

4P

JOSEPH R. BIDEN, JR.
DELAWARE

www.biden.senate.gov

201 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0802
(202) 224-5042

United States Senate

February 16, 2007

JUDICIARY SUBCOMMITTEE
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ANTI-METH CAUCUS
CO-CHAIRMAN

The Honorable Michael Chertoff
Secretary
Department of Homeland Security
Washington, DC 20528

RE: Chemical Facility Anti-Terrorism Standards

Dear Secretary Chertoff:

I am concerned about your Department's proposed chemical security regulations authorized by Section 550 of the Department of Homeland Security Appropriations Act of 2007 (P.L. 109-295). As you know, numerous proposals to develop comprehensive chemical facilities security regulations were debated during the 109th Congress. Unfortunately, a comprehensive bill was not completed, and Section 550 was passed as a stop-gap measure.

While section 550 does, for the first time, give the Department of Homeland Security specific authority to regulate chemical facilities, I am concerned that your proposed regulations are inconsistent with Congressional intent and will leave us more vulnerable than necessary. The proposed regulations fall short, in my view, in several critical areas, including the scope of the regulations, judicial review, and the handling of sensitive information. I am, however, particularly concerned with two deficiencies in your proposed regulations: 1) pre-emption of state laws and 2) utilizing safer technologies and chemicals. I hope that you will re-consider your approach in these areas, and write a final rule that will make a meaningful difference in the security of chemical plants throughout the nation.

Pre-emption of State Laws

First, the Department's effort to preempt more stringent state laws is the wrong substantive approach, and it does not comport with the clear intent of Congress. As you know, the issue of pre-emption was hotly contested during debate in the House and Senate. As a result, Congress purposely chose to remain silent on the issue of pre-emption in passing section 550. According to the Congressional Record, it was the clear understanding of the conferees that Section 550 was neutral on pre-emption. As a result, your effort to impose preemption in your regulations exceeds the authority granted by Congress.

2007 FEB 28 AM 9:57

In addition, federally pre-empting state laws at this stage could seriously impede the development of new and useful security measures. The states have long regulated chemical facilities to address safety and environmental concerns, and since 9/11 many states have made great strides towards improving the security of chemical plants. The Department's decision to inject itself into this issue not only usurps Congressional intent, it represents a step backward.

Inherently Safer Technologies

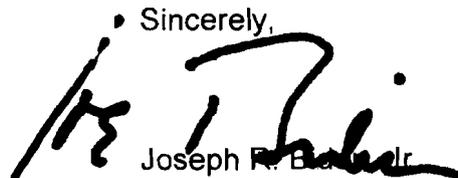
Next, the proposed regulations fail to mention that safer technologies may reduce the risk posed by some chemical plants. Utilizing safer technologies is a common sense measure that can permanently eliminate risk and ultimately save money for the private sector. For example, the water treatment facility in Wilmington, Delaware recently switched from chlorine to safer technologies. This simple move, not only eliminated the risk from gaseous chlorine to thousands of my constituents, but it also eliminated regulatory compliance costs to the company. Hundreds of facilities around the nation have taken this prudent approach reducing the risk to thousands of Americans in the process.

While section 550 does not authorize the Department to require implementation of safer technologies, the Department of Homeland Security should, at the bare minimum, encourage safer technologies that could reduce the risks to our citizens. If safer technologies can permanently eliminate the risk posed by a chemical plant, this step should be strongly considered. It will make America safer and allow the Department to utilize its scarce resources towards other vulnerabilities. In my view, eliminating risk, whenever possible, should be the highest priority for the Department, and your failure to take any meaningful step with your proposed regulation is short-sighted.

According to security experts around the nation, our chemical facilities remain a significant vulnerability. And, in my view, your proposed regulations fall short of what is needed, and I hope that you will re-consider the approach adopted in your interim rules. By taking the simple steps to eliminate the possibility of federal pre-emption and by promoting the use of safer technologies, the rules you are proposing will help make us much safer.

Thank you for your consideration of these views, and I look forward to working with you to strengthen the security of our chemical facilities.

Sincerely,



Joseph R. Biden

Office of Legislative Affairs

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

MAR 19 2007

The Honorable Joseph R. Biden
United States Senate
Washington, DC 20510-6250

Dear Senator Biden:

Thank you for your February 16, 2007 letter providing comments on the Department of Homeland Security's Advance Notice of Rulemaking entitled "Chemical Facility Anti-Terrorism Standards." We are actively considering the comments submitted in response to our Advance Notice as we develop the Interim Final Rule.

I appreciate your interest in Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative and Intergovernmental Affairs at (202) 447-5890.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Kent".

Donald H. Kent, Jr.
Assistant Secretary
Office of Legislative and Intergovernmental Affairs
U.S. Department of Homeland Security

4/1/07
JOSEPH R. BIDEN, JR.
DELAWARE

www.biden.senate.gov

1105 NORTH MARKET STREET
SUITE 2000
WILMINGTON, DELAWARE 19801-1233
(302) 573-6345

United States Senate

March 16, 2007

Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Chertoff,

I am writing to offer my strong support of James Turner, who is requesting consideration for FEMA's National Advisory Committee.

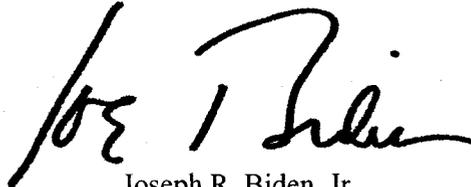
Then National Advisory Committee will undoubtedly play a pivotal role as our country strives to improve the ways in which we prepare ourselves for natural disasters. It is important that people who participate in this group are the best minds our emergency preparedness system has to offer. I believe that James Turner would be an excellent addition to your committee.

I have worked with Jamie on numerous projects, and he never ceases to impress me. He has been involved with various kinds of emergency response personnel since the early seventies; working with both the police and fire departments of our state's capitol. In his current position as director of the Delaware Emergency Management Agency, he has used his years of experience to make sure that Delaware has been prepared to handle any emergency that has come our way. During the three declared disasters he has led us through since he began in 2002, the people of Delaware have never needed to question their safety or the preparedness of our emergency personnel.

What I believe may be even more compelling about his qualifications in terms of your position is his experience with other committees regarding the issues the Advisory Committee will face. He has been an active and participating member of committees related to homeland security and disaster preparedness since becoming the head of DEMA. He represents our state on the National Governor's Association Department of Homeland Security Funding Task Force Committee. He serves as the chair of the Preparedness Committee and is active in the Homeland Security committee of the National Emergency Management Association. He is very committed to improving America's resources to protect ourselves from outside terrorist attacks and any natural or manmade disasters that potentially threaten our shores.

Jamie has already distinguished himself as a leader in Delaware emergency preparedness and security. It is for this reason that I sincerely hope you will seriously consider him for FEMA's National Advisory Committee.

Sincerely,



Joseph R. Biden, Jr.
United States Senator

jrb/vrl

JUDICIARY SUBCOMMITTEE
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FOREIGN RELATIONS COMMITTEE
CHAIRMAN

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2007 MAR 27 PM 3:26
SCANNED/RECEIVED
BY EXEC SEC

JOSEPH R. BIDEN, JR.
DELAWARE

201 Russell Senate Office Building
WASHINGTON, DC 20510-0802
(202) 224-5042
www.senate.gov/~biden

United States Senate

May 18, 2007

JUDICIARY COMMITTEE
SUBCOMMITTEE ON
CRIME, CORRECTIONS, AND VICTIMS RIGHTS
Ranking Member
FOREIGN RELATIONS COMMITTEE
Ranking Member
CAUCUS ON INTERNATIONAL
NARCOTICS CONTROL
Chairman

Homeland Security
Under Secretary for Science & Technology
Jay Cohen
Washington, DC 20528

Dear Secretary Cohen,

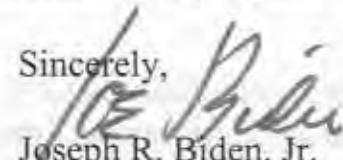
I am writing in support of the proposed Mid Atlantic Bio Agro Defense Consortium (MABADC) to establish the National Bio Agro Defense Facility (NBAF) at USDA's Beltsville Agricultural research center in Beltsville, Maryland.

Delaware Agriculture is an important component of the economic viability of my state. Poultry production alone is the foundation of our agricultural industry, an industry vital not only to our farmers but to all who enjoy our special quality of life. Our University researchers have made major strides in the efforts to protect the health of our industry and consumers. The success of the national Bio Agro Defense Facility will be greatly enhanced by the contributions of scientists in Delaware working on critical security and food safety issues of the day.

The Consortium (MABADC) of 12 institutions which includes schools of agriculture, veterinary medicine, and public health in collaboration with appropriate federal agencies will provide the best possible approach to confronting threats to the security and safety of our food supply. The combination of the five state consortium and the USDA Beltsville facility makes this proposal well worth your attention and serious consideration.

Thank you for your time and attention to my request.

Sincerely,



Joseph R. Biden, Jr.
United States Senator

JUN 11 2007

Office of Legislative Affairs

U.S. Department of Homeland Security

Washington, DC 20528



**Homeland
Security**

The Honorable Joseph R. Biden, Jr.
United States Senate
Washington, DC 20510

Dear Senator Biden:

Thank you for your letter of May 18, 2007, identifying the research capabilities and advantages that the U.S. Department of Agriculture's Beltsville Agricultural Research Center in Maryland would offer the National Bio and Agro-defense Facility (NBAF). The Department of Homeland Security (DHS) appreciates that you recognize the importance of the NBAF mission and are interested in creating a world class national asset, as NBAF is expected to become.

DHS has begun the second phase of the site evaluation process and will post updates regularly on the NBAF web page, www.dhs.gov/nbaf. Additional information was requested from each remaining consortium and was due February 16, 2007. Since then, the Department has worked to address your concerns to complete the site selection process.

Each proposal will be carefully and fairly evaluated using four site criteria and sub criteria thereof: proximity to research capabilities that can be linked to NBAF mission requirements, proximity to a workforce with applicable expertise, acquisition/construction/operating cost, and community acceptance. In addition, all 17 sites were visited by an evaluation team as part of the site selection process. After the site visits, a small number of potential NBAF sites will be selected for which an Environmental Impact Statement will be prepared in accordance with the National Environmental Protection Act and applicable regulations.

I appreciate your interest in the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative Affairs at (202) 447- 5890.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Kent".

Donald H. Kent, Jr.
Assistant Secretary
Office of Legislative Affairs

JOSEPH R. BIDEN, JR.
DELAWARE

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United States Senate

JUDICIARY SUBCOMMITTEE
ON CRIME AND DRUGS
CHAIRMAN

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CAUCUS ON INTERNATIONAL
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CHAIRMAN

CONGRESSIONAL INTERNATIONAL
ANTI-PIRACY CAUCUS
CHAIRMAN

ANTHEM CAUCUS
CO-CHAIRMAN

August 28, 2007

VIA FACSIMILE

Sarah Taylor
Director, Congressional Relations
United States Citizenship and Immigration Services
20 Massachusetts Avenue, 4th Floor
Washington, DC 20529

RE: (b) (6)

Dear Ms. Taylor,

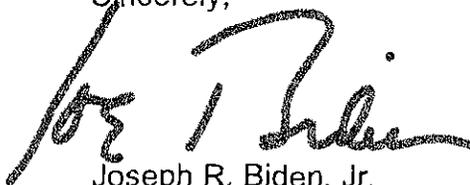
I am writing to request your assistance on behalf of my constituent, (b) (6) in reference to her immigrant visa.

(b) (6) mother, (b) (6) is currently on an H1-B visa that is sponsored by the Latin American Community Center in (b) (6) (b) (6) is concurrently on an H-4 visa, which is due to expire in 2010.

