reported unfavorably, without amendment, by voice vote, a quorum being present.

ROLLCALL VOTES

The Committee held no recorded votes.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

The Committee estimates the cost of the resolution is minimal.

COMPLIANCE WITH HOUSE RULE XIII

Clause 3(c)(2) of House rule XIII is inapplicable because H. Res. 288 does not provide new budgetary authority or increased tax expenditures.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

H. Res. 288 does not involve Federal mandates.

PREEMPTION CLARIFICATION

The Committee states that H. Res. 288 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

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

APPLICABILITY TO THE 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. (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H. Res. 288 makes no changes in existing law.

SEPARATE VIEWS

The Transportation and Infrastructure Committee has a strong tradition of bipartisanship and it is not often that the Minority feels compelled to file separate views to the Committee's report on a bill or resolution. The fact that we do so in this instance underscores the seriousness of the issue at hand.

The Committee, at the request of the sponsor of H. Res. 288, Congressman Gene Green, reported the resolution unfavorably, by voice vote. We joined in this vote, not because we disapproved of the resolution, but rather because the resolution has been successful and resulted in a comprehensive investigation by the Department of Transportation's Inspector General, which was reviewed by the Committee in a hearing. The Inspector General's report and the Committee's hearing uncovered extremely disturbing facts regarding the misuse of federal resources for partisan, political purposes. We are therefore duty-bound to provide views separate from the Majority, in which we summarize these facts.

Specifically, the Inspector General found that, acting upon requests from Congressman Tom DeLay and the Texas Department of Public Safety (DPS), the Federal Aviation Administration (FAA) used its expansive resources and mobilized a number of its facilities across the country to track down the aircraft of Texas State Rep. Pete Laney. Their efforts were part of a broad use of federal resources to track down Texas state legislators in an effort to help pass a controversial redistricting plan. Once FAA did find the plane, it reported that information to Cong. DeLay's staff and to the Texas DPS without ever asking why the information was needed and without ever verifying the identity of the DPS callers.

While we recognize that the information ultimately requested of FAA—the location, past and present, of an aircraft—is information available to the public over the internet, it does not follow that any member of the public—even a prominent Member of Congress—has a right to call a "red alert" and mobilize FAA to track a particular aircraft. And let us make no mistake: a full-scale mobilization is exactly what occurred on May 12. In their initial phone call to FAA, Congressman DeLay's staff gave FAA the tail number of the Laney aircraft and, without ever providing a reason for the request, asked FAA to find the aircraft's location. Using their substantial resources, FAA tracked the Laney twin-engine Piper Cherokee plane and advised Mr. Delay's staff that the aircraft was due to land in Ardmore, Oklahoma "in about seven minutes". It was only through the DeLay phone call that he and the Texas State Republicans learned that the Democratic legislators were in Ardmore.

This request for assistance was only one of several requests to FAA from Congressman DeLay, the Texas Department of Public Safety, and the U.S. Department of Homeland Security, acting on behalf of the Texas Department of Public Safety. This series of

phone calls, seeking information about the past and present location of the Laney plane, required at least 13 FAA officials at several different facilities, to check records and contact still more FAA officials in an effort to locate the plane. Finally, FAA instituted a full-fledged safety "alert" on the Laney plane for the entire region covered by FAA's Dallas-Ft. Worth Control Center. Under this alert, a message was sent to all air traffic control facilities in that region asking if they had any information about the aircraft. The message was sent to all FAA airport towers and FAA approach control facilities in the area, about 29 facilities.

We strongly disapprove of this use of federal resources in order to gain political advantage. Under no circumstances should federal resources have been used to influence the outcome of the proposed Texas state redistricting plan, a plan clearly designed to ensure the election of a greater number of Texas Republican to the United States Congress.

It is also significant that the efforts to use the resource of the federal government in the Texas political dispute were not limited to use of FAA. There were also efforts to mobilize resources of the Department of Justice and Homeland Security. Although these efforts do not fall within the jurisdiction of the DOT Inspector General and therefore were not addressed in the Inspector General's report at the Committee's hearing, it is important to note that the misuse of federal resources appears to have extended beyond FAA to other Federal agencies.