On March 2, 2007, (b) (6) father, (b) (6) filed an I-130 petition on her behalf. It is my understanding that the Department of State is currently issuing immigrant visas under the category applied for (unmarried child under 21 of a lawful permanent resident) with priority dates of July 22, 2002. Thus, Cecilia runs the risk of losing her H-4 visa before her immigrant visa becomes available.

Thus, I would appreciate any assistance your office can provide to my constituent. If you have any questions, please contact my Constituent Advocate, (b) (6) at (302) 573-6345. Thank you.

Sincerely,



Joseph R. Biden, Jr.
United States Senator

nd

24 NORTH WEST FRONT STREET
WINDSOR BUILDING, SUITE 101
MILFORD, DELAWARE 19963-1440
(302) 424-3199

201 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0602
(202) 224-5547

**ADMINISTRATIVE/TELEPHONIC CLOSEOUT
NO RESPONSE NECESSARY**

Date: September 5, 2007

Subject File Number: CO 703.

Name/Office/Phone

(b) (6) - OCR - 202 272-1941

Workflow ID:

719582

Member's Name:

Sen. Joseph R. Biden Jr.

Constituent's Name:

(b) (6)

Description of Inquiry:

Constituent is in the US as an H4 followed from mother's H1B, father, a LPR filed I-130 as 2nd preference on March 2007, no visa number, H4 will expire in 2010, asking for assistance with legal status while waiting for visa number.

Contact Person:

(b) (6), 302-573-6345

Summary/Comments:

H4 will expire in 2010 unless can adjust to another non-immigrant status, I-130 is pending at VSC for visa numbers, can visit web site for information regarding eligibility for another non-immigrant status, I-130 does not authorize any legal status in the US.

CLOSED BY PHONE CALL AND FOLLOWED BY E-MAIL

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN

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ANTONY J. BLINKEN, STAFF DIRECTOR
KENNETH A. MYERS, JR., REPUBLICAN STAFF DIRECTOR

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

January 11, 2008

MEMORANDUM

TO: (b) (6)

[PLEASE GIVE DIRECTLY TO WOODY!!]

FROM: (b) (6)

SUBJECT: Confirmation of Permanent Resident Status

Pursuant to our recent conversation, following are the specifics of the case we discussed:

NAME: (b) (6)

DOB: (b) (6)

A # (b) (6)

SSN: (b) (6)

ADDRESS: (b) (6)

Mr. (b) (6) lost his permanent resident card and Northern Virginia Community College wants to charge him tuition as an international student. He has been in the U.S. since he was four years old. On January 9th, he filed an I-90 form online requesting a replacement card (USCIS Receipt # (b)(2)low)

I'd appreciate it if you could either mail him or FAX me confirmation that USCIS records show he is a permanent resident so he can sign up for college courses ASAP. Additionally, if his replacement card could be expedited, that would be appreciated.

I can be reached on (202) 224-3951 and my FAX # is (202) 224-0836. Thanks for your help.



FEMA

March 28, 2007

The Honorable Joseph R. Biden
United States Senate
Washington, D.C. 20510

Dear Senator Biden:

Thank you for supporting your constituent's interest in membership on the National Advisory Council (NAC). Your letter will be included in their application file.

Candidate applications were accepted through March 9, 2007, and are currently under review. The NAC Selection Committee will evaluate candidates and we expect to notify potential members, and Congress, in April 2007.

All candidate applications will be reviewed, and recommendations will include a diverse representation of experts, stakeholders, and practitioners, in accordance with the intent of the original NAC legislation.

Again, thank you for your recommendation to the National Advisory Council. If you have any additional questions, please have your staff contact FEMA's Office of Legislative Affairs at 202-646-4500.

Sincerely,

A handwritten signature in black ink that reads "Bob Shea".

Bob Shea
Assistant Deputy Director

(b)(2)low

Office of the Assistant Secretary

U.S. Department of Homeland Security
601 South 17th Street
Arlington, VA 22202-4220

MAY 22 2007



Transportation
Security
Administration

The Honorable Joseph R. Biden, Jr.
United States Senator
Attention: Mr. Brian Cunningham
1105 North Market Street
Wilmington, DE 19801

Dear Senator Biden, Jr.:

Thank you for your letter of April 19, 2007, written on behalf of your constituent, [REDACTED] concerning his status as a Federal Air Marshal (FAM) with the Transportation Security Administration (TSA).

(b)(6)

[REDACTED] has not been advised that he will be terminated as a result of his current medical condition. Currently, [REDACTED] is working at the Philadelphia International Airport in a rotational Federal Air Marshal Service (FAMS) liaison position.

[REDACTED] health care provider indicated that he has reached maximum medical improvement, and his medical documentation states that he should "remain off flight status indefinitely" because of his medical condition. The medical documentation [REDACTED] provided indicates that he is unable to perform the essential duties of a FAM because of his inability to uphold required medical standards for this public safety position.

Before proposing [REDACTED] nondisciplinary separation for inability to perform the duties of his current position as a FAM, he was provided TSA employment alternatives and other options. In February 2007, [REDACTED] requested a reasonable accommodation under TSA Management Directive 1100.73-4. In a letter dated February 21, 2007, [REDACTED] was advised that his medical condition did not rise to the level of a disability as defined by the Rehabilitation Act, so his request for reasonable accommodation was denied.

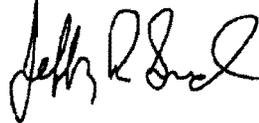
In March 2007, [REDACTED] applied for a disability retirement. On March 27, 2007, [REDACTED] was sent a letter advising him that the FAMS had not received his completed disability retirement claim package. On March 29, 2007, [REDACTED] contacted the FAMS human resource specialist handling his case by telephone and explained that he is in the process of completing his disability package. [REDACTED] further stated that his physician and immediate supervisor are completing their portions of the disability package.

(b)(6)

2

We appreciate that [REDACTED] took the time to share his concerns with you and hope this information is helpful. If we may be of further assistance, please call the Office of Legislative Affairs at (571) 227-2717.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeffrey R. Sural". The signature is written in a cursive style with a large, stylized "J" and "S".

Jeffrey R. Sural
Assistant Administrator
for Legislative Affairs

04/19/2007 14:54 FAX

JOSEPH R. BIDEN, JR.
DELAWARE

www.biden.senate.gov

1125 NORTH MARKET STREET
SUITE 2002
WASHINGTON, DELAWARE 19801-1133
(302) 573-6345

United States Senate

April 19, 2007

JUDICIARY SUBCOMMITTEE
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CHAIRMAN

FOREIGN RELATIONS COMMITTEE
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NARCOTICS CONTROL
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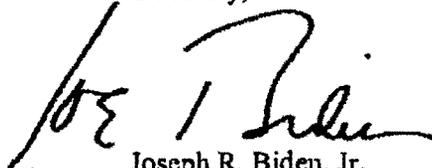
Jeffrey Sural
Asst. Administrator For Leg. Affairs
Transportation Security Admin. Headquarters
East Tower, Floor 7, TSA-5
Arlington, VA 22202

Dear Mr. Sural: (b)(6)

I am writing on behalf of [REDACTED] a Delawarean and former Federal Air Marshal. I recently received a letter from [REDACTED] in which he states that he was terminated from employment with the TSA due to an injury sustained "on the job."

I have enclosed [REDACTED] letter for your review. I respectfully request information which might clarify the reasons for [REDACTED] termination, and any other employment options available to [REDACTED] with the TSA. If you have any questions or comments, please contact my Wilmington, Delaware office at (302) 573-6345.

Sincerely,



Joseph R. Biden, Jr.
United States Senator

Office of the Assistant Secretary

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202-4220



**Transportation
Security
Administration**

SEP 20 2007

The Honorable Joseph R. Biden, Jr.
United States Senator
Attention: Ms. Liz Hunger
1105 North Market Street
Suite 2000
Wilmington, DE 19801

Dear Senator Biden:

Thank you for your letter of August 20, 2007, written on behalf of your constituent, [REDACTED] regarding his request to have his name removed from the Federal watch lists.

(b)(6)

The Department of Homeland Security (DHS) requires airlines to verify the identity of all passengers to ensure that persons on Federal watch lists who are known to pose, or are suspected of posing, a threat to civil aviation or national security receive secondary screening or are denied boarding on commercial aircraft. The Federal watch lists are maintained by the U.S. Terrorist Screening Center in a consolidated Terrorist Screening Database, and are compiled from information provided by Federal intelligence and law enforcement agencies. The Federal watch lists include a No-Fly List and a Selectee List. Individuals on the No-Fly List are prohibited from traveling on commercial aircraft. Individuals on the Selectee List are permitted to fly but receive secondary screening at airport security checkpoints.

DHS recognizes the frustration that individuals may feel when they experience delays at airports due to security procedures. To help alleviate delays, DHS developed the Traveler Redress Inquiry Program (TRIP) to assist individuals who believe they have been incorrectly delayed, denied boarding, identified for additional screening, or have experienced difficulties when seeking entry into the United States.

[REDACTED] submitted a Traveler Inquiry Form to DHS TRIP. Based on the information he provided, DHS conducted a review of any applicable records in consultation with other Federal agencies, as appropriate. Where it was determined that a correction to records was warranted, these records were modified to address any delay or denial of boarding that [REDACTED] may have experienced as a result of the watch list screening process. DHS TRIP sent a letter with this information to [REDACTED] on August 9, 2007.

(b)(6)

The letter to [REDACTED] explained that DHS cannot ensure his travel will always be delay-free as the redress program does not affect other standard screening procedures in place at the security checkpoint. For example, an individual may be selected for additional screening in order to resolve a walk-through metal detector alarm, because of

random selection, or based on certain non-identity factors reflected in reservation information.

(b)(6)

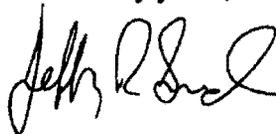
The redress program in which [REDACTED] participated distinguishes passengers from persons who are on the watch lists by transmitting their information to the airlines, who can then more quickly determine that misidentified passengers are not the persons of interest whose names are actually on the watch lists. However, because airline procedures for screening passengers against Federal watch lists vary, individuals may still be required to check in for flights at the airline ticket counter and be unable to print their boarding passes from a home computer or airport kiosk.

While Federal regulations require airlines to verify the identity of passengers, we have found that there have been some inconsistencies in the implementation of the requirement and the methods used to compare passenger names. The Transportation Security Administration (TSA) continues to work with the airlines and the traveling public to eliminate those inconsistencies and to improve procedures. TSA is currently developing Secure Flight, a passenger prescreening program that would transfer responsibility for the watch list comparison function from the airlines to the Federal Government and bring automation and consistency to the process.

(b)(6)

We appreciate that [REDACTED] took the time to share his concerns with you and hope this information is helpful. If we may be of further assistance, please call the Office of Legislative Affairs at (571) 227-2717.

Sincerely yours,



Jeffrey R. Sural
Assistant Administrator
for Legislative Affairs

JOSEPH R. BIDEN, JR.
DELAWARE

www.biden.senate.gov

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SUITE 2000
WILMINGTON, DELAWARE 19801-1233
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TRANSPORTATION SECURITY ADMINISTRATION United States Senate

2007 AUG 28 A 8 33

OFFICE OF THE EXECUTIVE SECRETARIAT

JUDICIARY SUBCOMMITTEE ON CRIME AND DRUGS
CHAIRMAN

FOREIGN RELATIONS COMMITTEE
CHAIRMAN

CAUCUS ON INTERNATIONAL NARCOTICS CONTROL
CHAIRMAN

CONGRESSIONAL INTERNATIONAL ANTI-PIRACY CAUCUS
CO-CHAIRMAN

ANTI-METH CAL CUS
CO-CHAIRMAN

RECEIVED IN LA

August 20, 2007

AUG 27 20 (b)(6)

INT

Mr. Jeffrey R. Sural
Assistant Administrator For Legislative Affairs
Transportation Security Administration
East Tower, Floor 7, TSA-5
601 South Twelfth Street
Arlington, VA 22202-4220

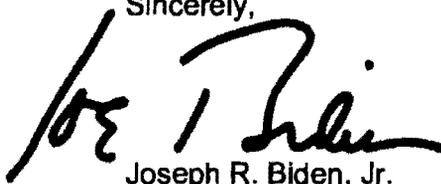
Dear Mr. Sural:

I have recently been contacted by my constituent, [REDACTED] regarding an issue with the Transportation Security Administration.

(b)(6) [REDACTED] claims that he was placed on a list that prevents him from using a computer or kiosk to obtain a boarding pass when flying. He recently submitted a complete Travelers Redress Inquiry to the Transportation Security Administration. He is scheduled to fly again at the end of this month and wishes to have his inquiry addressed as soon as possible.

I would appreciate it if you would provide me with whatever information you feel may help address my constituent's concerns. Please address your response to (b)(6) [REDACTED] my Constituent Advocate in my Wilmington office at 1105 North Market Street, Suite 2000, Wilmington, DE 19801

Sincerely,



Joseph R. Biden, Jr.
United States Senator

CC: [REDACTED]

(b)(6)

Office of the Assistant Secretary

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202-4220



**Transportation
Security
Administration**

NOV 12 2007

The Honorable Joseph R. Biden, Jr.
United States Senator
Attention: Ms. Elizabeth Hunger
1105 North Market Street, Suite 2000
Wilmington, DE 19801

Dear Senator Biden:

(b)(6)

Thank you for your letter of October 31, 2007, written on behalf of your constituent, [REDACTED] regarding the status of his request to have his name removed from the Federal watch lists.

(b)(6)

The Transportation Security Administration (TSA) requires airlines to verify the identity of all passengers to ensure that persons on Federal watch lists who are known to pose, or are suspected of posing, a threat to civil aviation or national security receive secondary screening or are denied boarding on commercial aircraft. The Federal watch lists are maintained by the U.S. Terrorist Screening Center in a consolidated Terrorist Screening Database, and are compiled from information provided by Federal intelligence and law enforcement agencies. The Federal watch lists include a No-Fly List and a Selectee List. Individuals on the No-Fly List are prohibited from traveling on commercial aircraft. Individuals on the Selectee List are permitted to fly but receive secondary screening at airport security checkpoints.

We recognize the frustration that individuals may feel when they experience delays at airports due to security procedures. To help alleviate delays, the U.S. Department of Homeland Security (DHS) developed the Traveler Redress Inquiry Program (TRIP) to assist individuals who believe they have been incorrectly delayed, denied boarding, identified for additional screening, or have experienced difficulties when seeking entry into the United States.

(b)(6)

To determine the status of [REDACTED] Traveler Inquiry Form, we need further information from your office to provide to DHS TRIP. We ask that you provide [REDACTED] date of birth and home mailing address so that DHS TRIP can distinguish his record from others with the same name.

(b)(6)

2

We appreciate that [REDACTED] took the time to share his concerns with you and hope this information is helpful. If we may be of further assistance, please call the Office of Legislative Affairs at (571) 227-2717.

Sincerely yours,

A handwritten signature in cursive script that reads "Claire Heffernan".

Claire Heffernan
Acting Assistant Administrator
for Legislative Affairs

JOSEPH R. BIDEN, Jr.
DELAWARE

www.biden.senate.gov

1105 NORTH MARKET STREET
SUITE 2000
WILMINGTON, DELAWARE 19801-1233
(302) 573-6346

TRANSPORTATION SECURITY
ADMINISTRATION

United States Senate

2001 NOV -7 A 8:49
OFFICE OF THE
EXECUTIVE SECRETARIAT

JUDICIARY SUBCOMMITTEE
ON CRIME AND DRUGS
CHAIRMAN

FOREIGN RELATIONS COMMITTEE
CHAIRMAN

CAUCUS ON INTERNATIONAL
NARCOTICS CONTROL
CHAIRMAN

CONGRESSIONAL INTERNATIONAL
ANTI-PIRACY CAUCUS
CO-CHAIRMAN

ANTI-METH CAUCUS
CO-CHAIRMAN

October 31, 2007

NOV 9 2007 (b)(6)

INT

Mr. Jeffery R. Sural
Assistant Administrator for Legislative Affairs
Transportation Security Administration
East Tower, Floor 7, TSA-5
601 South Twelfth Street
Arlington, VA 22202-4220

Dear Mr. Sural:

(b)(6)

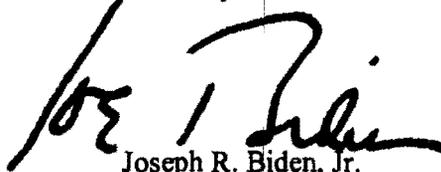
I have recently been contacted by my constituent, [REDACTED], regarding an issue with the Transportation Security Administration.

(b)(6)

[REDACTED] claims that he is no longer able to use the internet to obtain a boarding pass when flying because another [REDACTED] other than himself, has been placed on a watch list. [REDACTED] has submitted a complete Travelers Redress Inquiry to the Transportation Security Administration, however has not received a response.

I would appreciate it if you would provide me with whatever information you feel may help address my constituent's concerns. Please address your response to (b)(6) my Constituent Advocate in my Wilmington office at 1105 North Market Street, Suite 2000, Wilmington, DE 19801.

Sincerely,



Joseph R. Biden, Jr.
United States Senator

CC: [REDACTED]

(b)(6)

U.S. Department of Homeland Security

Office of the Administrator
601 South 12th Street
Arlington, VA 22202-4220



Transportation
Security
Administration

MAR 11 2008

The Honorable Joseph R. Biden, Jr.
United States Senator
1105 North Market Street, Suite 2000
Wilmington, DE 19801-1233

(b)(6)

Dear Senator Biden:

Thank you for your e-mail of February 1, 2008, sent on behalf of your constituent, [REDACTED] concerning the Transportation Worker Identification Credential (TWIC) Program.

(b)(6)

The Transportation Security Administration (TSA) received [REDACTED] application and determined that [REDACTED] may not meet the requirements to hold a TWIC. TSA sent a letter to [REDACTED] informing him of the results of the security threat assessment, along with instructions on submitting additional information to TSA to complete the case assessment. TSA received [REDACTED] information, completed his security threat assessment, and sent all applicable notifications to him on January 11, 2008.

We appreciate that [REDACTED] took the time to share his concerns with you and hope this information is helpful. If we may be of further assistance, please contact the Office of Legislative Affairs at (571) 227-2717.

Sincerely yours,

A handwritten signature in cursive script that reads "Claire Heffernan".

Claire Heffernan
Acting Assistant Administrator
for Legislative Affairs

Office of the Assistant Secretary

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202-4220



Transportation
Security
Administration

SEP 5 2008

The Honorable Joseph R. Biden
United States Senator
Attention: Mr. Dan Tjaden
1105 North Market Street, Suite 2000
Wilmington, DE 19801

(b)(6)

Dear Senator Biden:

Thank you for your facsimile of July 10, 2008, sent on behalf of your constituent, [REDACTED] regarding the Transportation Security Administration Transportation Worker Identification Credential Program.

(b)(6)

We have provided [REDACTED] request for an appeal and his additional documentation to our Adjudication Center. They will contact [REDACTED] directly once a decision is made on his case or if they require additional information.

We appreciate that [REDACTED] took the time to share his concerns with you and hope this information is helpful. If we may be of further assistance, please contact the Office of Legislative Affairs at (571) 227-2717.

Sincerely yours,

A handwritten signature in black ink that reads "Jason M. Conley".

Jason M. Conley
Assistant Administrator
for Legislative Affairs

Office of the Assistant Secretary

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202-4220

SEP 5 2008



**Transportation
Security
Administration**

The Honorable Joseph R. Biden
United States Senate
Attention: Mr. John DiEleuterio
Washington, DC 20510

Dear Senator Biden:

Thank you for your letter of July 16, 2008, cosigned by Senator Thomas R. Carper and Congressman Michael Castle, regarding the Transportation Worker Identification Credential (TWIC) enrollment center in New Castle, Delaware.

The Transportation Security Administration (TSA) does not incur additional costs for enrollment centers because the TWIC enrollment contract is transaction-based. This means that the contractor receives a fixed price for each enrollment. The New Castle facility has not resulted in any additional costs to TSA or transportation workers.

The enrollment center in New Castle opened on June 23, 2008, and as of mid-August, 150 people have enrolled at that site. In determining locations of TWIC enrollment centers, TSA and Coast Guard consider several factors, including convenience for workers, proximity to Maritime Transportation Security Act-regulated facilities, accessibility to truck routes, and estimated enrollment populations.

As TSA moves toward TWIC compliance, we continually evaluate the enrollment traffic at each center to determine appropriate locations. TSA's enrollment contractor has the flexibility to adjust the days and hours of operation based upon actual throughput. For convenience, our contractor also offers mobile enrollment.

We will monitor the enrollment throughput of the New Castle facility to ensure it is used. If that does not appear to be the case, TSA can consider alternatives while ensuring that local workers have convenient TWIC enrollment service.

We appreciate that you took the time to share your concerns with us and hope this information is helpful. Identical responses have been sent to Senator Carper and Congressman Castle. If we may be of further assistance, please contact the Office of Legislative Affairs at (571) 227-2717.

Sincerely yours,

A handwritten signature in black ink that reads "Jason M. Conley".

Jason M. Conley
Assistant Administrator
for Legislative Affairs

Office of the Assistant Secretary

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202-4220

SEP 5 2008



Transportation
Security
Administration

The Honorable Thomas R. Carper
United States Senate
Attention: Ms. Bonnie Wu
Washington, DC 20510

Dear Senator Carper:

Thank you for your letter of July 16, 2008, cosigned by Senator Joseph R. Biden and Congressman Michael Castle, regarding the Transportation Worker Identification Credential (TWIC) enrollment center in New Castle, Delaware.

The Transportation Security Administration (TSA) does not incur additional costs for enrollment centers because the TWIC enrollment contract is transaction-based. This means that the contractor receives a fixed price for each enrollment. The New Castle facility has not resulted in any additional costs to TSA or transportation workers.

The enrollment center in New Castle opened on June 23, 2008, and as of mid-August, 150 people have enrolled at that site. In determining locations of TWIC enrollment centers, TSA and Coast Guard consider several factors, including convenience for workers, proximity to Maritime Transportation Security Act-regulated facilities, accessibility to truck routes, and estimated enrollment populations.

As TSA moves toward TWIC compliance, we continually evaluate the enrollment traffic at each center to determine appropriate locations. TSA's enrollment contractor has the flexibility to adjust the days and hours of operation based upon actual throughput. For convenience, our contractor also offers mobile enrollment.

We will monitor the enrollment throughput of the New Castle facility to ensure it is used. If that does not appear to be the case, TSA can consider alternatives while ensuring that local workers have convenient TWIC enrollment service.

We appreciate that you took the time to share your concerns with us and hope this information is helpful. Identical responses have been sent to Senator Biden and Congressman Castle. If we may be of further assistance, please contact the Office of Legislative Affairs at (571) 227-2717.

Sincerely yours,

A handwritten signature in black ink that reads "Jason M. Conley".