The seriousness of this issue cannot be overstated. Individuals—no matter has prominent—cannot be allowed to mobilize Federal resources to gain advantage in a partisan dispute. To allow such misuse, is to betray the trust and good faith of the American public.

At the hearing, some Majority Committee Members questioned the necessity of holding a hearing to examine the Inspector General's report, and even asserted that the hearing was a waste of the Committee's time. We strongly disagree. Hearings on investigative reports by Inspectors General or the General Accounting Office are routinely held as part of normal Committee business. These hearings educate Members and the public on the important issues covered by the reports. They also provide Members with an opportunity to probe the investigators on their findings and to clarify any questions that may stem from the written reports. Such was the case with this Committee hearing. Indeed, Member questioning solicited significant additional information including the implications of new FAA regulations and the Inspector General's opinion that he believes that was "some waste" involved with the requests to FAA.

The seriousness of the issues involved were recognized immediately by senior officials at DOT as soon as they were informed of Congressman DeLay's involvement with FAA on tracking the Laney aircraft.[1] Immediately upon learning of the issue, DOT's Chief of Staff promptly informed the Security of Transportation,

[1] DOT's Chief Counsel was not notified of the DeLay phone calls and the FAA response to those calls until nine days after the incident. We believe, and the Inspector General concurs, that senior DOT officials should have been notified immediately after the first request for FAA assistance. The recently released FAA policy would provide for such notice.

the Deputy Secretary, and the DOT General Counsel of Cong. DeLay's request and FAA's response. These top DOT officials decided to immediately begin an investigation into the extent of FAA's involvement and whether FAA resources had been misused.

The Inspector General also recognizes the seriousness of the issue. In his report he states: "When the Administrator [of FAA] and the Secretary [of DOT] were finally informed of [FAA Assistant Administrator for Congressional Relations] Balloff's contact with Rep. DeLay's staffer, they recognize its importance and, in our opinion, took timely and appropriate action to have the circumstances investigated." DOT's quick grasp of the severity of the problem resulted in an almost immediate investigation by DOT General Counsel Kirk Van Tine. That investigation was then superceded by the DOT Inspector General's investigation.

FAA's subsequent response to this incident shows that FAA has serious reservations about the way its resources were used. On July 15, FAA issued a policy on how it would respond to similar future requests. Under this policy had Congressman DeLay's office asked FAA to track an aircraft, FAA would have asked why the information was being requested. (In the calls that were made on May 16, the purpose was never revealed.) Upon learning that the purpose was to track down Texas state legislators, the request to track the aircraft would have been denied. That decision could only be overruled by the FAA Administrator or the Secretary of DOT. This policy is itself a recognition by FAA that its personnel and resources should not be used to aid one side in a political battle.

The Inspector General's report reveals the extent of the partisanship involved with the requests to FAA. One of the callers to FAA suggested a full-fledged search and rescue effort to find the Laney plane. FAA rejected this request because there was no reason to believe that the plane was missing because of an accident. Another request even went so far as to inquire about possible criminal prosecution because the plane had gone off FAA radar when it descended below 4000 feet. FAA rightly told the caller that no FAA regulations had been violated.

The FAA resources that were mobilized for the search for the Laney plane are similar to those that would have been used if a plane were believed to be missing because of an accident. Indeed, the efforts to find the Laney plane *exceeded* those that would have been required for a single accident because there were actually two searches requested and conducted: the Laney plane was located at Ardmore as a result of the first search; when the Laney plane subsequently left Ardmore, a second search was initiated.

The FAA's ability to locate missing aircraft is a vital part of our safety system. Efforts to use FAA's resources for political disputes threaten this vital safety resource. Political requests necessarily divert FAA personnel from that primary safety mission, and create cynicism and disillusion in FAA's dedicated work force.