Jason M. Conley
Assistant Administrator
for Legislative Affairs

Office of the Assistant Secretary

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202-4220



**Transportation
Security
Administration**

SEP 5 2008

The Honorable Michael Castle
U.S. House of Representatives
Attention: Mr. Jeff Dayton
Washington, DC 20510

Dear Congressman Castle:

Thank you for your letter of July 16, 2008, cosigned by Senators Joseph R. Biden and Thomas R. Carper, regarding the Transportation Worker Identification Credential (TWIC) enrollment center in New Castle, Delaware.

The Transportation Security Administration (TSA) does not incur additional costs for enrollment centers because the TWIC enrollment contract is transaction-based. This means that the contractor receives a fixed price for each enrollment. The New Castle facility has not resulted in any additional costs to TSA or transportation workers.

The enrollment center in New Castle opened on June 23, 2008, and as of mid-August, 150 people have enrolled at that site. In determining locations of TWIC enrollment centers, TSA and Coast Guard consider several factors, including convenience for workers, proximity to Maritime Transportation Security Act-regulated facilities, accessibility to truck routes, and estimated enrollment populations.

As TSA moves toward TWIC compliance, we continually evaluate the enrollment traffic at each center to determine appropriate locations. TSA's enrollment contractor has the flexibility to adjust the days and hours of operation based upon actual throughput. For convenience, our contractor also offers mobile enrollment.

We will monitor the enrollment throughput of the New Castle facility to ensure it is used. If that does not appear to be the case, TSA can consider alternatives while ensuring that local workers have convenient TWIC enrollment service.

We appreciate that you took the time to share your concerns with us and hope this information is helpful. Identical responses have been sent to Senators Biden and Carper. If we may be of further assistance, please contact the Office of Legislative Affairs at (571) 227-2717.

Sincerely yours,

A handwritten signature in black ink that reads "Jason M. Conley".

Jason M. Conley
Assistant Administrator
for Legislative Affairs

Congress of the United States DEPARTMENT OF SECURITY
Washington, DC 20510

July 16, 2008

2008 JUL 23 P 3: 23

OFFICE OF THE ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

The Honorable Kip Hawley
Administrator, Transportation Security Administration
East Tower, Floor 11, TSA-5
601 South Twelfth Street
Arlington, VA 22202-4220

Dear Administrator Hawley,

We are writing in regard to the Transportation Security Administration's intention to place a fixed Transportation Workers Identification Credential (TWIC) Program enrollment center in New Castle, Delaware.

Stakeholders in the State of Delaware have tried to determine which maritime workers and potential TWIC applicants are to be served by the New Castle site. The initial thought was that it would serve Valero in Delaware City; however Valero has requested and will utilize a mobile enrollment center on site. A second thought was that it might serve the Delaware River and Bay Authority (DRBA) personnel, although the New Castle facility is not regulated under MTSAs and therefore employees who work at that location are not required to obtain TWICs. However, the DRBA has also requested and would prefer a mobile enrollment center be deployed at the Cape May-Lewes Ferry terminal to process ferry staff so they do not need to drive to New Castle. Furthermore, the Port of Wilmington, which has its own fixed enrollment site, is less than ten miles from New Castle.

As a result, we are writing to inquire as to the reasoning behind TSA's intention to place a fixed enrollment site at New Castle. We suggest that unless TSA can explain the potential user population for that site, time might be saved, and taxpayers might be better served, if this location were removed from the list of future fixed enrollment centers. Additionally, it would be unfortunate if DRBA's request for a mobile enrollment center was imperiled because resources were being diverted to an unnecessary fixed center.

We appreciate your review of our request and look forward to your response. In the meantime, please feel free to contact John DiEleuterio in Senator Biden's office at (302) 573-6345, Bonnie Wu in Senator Carper's office at (302) 573-6291, or Jeff Dayton in Congressman Castle's office at (302) 428-1902. Thank you.

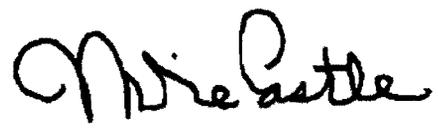
Sincerely,



Senator Joseph R. Biden
U.S. Senator



Senator Thomas R. Carper
U.S. Senator



Congressman Michael Castle
Member of Congress

(b)(2)low



Transportation
Security
Administration

SEP 23 2008

The Honorable Joseph R. Biden, Jr.
United States Senator
1105 North Market Street, Suite 2000
Wilmington, DE 19801-1233

Dear Senator Biden:

(b)(6)

Thank you for your letter of July 28, 2008, written on behalf of your constituent, [REDACTED] concerning his suitability for continued employment as a Federal Air Marshal (FAM) with the Federal Air Marshal Service (FAMS). You have referenced our correspondence of May 22, 2007, to you in this matter.

(b)(6)

In his letter of September 11, 2007, Dr. Thomas O. Wilcox stated that [REDACTED] is now allowed to fly on commercial aircraft as long as he either follows the *Fly and Dive* instructions or has tubes placed in his ears. The Fly and Dive procedure suggested by Dr. Wilcox offers the following three alternatives:

- 1) Thirty minutes prior to flying, take 30 mg. of Sudafed or a generic equivalent.
- 2) During descent, try to clear your ears by yawning, swallowing, or chewing, or inflate your ears by pinching your nose, taking a full mouth of air and using your cheek and throat muscles to force the air back into your nose.
- 3) Use EarPlanes ear plugs when flying.

On April 5, 2006, Dr. Wilcox stated in a report reviewed by FAMS medical staff that [REDACTED] had attempted the first two *Fly and Dive* procedures, taking Sudafed and taking a mouth full of air and attempting to clear his ears. These attempts by [REDACTED] were unsuccessful. [REDACTED] would be required, therefore, to wear the EarPlanes devices in both ears while flying to avoid a build up of pressure in his ears. Current FAMS policy prohibits the use of headphones covering both ears during mission status. The use of EarPlanes earplugs would have the same effect as headphones by inhibiting his ability to hear what is going on around him, and this would prevent him from carrying out his mission.

(b)(6)

[REDACTED] physicians and FAMS Medical Programs Branch have stated clearly that [REDACTED] ear problems could be resolved with the placement of myringotomy tubes in his ears. It is our understanding that [REDACTED] has refused to undergo this procedure. In addition, [REDACTED] attempt to resolve his condition with the *Fly and Dive* option was not successful. As a result, [REDACTED] current condition precludes him from completing the essential duties of a FAM.

We appreciate that [REDACTED] took the time to share his concerns with you and hope this information is helpful. If we may be of further assistance, please call the Office of Legislative Affairs, at (571) 227-2717.

Sincerely yours,

A handwritten signature in black ink that reads "Jason M. Conley". The signature is written in a cursive style with a long horizontal stroke at the end.

Jason M. Conley
Assistant Administrator
for Legislative Affairs

JOSEPH R. BIDEN, JR.
DELAWARE

www.biden.senate.gov

1105 NORTH MARKET STREET
SUITE 2000
WILMINGTON, DELAWARE 19801-1233
(302) 573-6345

United States Senate

JUDICIARY SUBCOMMITTEE
ON CRIME AND DRUGS
CHAIRMAN

FOREIGN RELATIONS COMMITTEE
CHAIRMAN

CAUCUS ON INTERNATIONAL
NARCOTICS CONTROL
CHAIRMAN

CONGRESSIONAL INTERNATIONAL
ANTI-PIRACY CAUCUS
CO-CHAIRMAN

ANTI-METH CAUCUS
CO-CHAIRMAN

PII

July 28, 2008

RECEIVED

AUG 14 2008

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INT

Jeffrey Sural
Asst. Administrator For Leg. Affairs
Transportation Security Admin. Headquarters
East Tower, Floor 7, TSA-5
Arlington, VA 22202

Dear Mr. Sural:

(b)(6)

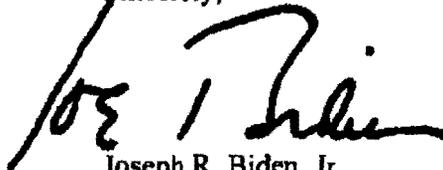
I am writing on behalf of [REDACTED] a Delawarean and former Federal Air Marshal. One of my Constituent Advocates recently met with [REDACTED]. I understand my office has written to you previously on his behalf.

(b)(6)

[REDACTED] has a letter from his doctor, Dr. Thomas Wilcox, which I have enclosed for your review. As you can see from Dr. Wilcox's letter, [REDACTED] is available to fly on commercial aircraft. It is my understanding that [REDACTED] was an exemplary employee with a fine record during his time as a Federal Air Marshal. I respectfully request information which might shed light on [REDACTED] employment options with the TSA.

If you have any questions or comments, please contact my Wilmington, Delaware office at (302) 573-6345.

Sincerely,



Joseph R. Biden, Jr.
United States Senator

2008 AUG 14 P 2:01
SECURITY

24 NORTH WEST FRONT STREET
WINDSOR BUILDING SUITE 101
MILFORD, DELAWARE 19963-1440
(302) 424-8990

(b)(6)

201 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0802
(202) 774-6042

Office of the Assistant Secretary

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202-4220



**Transportation
Security
Administration**

SEP 15 2008

Mr. David Nauta
Chief Executive Secretariat
U.S. Coast Guard Headquarters
2100 2nd Street, SW
Washington, DC 20593-0001

Dear Mr. Nauta:

The Transportation Security Administration (TSA) received the enclosed letter from Senator Joseph R. Biden, Senator Thomas R. Carper, and Congressman Michael Castle regarding the Transportation Workers Identification Credential Program's scheduled compliance date in the Delaware Bay sector.

After careful review, we have determined that this issue falls within the purview of the U.S. Coast Guard. Therefore, we are forwarding this letter to your agency for action and notifying Senator Biden, Senator Carper, and Congressman Castle of the transfer by copy of this letter.

Sincerely yours,

A handwritten signature in cursive script that reads "Stephanie M. Curtis".

Stephanie M. Curtis
Correspondence Program Manager
Office of the Executive Secretariat

Enclosure

cc: The Honorable Joseph R. Biden
The Honorable Thomas R. Carper
The Honorable Michael Castle

Congress of the United States
Washington, DC 20510

TRANSPORTATION SECURITY

2008 JUL 25 A 10 10

July 18, 2008

OFFICE OF THE
EXECUTIVE SECRETARIAT

The Honorable Kip Hawley
Administrator, Transportation Security Administration
East Tower, Floor 11, TSA-5
601 South Twelfth Street
Arlington, VA 22202-4220

Dear Administrator Hawley,

We are writing in regard to the Transportation Security Administration's Transportation Workers Identification Credential (TWIC) Program's scheduled compliance date in the Delaware Bay sector.

While we realize that no official date has been announced, it appears that the Delaware Bay sector is tentatively scheduled for compliance around mid-December. Because of the holidays and key personnel being scheduled for vacations during that time of the year, we are writing to urge TSA and the Coast Guard to not schedule any compliance dates between November 24, 2008 and January 5, 2009. Being short-handed for the startup of compliance will only make a hard job even more difficult.

We look forward to your response. In the meantime, please feel free to contact (b) (6) (b) (6) in Senator Biden's office at (302) 573-6345, (b) (6) in Senator Carper's office at (302) 573-6291, or (b) (6) in Congressman Castle's office at (302) 428-1902. Thank you.

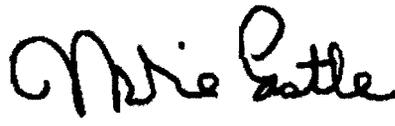
Sincerely,



Senator Joseph R. Biden
U.S. Senator



Senator Thomas R. Carper
U.S. Senator



Congressman Michael Castle
Member of Congress

FEB 28 2007

Office of Legislative Affairs

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

The Honorable Joseph R. Biden, Jr.
Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed is the Report on Technology Acquisition and Deployment for Document Authentication and Detection of Potential Terrorist Indicators on Travel Documents. This report complies with Section 7201(c) of the Intelligence Reform and Terrorism Prevention Act.