Nowhere is this better captured than in the comments of the FAA's Assistant Administrator for Congressional Relations. When he received the first call, the Assistant Administrator assumed that he was being asked to help locate a plane with a safety problem. The next day after reading about the incident in the newspaper, he

learned that the so-called problem was not safety, but politics. His reaction is striking.

> I just felt like I had been used * * * and I just did not like * * * somebody calling me for political reasons. * * * I would never use my office to help somebody out politically, for any political reasons, period.

The issues at stake here—misuse of federal resources for partisan, political gain—cannot be abided. The American people deserve better.

ROBERT MENENDEZ.
JIM OBERSTAR.
TIMOTHY BISHOP.
MICHAEL E. CAPUANO.
NICK LAMPSON.
RICK LARSEN.
WILLIAM O. LIPINSKI.
CORRINE BROWN.
JERROLD NADLER.
PETER DEFAZIO.
MICHAEL H. MICHAUD.
ANTHONY WEINER.
JUANITA MILLENDER-MCDONALD.
EDDIE BERNICE JOHNSON.
ELEANOR NORTON.
GENE TAYLOR.
BOB FILNER.
JERRY F. COSTELLO.
ELIJAH E. CUMMINGS.
JIM MATHESON.
EARL BLUMENAUER.
NICK RAHALL.
BILL PASCRELL.
MIKE HONDA.
TIM HOLDEN.
BRAD CARSON.
LEONARD L. BOSWELL.
LINCOLN DAVIS.
SHELLEY BERKLEY.
JULIA CARSON.
ELLEN O. TAUSCHER.
JOSEPH M. HOEFFEL.
BRIAN BAIRD.

SEPARATE VIEWS

There are broad underlying issues with regards to House Resolution 288, reported unfavorably from the House Transportation and Infrastructure Committee. The intent of the resolution was twofold, to ensure that the gross misuse of Federal resources—in this case the utilization of FAA resources for political purposes—is never repeated, and to procure all relevant documents related to this specific incident. The consensus reached in reporting the bill unfavorably is a result of the Federal Aviation Administration's (FAA) willingness to provide complete and accurate information to the Committee of jurisdiction. We are therefore satisfied that the resolution has been effective with regards to obtaining all pertinent and relevant information from the Federal Aviation Administration chronicling every facet of their involvement in this incident. Unfortunately, the candor and willingness to provide all relevant information has not been demonstrated by the Department of Homeland Security or the Department of Justice.

We still maintain that the actions of the Office of the Majority Leader constitute a gross misuse of Federal resources and undermine the core mission of the Federal Aviation Administration—an agency charged with maintaining the safety of our nation's airways. This assertion is buttressed by the subsequent rule changes undertaken by FAA Administrator Blakey and Secretary of Transportation Mineta. The sheer fact that changes in rules governing the access to flight information by Federal officials were undertaken is a clear indication that Federal resources were indeed abused by Congressional officials to affect a state political issue. In as much as this incident has prompted a comprehensive review of FAA procedures, it is fair to assume that the FAA and the Department of Transportation Inspector General's office feel this incident indicates that an opportunity for potential future abuses/misallocations of Federal resources could still exist, and thus the rule change has been implemented.

The events that lead to the Committee hearing and subsequent markup have indeed received much warranted attention. The period beginning May 11, 2003, and ending May 16, 2003, are the dates in question, and as the facts demonstrate, this is the period of time when the Office of the Majority Leader contacted the Federal Aviation Administration to inappropriately employ their assistance in locating the aircraft of Pete Laney. The Office of the Majority Leader inquiry, and the subsequent search by FAA and possible other Federal agencies, was prompted by political concerns stemming from the legal, legislative actions of the Democrats in the Texas House of Representatives. As was discussed in testimony by Representative Green in the hearing on H. Res. 288, the Texas Democrats, in an attempt to thwart a partisan redistricting effort at the Texas state level, employed a time-honored and legal tradi-

tion of "quorum-busting." In order to effectively deny a quorum, the Texas Democrats boarded buses and planes, and relocated in Ardmore, Oklahoma, an area out of the jurisdiction of the Texas Department of Public Safety.