This report has been delivered to the Chairman and Ranking Member of the following committees:

Senate Homeland Security and Governmental Affairs
House Homeland Security
Senate Judiciary
House Judiciary
Senate Foreign Relations
House Foreign Affairs

I appreciate your interest in the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative and Intergovernmental Affairs at (202) 447-5890.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Kent".

Donald H. Kent, Jr.
Assistant Secretary
Office of Legislative and Intergovernmental Affairs
U.S. Department of Homeland Security

Enclosure

**United States Visitor and Immigrant Status Indicator
Technology (US-VISIT) Program Office**

Report on Technology Acquisition and Deployment for Document Authentication
and Detection of Potential Terrorist Indicators on Travel Documents:
as required by the Intelligence Reform and Terrorism Prevention Act of 2004
(Public Law No. 108-458, December 17, 2004)

February 2007

Prepared for:
The United States House of Representatives
The United States Senate



Homeland Security

Executive Summary

The Department of Homeland Security (DHS) and the Department of State (DOS or State) recognize the importance of document authentication technologies as a tool to identify individuals seeking to do harm to the United States and to prevent their entry into the United States. DHS and DOS have worked together to acquire and deploy technologies for document authentication and to verify the identity of previously encountered individuals. This report highlights DHS and DOS programs and procedures currently deployed or under development that support document authentication and enhance national security in immigration and border management processes. DHS and DOS continue to consider new technologies to enhance document authentication and detection of terrorist indicators.

Immigration and border management are a layered defense that includes the screening process at the physical border, the use of individual technology tools, and also encompasses the entire continuum of interactions and technologies that maximize security without unduly restricting the free flow of people and commerce. DHS and State have created such a defense where U.S. officials have integrated information on foreign nationals traveling to the United States before they enter, when they enter, while they are in the United States, and when they exit. This comprehensive view of an individual leads to the creation of a “virtual border,” enabling decision-makers, wherever they come in contact with an individual, to identify those who present a risk or threat and to make appropriate decisions.

By implementing this layered approach, cross-border travel and immigration activities within the U.S. and abroad would become simple and convenient for eligible, low-risk persons, and very difficult for those who seek to do harm or violate immigration laws. Decision-makers would have complete access to the information they need, when and where they need it, to make the right decision every time.

Introduction

DHS submits this report in response to section 7201(c) of the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 (Pub.L. No. 108-458). This provision requires the Secretary of Homeland Security, in conjunction with the Secretary of State, to report to Congress a plan to acquire and deploy, to the maximum extent feasible, to all consulates, ports of entry, and immigration benefits offices, technologies that facilitate document authentication and the detection of potential terrorist indicators on travel documents. Section 7201(c) requires the report to address the timetable needed for acquisition and deployment of the authentication technologies and the resources needed to fully disseminate them and train personnel on their use. In addition, Section 7201 (c) requires that the report address the feasibility of using these technologies to screen every passport or other documentation submitted for identification purposes to a United States consular, border, or immigration official.

In approaching the threats presented by cross-border travel, DHS has established a number of layered initiatives designed to detect, deter, and apprehend those who seek to do us harm.

THE US-VISIT PROGRAM

Background

The United States Visitor and Immigrant Status Indicator Technology (US-VISIT) is not a single database or system but as a continuum of security measures that collect biographic and biometric information from visitors at DOS visa-issuing posts abroad and upon their arrival to, and departure from, U.S. air, sea, and land border ports of entry (POEs). The biographic and biometric data are stored as part of a person's immigration record and vetted against databases of known or suspected threats to public safety and national security. US-VISIT's use of biometric technology—the electronic scanning and storing of an individual's fingerprints and digital photograph—provides the ability to verify the identity of an individual and to authenticate travel documents.

The US-VISIT Program has four primary goals:

- Enhance the security of U.S. citizens and visitors;
- Facilitate legitimate travel and trade;
- Ensure the integrity of our immigration system; and,
- Protect the privacy of our visitors.

US-VISIT has made significant progress in achieving these objectives. The US-VISIT biometric system is deployed at 117 air, 16 sea, and 154 land POEs that admit alien travelers and operates in conjunction with the DOS BioVisa Program, which is deployed at all DOS visa-issuing posts overseas. As a result, more comprehensive and timely information is provided to appropriate decision-makers, such as DOS consular officers overseas, Customs and Border Protection

(CBP) officers at the POEs, and Immigration and Customs Enforcement (ICE) agents and U.S. Citizenship and Immigration Services (USCIS) immigration benefit adjudicators in the interior of the country.

US-VISIT consists of 5 processes: pre-entry, entry, status, exit, and analysis.

Establishing Identity Through Pre-entry

The Department of State has deployed a biometric capture capability, known as the BioVisa Program, in all consular offices worldwide as of October 26, 2004. DOS conducts a biographic and biometric background check as part of the visa application process. DOS consular officers use the background check information to aid in determining whether a visa application should be granted or denied while the individual is still overseas. US-VISIT uses the Automated Biometric Identification System (IDENT).¹ Access to IDENT has allowed DOS consular officers to determine if individuals applying for visas have been encountered under another identity, as well as providing access to any adverse information that may exist for these identities. This has been a major step in creating a virtual border that extends to the first encounter between a prospective traveler and a U.S. official beyond the geographic boundaries of the United States. Additionally, DOS is replacing its current fingerprint scanners, which currently collect two fingerprints, with newer scanners that will collect all 10 fingerprints, improving the ability to check individuals against latent and partial prints of known or suspected terrorists and criminals from crime scenes and terrorist safe houses.

Verifying Identity on Entry

The biometric data and visa information collected by DOS during the visa application process are also transmitted to DHS systems for verification of identity when an individual granted a visa applies for admission at a POE. This has effectively eliminated visa identity fraud for those issued a visa under the BioVisa Program by preventing imposters from fraudulently entering the United States using a visa that was issued to someone else. For individuals traveling without a visa, such as those authorized under the Visa Waiver Program (VWP), their biometric information is captured at the POE, screened against watchlists, and stored in the system at the first encounter. This information can be compared and verified on each subsequent entry. Whether entering with or without the benefit of a visa, biographic and biometric watchlist data are screened, and individuals who appear on watchlists, or whose fingerscans do not match those on record for a particular individual, are referred to secondary inspection for further processing. This screening is accomplished without adversely impacting processing time at the POEs.

¹ IDENT is used as the biometric repository and matching system for US-VISIT and the BioVisa Program. In addition to housing records for those processed, IDENT maintains a biometric watchlist. The IDENT biometric watchlist contains DHS and DOS records, as well as extracts of information from the Department of Justice (DOJ)/FBI's Integrated Automated Fingerprint Identification System (IAFIS), INTERPOL, and the Department of Defense. The FBI and others provide updates on established schedules.

In addition, section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Pub. L. No. 107-173) requires that U.S.-issued travel and entry documents to foreign nationals (such as visas, permanent resident cards, and reentry permits) be machine-readable, tamper resistant, and use biometric identifiers; and that DHS deploy equipment and software at POEs to allow for the biometric comparison and authentication of these travel and entry documents by October 26, 2005. DHS integrated this capability into the standard software and equipment used for the US-VISIT process and completed the deployment at 117 air, 16 sea, and 154 land POEs on schedule. By building upon existing hardware and software, DHS eliminated the need to add more equipment to the POE station.

DHS 10-Fingerprint Transition

The 10-fingerprint standard is an important step in improving efforts to establish identities during initial encounters and then verifying those identities during subsequent encounters. The US-VISIT biometric record system was based on a two-fingerprint standard (two index fingers). US-VISIT is now transitioning to a more robust 10-fingerprint standard for initial enrollment into the system, while maintaining the capabilities of the faster scanning of less than 10 fingerprints for subsequent verification of identity. The transition to a 10-fingerprint standard will enhance the ability of DHS and DOS to match enrollees against latent prints of unknown individuals who may pose a threat and against stored fingerprints of known threats. The enhanced capabilities of a 10-fingerprint standard also mitigate concerns about false negatives when matching enrollees against poor quality prints and aid in reducing false positives, especially as the size of the matching pool grows.

DHS and DOJ Database Interoperability

Interoperability between IDENT and the Department of Justice's (DOJ) IAFIS will provide more comprehensive information to a U.S. official charged with making critical decisions on visa issuance, admission, immigration benefits, and law enforcement actions, as well as assisting in intelligence analysis. Criminal history information from DOJ records will become more accessible to DHS and DOS officers, and immigration history information from DHS and DOS records will be available to state and local law enforcement officers. DHS and DOJ have continued efforts to develop both near-term and long-term solutions for interoperability of their two-fingerprint database systems.

Status Management

In addition to biometric screening and verification of identity, DHS collects information on entry about the length of stay authorized for all non-citizens, regardless of whether biometrics were collected, so that it can determine who may have overstayed the terms of their admission. Status management involves updating the records of individuals who apply for additional immigration benefits within the United States, such as adjustment of status to permanent resident, extension of stay, change in nonimmigrant status that may increase or change that authorized period, and derogatory information that may result in the person being apprehended.

USCIS administers immigration benefit applications and also collects biometric data from certain benefit applicants at its 130 Application Support Centers (ASCs). The biometric identities provided by USCIS are screened against IDENT and IAFIS. In addition, USCIS transmits this biographic, biometric, and application data to the US-VISIT system environment so that the information is made accessible to other DHS and DOS officers to verify an individual's identity upon subsequent encounters and reflect changes in the authorized period of admission.

US-VISIT tracks and records changes in immigration status and matches entry and exit records to determine those who have overstayed their authorized period of admission. Individuals who are determined to have overstayed the terms of their admission, or who are wanted or otherwise encountered by law enforcement, may be apprehended. ICE has made 290 arrests between September 2004 to December 2006 based on US-VISIT analysis of biographic overstay information. In addition, IDENT conducts "recurrent checks" against all enrolled fingerprints – as US-VISIT receives new derogatory information (e.g., although no derogatory information existed at the time the person entered the United States, they are now the subject of a criminal arrest warrant), and those prints are checked against the entire enrolled population. ICE has made 29 arrests between September 2004 to December 2006 based on US-VISIT analysis of biometric matches.

Exit

Section 7208(d) of the IRTPA requires that the Secretary of Homeland Security collect biometric data from all those classes of aliens departing the United States who are required to provide such information upon entry. Among the benefits of biometric exit capabilities is the enhanced ability to match entry data to exit data. This ability serves to ensure the integrity of the immigration system, in addition to providing the capability to verify that an individual visitor complied with his or her authorized period of stay. DHS is evaluating technologies for biometric exit verification, with an initial focus on the air exit environment.

ADDITIONAL TECHNOLOGY SOLUTIONS AND PROGRAMS RELATED TO DOCUMENT AUTHENTICATION

e-Passports and e-Passport Readers

An e-Passport is a passport containing an integrated circuit chip embedded into it which holds biographic and biometric information that can be read by a scanning device. The creation of an international system of travel that incorporates e-Passports has been discussed extensively through the International Civil Aviation Organization (ICAO) for several years, and ICAO has established specifications for e-Passports to ensure compatibility among nations.

Using an embedded chip in the passport to store information from the passport page significantly enhances the security of the document. The digital photograph stored on the chip is sent to a reader, and a CBP officer at the POE can quickly and easily compare the stored photographic image to the individual presenting the document. Biographic information from the chip is also compared to the information printed on the passport's data page. This effectively eliminates many forms of passport fraud, including "photo substitution," where an imposter can use a genuine passport fraudulently by simply replacing the photograph in the passport.

In June 2005, DHS announced that Visa Waiver Program (VWP) travelers would be required to have either a passport with a digital photograph in order to be admitted under the VWP if their passports were issued on or after October 26, 2005, or an e-Passport if their passports were issued on or after October 26, 2006. DHS and DOS evaluated available technologies, and e-Passport readers were subsequently deployed to the 33 U.S. airports that process 97% of all VWP travelers by the October 26, 2006 deadline. In addition to the VWP nations, nations such as Thailand and Russia are issuing e-Passports to their nationals. Many other nations are likely to do the same in light of the major security advantages offered by e-Passports.

Use of Public Key Infrastructure (PKI) Technology with e-Passports

As part of e-Passport and reader development, DHS is currently developing processes to incorporate Public Key Infrastructure (PKI) technology into border entry processing. PKI is a software-based encryption process that would ensure that an e-Passport submitted to a border or consular official is genuine. This represents a significant security enhancement relevant to the widespread use of e-Passports.

Each e-Passport issued by a VWP country will contain a mathematical value stored on the integrated circuit chip. The chip is electronically "signed" by the e-Passport issuing authority. The authorized signing "certificates" are transmitted directly from each VWP country to DHS, through DOS, and will be available to the CBP officer at the POE. The value stored on the e-Passport chip is compared to the document-signing certificate in the DHS systems, enabling the U.S. official to determine unequivocally that the document presented was truly issued by the country claimed. This process eliminates the possibility of gaining admission to the U.S. using fraudulently manufactured e-Passports.

Research into Fraud Detection Technologies for Document Readers

Historically, the United States has relied on the visual and manual inspection of travel documents by trained immigration officers and consular officials to identify altered or falsified travel documents in order to prevent individuals presenting such documents from entering the United States. DHS and DOS are reviewing an array of document reader technologies that would improve the effectiveness and efficiency of this process to detect and reduce fraud. Among the options being reviewed are full-page document readers that capture an electronic image of the travel document for the purpose of comparison against an exemplar model provided by the issuing authority. DHS also is assessing available technologies that would support a document reader with the capability to read embedded electronic chips, optically scan embedded security features, and be upgraded with software so that advances in forensic capability could be incorporated. An electronic analysis of security features, such as watermarks and design details, would provide the capability to detect altered or fraudulent travel documents with a higher degree of accuracy than is possible by visual comparison alone.

ADDITIONAL EFFORTS TO IDENTIFY INDIVIDUALS WHO POSE A THREAT

Lost and Stolen Passports (LASP)

In order to combat unlawful travel by means of impostors using altered genuine passports, the routine and timely international sharing of lost and stolen passport data is recognized as a critical security measure. This includes blank passports lost or stolen in the manufacturing process, as well as personalized passports lost by, or stolen from, the rightful holder. DHS and DOS are engaging with international partners on the sharing of lost and stolen passport information including bilateral discussions, appropriate Group of Eight (G-8) working groups, and through Interpol's stolen and lost travel document (SLTD) database.

In addition, section 217(c)(2)(D) of the Immigration and Nationality Act (INA) states that one requirement for designation into the VWP is that a country certify that it reports the theft of blank passports issued by that country. DHS has identified the loss and theft of blank and personalized passports of VWP countries to be a significant security concern. DHS and DOS continue to incorporate lost and stolen passport information into the watchlist systems and to improve the timely sharing of such information among cooperating nations.

Regional Movement Alert System (RMAS)

The Regional Movement Alert System (RMAS) is a counterterrorism initiative sponsored by the Asia Pacific Economic Cooperation (APEC). APEC is a regional organization composed of 21 nations whose goals are to achieve economic growth and equitable development through trade and economic cooperation, as well as strengthen cooperation on counterterrorism issues. Members of APEC include most Pacific Rim countries, including the United States, which joined as a founding member in 1989. The objective of the RMAS is to strengthen the collective capacity of participating RMAS agencies to detect documents reported as lost and stolen, to monitor the movements of people of known or suspected character concern, and if necessary, to prevent such people from boarding flights and traveling to participating countries. RMAS is envisioned as an end-to-end business process using a series of components to enable a participating Nation to query another participating Nation's lost and stolen passport database. The RMAS operating system would be built and deployed so that it operates seamlessly with the departure control systems of airlines flying to participating Nations.

A bilateral pilot of RMAS went live on September 13, 2005, between Australia and the United States. During the pilot, the RMAS check was initiated on Australian passport holders traveling to the United States from anywhere in the world and on U.S. passport holders traveling to Australia from anywhere in the world. A multilateral pilot of RMAS went live on March 26, 2006, among Australia, New Zealand and the United States. Initial assessments of the pilots have been favorable. DHS and DOS continue to participate in multilateral discussions on the capabilities and future direction of RMAS.

EFFORTS TO STANDARDIZE TRAVEL DOCUMENTS

Western Hemisphere Travel Initiative (WHTI)

Currently, U.S. citizens and some citizens of other countries in the Western Hemisphere are not required to present a passport to enter or re-enter the United States when traveling within the Western Hemisphere. In lieu of a passport, CBP officers may be presented with thousands of different birth certificates by travelers, or they may encounter other situations where a traveler makes an oral declaration to be an American citizen. In its report, the 9/11 Commission concluded that terrorists study and exploit such vulnerabilities.

Section 7209 of the IRTPA mandates that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require a passport or other document, or combination of documents, deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship, for all travel into the United States by U.S. citizens and by categories of individuals for whom documentation requirements have previously been waived. Border security can be strengthened and entry processing facilitated by ensuring that travelers present a defined set of documents for which border inspectors have confidence in both the validity of the document and the credence of the decision originally made to issue the document. Reducing the number of approved identification documents will enable more efficient processing time at POEs and enhance an inspector's ability to detect document fraud.

The Western Hemisphere Travel Initiative (WHTI) will require all citizens of the United States, Canada, and the British Overseas Territory of Bermuda to have a passport or other accepted secure documents to enter or re-enter the United States. On January 23, 2007, the first phase of WHTI was successfully introduced for air travelers arriving from Canada, Mexico, and the Caribbean. DHS plans to begin implementing WHTI in the land and sea travel environments as early as possible in 2008, well before the final deadline of June 1, 2009 for full implementation. DHS and DOS are evaluating document options for U.S. citizens that would provide for a secure, low-cost alternative to the current passport book to satisfy identity and citizenship requirements.

As part of this effort, in consultation with DHS, DOS has announced through the rulemaking process a proposal for a Passport Card. The proposed technology for the card is Radio Frequency Identification (RFID). The proposed technology for the Passport Card will be a more advanced version of RFID technology that is currently being used successfully by other DHS programs (e.g., NEXUS) to facilitate both travel and trade at select ports of entry on the Canadian and Mexican borders. The proposed use of RFID technology will help DHS accomplish three necessary objectives as travelers enter or re-enter the United States: preposition information on a border officer's screen so that the U.S. Government can verify the identity of the person attempting to enter the country; electronically record that person's entry; automatically trigger a check of watch lists to determine if that U.S. citizen is a known risk. In proposing to use RFID technology at the land border, DHS plans to remotely read travel documents prior to the traveler arriving at the inspection booth, enhance officer safety enhance and maintain or decrease wait times for the traveler. DHS plans also include reading multiple cards at a distance and simultaneously within vicinity RFID technology, allowing an entire car full of people to be processed at once.

While the proposed RFID architecture is designed to protect a traveler's privacy by transmitting only a number that links to a record in a secure government database, both Departments recognize that this proposal appears to be controversial based on the number of comments received in response to the rulemaking proposal. The Departments are working together to ensure that whatever decision is ultimately made concerning Passport Card technology, it is one that meets border security objectives while also ensuring the security of personal identity information.

Security and Prosperity Partnership (SPP)

On March 23, 2005, United States, Canada, and Mexico launched the Security and Prosperity Partnership (SPP) to establish a common security strategy and to promote economic growth, competitiveness, and quality of life within North America. The goals of the SPP, as stated by the U.S., Canadian, and Mexican governments, are to establish a common approach to security to protect North America from external threats, to prevent and respond to threats within North America, and to further streamline the secure and efficient movement of legitimate, low-risk traffic across our shared borders. Efforts under SPP include the drafting of recommended standards for secure, lower-cost proof of status and nationality documents to facilitate cross-border travel, enhancing the use of biometric technologies in screening travelers destined for North America, and developing a single, integrated global enrollment program for North American trusted travelers.

THE WAY FORWARD

The need for the United States to effectively manage immigration and its borders has never been greater, in view of the attacks of September 11, 2001, and the ongoing threat of terrorism against the homeland. In the 21st century, effective immigration and border management is less about focusing on lines on a map than about creating continuous lines of communication so that information is integrated and accessible to the right people, at the right time, in the right place, and in the right format. By doing so, the United States is creating smarter and more effective security, stronger privacy protections, and greater efficiency in the free flow of trade and travel across its borders. DHS and DOS are committed to evaluating and incorporating new technologies and business processes to enhance effectiveness and efficiency in immigration and border management.

AUG 1 0 2007

Assistant Secretary for Legislative Affairs

U.S. Department of Homeland Security
Washington, DC 20528



Homeland Security

The Honorable Joseph R. Biden, Jr.
Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Section 5201 of Public Law 108-458, Intelligence Reform and Terrorism Prevention Act of 2004, requires the Secretary of Homeland Security to submit a comprehensive plan for the systematic surveillance of the Southwest Border of the United States by remotely piloted aircraft. As required by the act, the enclosed report includes cost estimates, the number of aircraft and equipment necessary for the plan, types of missions the plan would undertake, and recommendations for establishing command and control centers, infrastructure, maintenance, and procurement as well as for the expansion of the program along the entire Southwest Border.

I appreciate your interest in the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Kent".

Donald H. Kent, Jr.
Assistant Secretary
Office of Legislative Affairs

Enclosure



U.S. Customs and Border Protection

Report to Congress on Remotely Piloted Aircraft – Southwest Border Systematic Surveillance Plan

LEGISLATIVE REQUIREMENT / CITATION

The Customs and Border Protection Office of Air and Marine respectfully submits the following report entitled, Remotely Piloted Aircraft – Southwest Border Systematic Surveillance Plan, in response to:

Section 5201 Border Surveillance:

Subtitle B. Border Immigration Enforcement:

Title V. Border Protection, Immigration, and Visa Matters of the
INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT
OF 2004 [Pub. L. no. 108-458, 118 Stat 3734 (2004)]

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the President and the appropriate committees of Congress a comprehensive plan for the systematic surveillance of the southwest border of the United States by remotely piloted aircraft.

(b) **CONTENTS.**—The plan submitted under subsection (a) shall include—

- (1) recommendations for establishing command and control centers, operations sites, infrastructure, maintenance, and procurement;
- (2) cost estimates for the implementation of the plan and ongoing operations;
- (3) recommendations for the appropriate agent within the Department of Homeland Security to be the executive agency for remotely piloted aircraft operations;
- (4) the number of remotely piloted aircraft required for the plan;
- (5) the types of missions the plan would undertake, including—
 - (A) protecting the lives of people seeking illegal entry into the United States;
 - (B) interdicting illegal movement of people, weapons, and other contraband across the border;
 - (C) providing investigative support to assist in the dismantling of smuggling and criminal networks along the border;
 - (D) using remotely piloted aircraft to serve as platforms for the collection of intelligence against smugglers and criminal networks along the border; and
 - (E) further validating and testing of remotely piloted aircraft for airspace security missions;
- (6) the equipment necessary to carry out the plan; and
- (7) a recommendation regarding whether to expand the pilot program along the entire southwest border.