In response to the legislative maneuvers undertaken by the Texas Democrats, the Speaker of the Texas House of Representatives, in concert with the Texas Attorney General and the Governor of Texas, began a comprehensive search for the legislators in an attempt to return them to the Capitol and restore a quorum. We have been unable to identify and determine when and who contacted the office of the Majority Leader from these aforementioned Texas offices, given the destruction of all documents relating to this incident at a Texas state level. However, the crux of the Transportation Committee's hearing focuses upon the inappropriate use of the Federal Aviation Administration resources by the Office of the Majority Leader. At approximately 4:00 p.m. on May 12, 2003, a senior staffer from the Office of the Majority Leader contacted the FAA Assistant Administrator for Government Affairs and Industry, David Balloff, to inquire about the location of N711RD, the plane owned by Pete Laney.

During the phone conversation between David Balloff and a staffer from the Office of the Majority Leader, the location of the plane was provided and the staffer was advised that the plane would be landing seven minutes later in Ardmore, OK. Upon receiving this information, the staffer from the Office of the Majority Leader made subsequent requests for the locations of the plane on May 11, the day before. Allegedly, throughout the conversation, the FAA official never questioned the reasons why the Office of the Majority Leader was requesting this information and tying up Federal resources specifically dedicated for other purposes. It is quite disturbing that Federal officials, not working in a law-enforcement or public safety capacity, could obtain this information without stating a general purpose for requesting the information. Obviously, considering the rule changes that have grown out of the incident in question, the Department of Transportation, in conjunction with the Federal Aviation Administration has determined that the series of phone calls from the Office of the Majority Leader to the FAA on May 12, 2003, were at best questionable and a highly inappropriate abuse of Federal resources for questionable purposes.

Although Mr. DeLay and some Members of this Committee argue that his inquiries were insignificant, the telephone transcript attached to the Inspector General's letter to Senator Lieberman demonstrates how many FAA personnel and resources were unwittingly recruited into Mr. DeLay's hunt for the Texas legislators. As the attached chart details, two telephone calls from Mr. DeLay's senior staff member a little after 4 p.m. EDT on May 12th set off a round of inquiries that ended up involving two offices in FAA's Washington headquarters and air traffic control facilities in San Angelo, Texas, Fort Worth, Texas, and McAlester, Oklahoma. In the eight hours following Mr. DeLay's inquiries, at least thirteen different FAA employees used their time, expertise, and equipment to track down and locate an aircraft that, as Inspector General Mead testified, was in no danger and was violating no FAA rules or guidelines.

It is our unyielding view that at no time should Federal resources be utilized to affect the outcome of any state political issue. Rules governing the use of Federal resources for these purposes should and must be held sacrosanct. If Members of the House or the Senate are allowed to use Federal resources to track political opponents, as appears to be the situation in the incident in question, then we have strayed from the duties that we were elected to perform. Our laws exist expressly to prevent resources of the Federal government from being used as a broadsword in a state political dispute. Those who seek to characterize this resolution and the related hearing and markup as political are entirely correct. The use of Federal resources to further the interests of a political party are intrinsically political, and represent conduct which ill-behooves the legislative process and this institution.

While we are pleased that the Investigator General of the Department of Transportation conducted a fair and balanced investigation, releasing all relevant information to the Committee of jurisdiction, the same cannot be said for the investigations related to the Department of Homeland Security and the Department of Justice. Full and impartial investigations have not occurred. Therefore, though we have recommended that the Resolution be reported unfavorably out of the Transportation Committee—due to the thorough and complete investigation performed by the Department of Transportation Investigator General—we remain concerned that the Department of Homeland Security and the Department of Justice still refuse to provide complete information to requests made by Representative Green and Senator Lieberman.

EDDIE BERNICE JOHNSON.
MIKE THOMPSON.