(c) **IMPLEMENTATION.**—The Secretary of Homeland Security shall implement the plan submitted under subsection (a) as a pilot program as soon as sufficient funds are appropriated and available for this purpose.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Remotely Piloted Aircraft Southwest Border Systematic Surveillance Plan

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Remotely Piloted Aircraft Southwest Border Systematic Surveillance Plan

1.0 Introduction

U.S. Customs and Border Protection (CBP) personnel leverage their detection, monitoring, and interdiction skills to safeguard our nation from terrorists and terrorist threats, stop drug smuggling and illegal drugs, interdict illegal immigration attempts, and support criminal investigations. In 2004, border security and immigration enforcement efforts were largely focused on the Southwest Border; however, we remain cognizant of changing threats and have adjusted accordingly. Today, CBP's Unmanned Aircraft System (UAS) program provides systematic surveillance in the Southwest Border Region to support CBP's priority mission of stemming threats of terrorism. As the UAS program continues to grow, this capability will be employed at all of the Nation's borders and will continue to support CBP's traditional border security role in the Southwest Border Region. This plan for systematic surveillance addresses the Southwest Border as originally requested, but it is crafted to meet today's mission requirements for all borders.

2.0 Background

Systematic surveillance is a comprehensive strategy for securing our borders with the right mix of personnel, infrastructure, and technology, including UAS, which have the ability to detect, identify, track, and classify cross border incursions into the United States. This strategy substantially increases the probability that CBP will detect, interdict, and apprehend illegal incursions along the United States border.

CBP has assigned tactical control of CBP aircraft along the Southwest and Northern Borders to Border Patrol Sector Chief Patrol Agents, and tactical control of air assets in the Southeast/Caribbean Theater to CBP Air and Marine's (CBP A&M) Director of Air Operations (DAO). Operational control resides with the Commissioner of CBP and administrative control with the Assistant Commissioner of CBP A&M.

Under this structure, the CBP Commissioner delegates to the Border Patrol Sector Chiefs, as field commanders, day-to-day direction, control, and deployment of assets and personnel, in order to accomplish assigned missions and strategic operational objectives in the Southwest Border. The Sector Chiefs give mission requirements to their respective regional DAOs, who then decide which aircraft are best equipped to support the mission. This allows CBP to employ CBP aviation and marine resources in supporting its expansive operations, ranging from sign cutting with small helicopters to overseas missions with P-3s.

The Assistant Commissioner for CBP A&M leads the new air and marine organization, including all aviation and marine program employees, facilities, aircraft, and vessels. The Assistant Commissioner is responsible for the administrative and programmatic management of CBP's combined aviation and maritime resources. This includes the management of budget and planning; administrative management of personnel and

equipment, including hiring, training and equipment; pilot and vessel operator training; readiness; procurement and maintenance of aircraft, marine vessels, and associated support equipment; setting safety policies and standards; and other administrative matters not directly involved in daily direction and control.

The UAS provides CBP with a remotely piloted asset that allows for broad area surveillance with proactive responses that is driven by un-cued, cued, and intelligence based missions. Instead of duplicating or replacing the capabilities of existing CBP assets, CBP A&M exploits the unique capabilities of the UAS to enhance CBP assets. As a law enforcement force multiplier for CBP, the UAS will allow CBP A&M to support other DHS entities, including the U.S. Coast Guard, the Federal Emergency Management Agency (FEMA), and U.S. Immigration and Customs Enforcement (ICE).

CBP's Use of Remotely Piloted Aircraft

CBP has patrolled a portion of the Southwest Border using unmanned aircraft systems since 2004, when CBP first conducted operational tests and evaluations of Hunter and Hermes UASs, simultaneously introducing UASs to border security as part of the Arizona Border Control Initiative. Since then, CBP UASs have flown more than 2,150 hours, directly contributing to more than 4,200 arrests of illegal aliens and the seizure of approximately 16,800 pounds of marijuana, as well as helping to meet the objectives of the National Security Strategy, the National Strategy for Homeland Security, the Department of Homeland Security Strategic Plan, and the CBP National Border Patrol Strategy.

From 2004 – 2006, the Hermes, Hunter and Predator B provided Border Patrol Agents on the ground, the valuable intelligence, surveillance, and reconnaissance needed to make the following apprehensions and seizures at the Southwest Border, with the Predator B adding substantially to the totals in 2005 and 2006:

| UAV | Hours | Number of Apprehensions | Pounds of Narcotics |
|--------------|-------------|-------------------------|---------------------|
| Hermes | 590 | 965 | 843 |
| Hunter | 329 | 329 | 1889 |
| Predator B | 1231 | 2916 | 14108 |
| Total | 2150 | 4210 | 16841 |

The Hermes 450 UAS, equipped with Compass II sensor systems, flew 590 hours and made 1,678 detections leading to 965 apprehensions and the seizure of 843 pounds of marijuana. Initially, the Hermes flew in the Ft. Huachuca military restricted area (R-2303) along the land border with the Republic of Mexico. Additionally, the Hermes also flew outside R-2303 and adjacent terrain along the U.S./Mexican border during this pilot program.

The Hunter UAS, equipped with Multi-mission Optronic Stabilized Payload (MOSP), flew 329 hours and made 556 detections leading to 329 apprehensions and the seizure of 1,889 pounds of marijuana. Like the Hermes, the Hunter flew in the Ft.

Huachuca military restricted area. The Hunter also flew outside R-2303 and adjacent terrain along the U.S./Mexican border during this pilot program.

Following these initial UAS evaluations, CBP sent out a request for proposal based on increased mission requirement for range, altitude, and payload capabilities over what the evaluation aircraft provided. The MQ-9 Predator B Unmanned Aircraft System was awarded a contract in August 2005 and delivered in September 2005. Predator B operations began October 2005 successfully deploying on the Southwest Border within R-2303. With its Lynx SAR (Synthetic Aperture Radar) and MX-15 EO/IR (Electro Optical/Infrared Camera), later to be the more effective MTS-A EO/IR, the Predator B flew 1231 hours and contributed to 2916 arrests, the seizure of 14108 pounds of marijuana, and the seizure of 4 vehicles.

In late 2005, CBP Air and Marine became the first recipient of a Federal Aviation Administration (FAA) Certification of Authorization to routinely operate the Predator B in the National Airspace System (NAS) outside of a domestic restricted area with an FAA coordinated Temporary Flight Restriction.

CBP A&M, with participation from the Office of Border Patrol (OBP) and other entities (DHS, Science & Technology, Secure Border Initiative network, etc.), will continue to evaluate operations to determine periodic modifications and add future capabilities.

Predator B Capabilities

The Predator B UAS consists of a medium-altitude, high-endurance remotely piloted aircraft; a ground control station; a ground data terminal; satellite and line of sight data and voice communications; as well as the ground support equipment required to operate, maintain, and sustain the system. The system is modular and adaptable to a variety of land, sea, and air missions. Mission-specific equipment is employed using "plug and play" technology allowing specific aircraft and control station configurations to be tailored to fit mission requirements. After acquiring the Predator B, CBP established a DHS UAS initial operating capability along the Southern Border of the United States in fiscal year 2005 (September 29, 2005) as directed by former DHS Secretary Ridge.

The Predator B is equipped with the latest sensor and communications technology and is capable of flying up to 30 hours at 50,000 feet. It supports Border Patrol Agents by detecting and monitoring criminal activity from up to 2,800 nautical miles from the UASs departure location. The Predator B has a maximum payload of 1600 kilograms, which makes it a very versatile airborne Command, Control, Communication, Intelligence, Surveillance and Reconnaissance (C3ISR) platform. The mission and the terrain determine the aircraft's sensor and communication configuration. Long flight duration and sensor capabilities will allow CBP to monitor difficult to reach terrain, identify possible criminal activity, and guide Border Patrol Agents and crewed A&M assets to the location of the suspected criminals.

3.0 Command and Control Centers, Operational Sites, Infrastructure, Maintenance, and Procurement

Approving authority for CBP UAS operations resides with the Assistant Commissioner of CBP A&M. The Assistant Commissioner of CBP A&M currently delegates UAS operations to the CBP A&M UAS Program Director. The UAS Program Director provides UAS strategic direction, policy, oversight, and resources in accordance with CBP strategic plans.

The UAS Program Office established a UAS tactical operations center at **Libby Army Airfield, Fort Huachuca, Arizona**. The operation center at **Libby Army Airfield** gives CBP Air & Marine access to **restricted airspace that allows the UAS to operate within the guidelines of the FAA and access restricted airspace on the Southwest Border**.

CBP's strategic vision for the UAS program includes command and control via Ku Band satellite from the national UAS operations center at the CBP Air and Marine Operations Center (AMOC) at **March Air Reserve Base, Riverside, California**. CBP A&M UAS pilots (Air Interdiction Agents) will launch and recover aircraft from a tactical operations center at Libby Army Airfield. UAS pilots at the AMOC radar facility will command and control the aircraft during mission operations. AMOC imagery and intelligence analysts will review all data gathered by the UAS payload operators and distribute real-time information to Border Patrol Agents and A&M as appropriate for a law enforcement resolution. The AMOC will also feed imagery and sensor data to the tactical sector where the UAS operates to provide systematic surveillance at the local level as well.

As threats and intelligence continue to evolve, CBP A&M, in coordination with field commanders' border security requirements, will review and adjust the UAS planning documents to properly focus on emerging threats and ensure that it is focused on areas where UAS capabilities are able to pay the highest operational dividends.

Maintenance is currently performed under contract by the only Predator B maintenance support available. In the future, a study will be completed to ascertain when non-contract support will be feasible and if it will be cost worthy and operationally beneficial.

The UAS Strategic Annex and the Acquisition Plan call for an **18** aircraft UAS program.

4.0 Cost Estimates for Implementation of the Plan

The Secretary of the Department of Homeland Security directed that the UAS capability be established before the end of fiscal year (FY) 2005. CBP prepared a comprehensive cost estimate for a UAS system in FY 2005 to support up to two years of operations on the Southwest Border of the United States. CBP A&M gathered contract cost, operations, and support data from CBP UAS demonstration programs in FY 2005. The DHS Science and Technology (S&T) Directorate obtained UAS vendor cost quotes and Department of Defense (DoD) UAS cost data. The recommended lease and purchase costs were derived using a blend of cost estimate methodology and data. The hierarchy of cost data and cost estimating methodology is as follows:

-
- Actual cost data, consistent with CBP UAS program scope
 - Vendor quotes
 - Cost estimate relationships for military aircraft

The cost estimate determined recommended costs for the outright purchase and/or two-year lease of a medium-altitude UAS. The initial UAS consisted of two aircraft, two ground control stations, two EO/IR sensors, and a remote viewing terminal. In addition, the estimate included costs for operations, maintenance, spare parts, facilities, and direct CBP support from a support contractor.

The analysis of military and commercial cost estimating organizations did not result in a standard or validated estimating methodology for the UAS. Cost estimating for the UAS has neither a long history nor validated cost estimating relationships, unlike commercial and military aircraft systems. For this cost estimate, a combination of vendor quotes and validated military aircraft cost estimating relationships were used. This methodology appeared to be reasonable, based on actual operational cost data and DoD contract cost documents.

In FY 2005, the UAS program was established under the DHS Office of Information Technology with \$10M recurring. The initial budget for UAS acquisition was therefore, \$10M in FY 2005 and \$10.18M for FY 2006 for a total of \$20.18M. DHS S&T provided an additional \$5.589M in FY 2005 to support the initial acquisition of the program. Due to the substantial initial investment per system and the need to get a system operational as soon as possible, CBP purchased one UAS in FY 2005 and a second UAS in FY 2006.

In FY 2006, Congress provided supplemental funding of \$45M for additional aircraft, Ku-band satellite command and control communication capability, transportable ground control stations, satellite services, technical and operational support, and logistics and maintenance for four UASs by the end of FY 2007. This funding allows CBP A&M to establish the tactical operations center at Libby Army Airfield, Ft. Huachuca, Arizona.

In FY 2006, CBP A&M was provided an additional \$20M within the FY 2007 budget for the UAS program. This funding supported procurement of additional UASs for the Southwest Border. CBP also took delivery of another Predator B in 2006 and plans to take delivery of five UASs over the next 2 years.

In the initial phases of the UAS program, CBP A&M is utilizing contractor support to maintain and operate the UAS. CBP A&M is currently developing a plan to switch to an organic program for pilot/sensor operator training. In addition, it is investigating an organic maintenance program for the UAS. CBP A&M will continue to procure prime contract maintenance and operations support for the UAS until organic programs are fully established. The contractor will be required to meet UAS performance measures (e.g., system availability rates, etc.) and other contract requirements.

CBP is updating its Air Strategic Plan to include marine, staffing, infrastructure, facilities, and an expanded discussion on unmanned aircraft systems. This plan describes the resource requirements to provide persistent systematic surveillance of the Nation's

borders and coastlines through the use of Unmanned Aircraft Systems. CBP expects to deliver the updated plan to the House and Senate Appropriations subcommittees in the summer of 2007.

5.0 Executive Agent

CBP is serving as the DHS Executive Agent for UASs and provides coordination on UAS operational activities with other departments and agencies such as DoD and the FAA.

CBP coordinated Southwest Border airspace agreements with the DoD as required by the FAA to allow joint use of manned/unmanned aircraft operations in the NAS. CBP is fully engaged with the FAA's Federal Advisory Committee, UAS Program Office, and DoD to safely integrate unmanned aircraft into the NAS. These agreements are critical in the Department's ability to access the NAS with unmanned aircraft along the borders of the United States.

Establishing CBP as the Executive Agent for DHS UAS operations facilitates necessary interagency discussions on air space access and the establishment of proper UAS flight protocols and operations. Access to the NAS is critical for UAS border security missions.

6.0 Number of Remotely Piloted Aircraft Required for Systematic Surveillance of the Southwest Border

CBP A&M recommends that **six** UASs patrol and respond to sensor activations on the Southwestern Border. However, CBP A&M, with input from OBP, will reevaluate the total number of aircraft required as analyses are conducted on UAS operations. Integration of the UAS into initiatives such as the Secure Border Initiative Network (SBI-net) will be a factor in the total number of systems used on the Southwest Border.

Tactically, CBP plans include the expansion of the UAS program into three operational areas: the Southwestern Border Region, the Northern Border Region, and the Southeastern Border Region. Each region would maintain a squadron of **six** systems each for a total of **18** UAS. In addition to border security operations, the UAS has the capability to support interior enforcement, maritime security, cross border operations, and critical incident response.

7.0 Mission Profile and Capabilities of the UAS

UAS provides a high duration Command, Control, Communications, Intelligence, Surveillance, and Reconnaissance (C3ISR) capability to complement crewed aircraft, watercraft, and ground interdiction agents. The system will enhance border security by expanding and improving patrols and surveillance along the borders to detect, deter, and prevent illegal entry. UAS is capable of supporting other DHS security missions and other organizations during natural disasters or terrorist attacks.

7.1 Protection of Undocumented Aliens

CBP's use and evaluation of the UAS have demonstrated that these systems can detect individuals crossing the border illegally. The Predator B equipped with Lynx Synthetic Aperture Radar (SAR) and Multi-Spectral Targeting System (MTS)-A/B, in combination with its long-endurance reconnaissance and surveillance capability, allows for the detection of individuals who have become lost or distressed during a border crossing and the subsequent support of rescue efforts.

7.2 Interdicting illegal movements of people, weapons, and other contraband across the Southwest Border

7.2.1 Undocumented Aliens

The Border Patrol has a variety of ground sensors along the Southwest Border. When one of these remote sensors is triggered, Border Patrol Agents must investigate to determine the cause. The Predator B can typically arrive in the vicinity of sensor activations much faster than a ground agent, especially when the ground sensor is located in rough or high-elevation terrain. If Border Patrol Agent sensor operators in the A&M/OBP UAS Mission Control Center (MCC) adjacent to the UAS ground control station determine that, for example, an animal has caused the sensor activation, then no dispatch of agents is required. Conversely, if the Predator B detects human beings, then it can monitor their movement and facilitate the dispatch of agents for apprehension.

7.2.2 Weapons Interdiction and Other Contraband

The threshold performance specification for the Predator B requires that the EO/IR sensors identify whether a suspect human being is likely carrying long weapons (i.e., rifles or shotguns) or brandishing a handgun, even at night. As they direct interdiction, the Border Patrol Agents in the MCC will determine if the undocumented aliens appear to be armed and will pass this information on to the responding air and ground agents. Most undocumented aliens encountered by law enforcement personnel are unarmed. The detailed information provided by the Predator B system will allow Border Patrol Agents to know beforehand if the subjects are armed, affording them to take appropriate action to ensure that their safety, as well as the safety of the undocumented aliens, is not unnecessarily compromised.

Sensor data and imagery from the Predator B provides enough detail for Border Patrol Agents to easily distinguish between a person and the surrounding vegetation and terrain. Therefore, Border Patrol Agents are able to identify vehicles but cannot determine the contents of a vehicle. Only ground interdiction agents are able to determine the contents of vehicles.

The detection of Weapons of Mass Destruction (WMDs) by UASs is not currently a requirement in the performance specification for UAS deployment. CBP will monitor technology development and coordinate efforts between the Technology Systems Program Office of the CBP Office of Information and Technology (formerly the Applied

Technology Division) and DHS S&T to add sensors that can detect WMDs as soon as the technology becomes available.

7.3 Investigative support in the dismantling of smuggling and other criminal networks along the Southwest Border

The mission of investigative support on the Southwest Border is best suited to a medium- or high-altitude UAS (10,000 to 20,000+ feet Above Ground Level) that uses EO/IR sensors to detect and track people and vehicles at specific areas on the ground. Investigative support capability is increased by Signal Intelligence (SIGINT) sensors onboard the air vehicle. Currently, the CBP Predator B does not contain a SIGINT sensor.

As opportunities arise, CBP will seek out opportunities to collaborate with state and local law enforcement organizations to secure borders and prevent terrorism through the integration of the UAS capabilities into their operations.

7.4 Use of remotely piloted aircraft to serve as platforms for the collection of intelligence against smugglers and criminal networks along the Southwest Border

Border Patrol and DHS investigative agencies use a variety of sources to gain information concerning illegal activities along the Southwest Border. This information is provided as a time and place of a potential border incursion. Equipped with SIGINT sensors, the Predator B UAS provides the capability to covertly monitor the suspect section of the border, then follow and ultimately direct the interdiction of any foot traffic or potential load vehicles in the area. SIGINT capabilities employed by the UAS will allow agents to monitor any electronic communications used by the suspects. Additionally, a SIGINT sensor will be able to triangulate signals being transmitted by smugglers, scouts and lookouts so that agents can neutralize counter surveillance reporting on border security activities. Agents are then dispatched to interdict and apprehend such illicit traffic.

Sensor suites on the UAS will provide intelligence information for use by CBP, DHS and other agencies. This intelligence collection effort could be used to identify emerging threats, verify existing threats, or update trafficking patterns used by smuggling organizations. Intelligence collection would be integrated into other systems and established intelligence and information centers so that all data and methods of collection (i.e., motion sensors, cameras, EO/IR, radar, and SIGINT) are analyzed against each other for the most accurate intelligence picture. UAS sensor data and methods include, but are not limited to, the following:

EO/IR Sensors:

Provide real-time imagery of the ground and provide a detection capability of individuals, groups and vehicles. EO/IR data will reveal real-time changes in locations of individuals and emerging traffic patterns. These sensors are best suited for UASs.

Hyper-spectral/multi-spectral Imagers (HSI/MSI):

Provide light spectrum and spectral reflection/refraction information for every point in its field of view. This information can be processed to reveal subtle details such as disturbed soil and vegetation, as well as construction of decoys and placement of real targets for the transportation of contraband or weapons across U.S. borders. HSI/MSI sensors are best suited for UASs.

Synthetic Aperture Radar (SAR)/Ground Motion Targeting Indicator (GMTI):

Systems operate through clouds and fog and are a good source of both instantaneous and slowly developing changes, regardless of weather patterns. SAR/GMTI is well suited for detection of moving vehicles, in addition to producing images of ground disturbances or construction, and is best suited for UASs.

Signals Intelligence (SIGINT):

Passively gather intelligence from the interception and exploitation of electromagnetic transmissions such as radios. It will be miniature, multi-channel and modular with high-speed detectors and high-sweep rate tuning for a high probability of intercept. The SIGINT payload will be able to determine the location of the communications traffic and its frequency (more radio traffic at particular times) while providing a networked connection for both control and output of the intercepted signals. It is best suited for UASs supporting covert operations and has significant payload capacity needed to carry the additional weight of these sensors.

8.0 Equipment Necessary to Carry Out the Surveillance of the Southwest Border

Each UAS should consist of equipment previously identified, in addition to the following:

Sensor Control Terminals:

Provides agents in the field with direct control of all functions of the EO/IR sensors and access in near real-time to its video imagery and data, independent of the Ground Control Station. Remote Video Terminal – the Remote Video Terminal provides CBP agents in the field with direct access in near real-time to EO/IR sensor video imagery and data independently of the GCS.

Launch and Recovery Element (LRE):

Provides local capability for the UAS to take off and land at airfields independent of aircraft control from the AMOC. This enables AMOC personnel to concentrate on flying the mission while LRE personnel concentrate on launch and recovery of the UAS. The LRE would be capable of controlling the aircraft and its EO/IR sensors while in Line Of Site control. There should be one LRE per operating site.

Automated Landing System:

Provides the capability to automatically land the UAS without the need for pilot control. This would greatly diminish accidents and incidents upon landing and serves to protect the fleet against catastrophic losses. Therefore, one automatic landing system would be required per aircraft.

Ground Equipment:

Equipment, supplies and facilities services are required to support UAS flight and ground operations. Major items include a hangar for housing and maintaining the air vehicle and sensor payloads, portable generators to serve as primary (or backup) sources of power, a fuel storage tank for refueling the air vehicle (as required), hazardous material storage and disposal, and site security (as required).

9.0 Use of Remotely Piloted Aircraft for Airspace Security Missions

Airspace security within the United States is provided by land- and air-based radar systems. In the future, upon detection of an unidentified aircraft, a CBP UAS may be dispatched to identify and track the suspect aircraft.

10.0 Expanding the Program toward Mission Success

CBP will continue to support DHS's Secure Border Initiative (SBI) through systematic and persistent surveillance along the Southwest Border, the Northern Border and the Nation's coastlines within the continental United States. CBP will adapt tactics, techniques and capabilities to counter emerging threats in all border regions and coastlines of the United States and in the source, transit and arrival zone corridors as they approach our maritime domain, sovereign airspace, and land borders. CBP A&M will coordinate these efforts with the Border Patrol, U.S. Coast Guard, DoD, National Intelligence assets, and other federal, state and local law enforcement agencies.

CBP selected the Predator B for its unique and adaptable capabilities. CBP expects this UAS to support future national security priorities and DHS-focused operations. CBP A&M will fulfill these missions with a mix of government and contract personnel as it leads the way in UAS aerial exploitation.

CBP is planning to establish three tactical launch and recovery locations, known as Unmanned Aircraft Systems Operations Centers (UASOCs), in Sierra Vista, Arizona; Grand Forks, North Dakota; and the Florida Panhandle. These launch and recovery sites will allow CBP A&M to provide enhanced support of CBP operations at each of the Nation's three border regions.

The Unmanned Aircraft Systems National Operations Center (UASNOC) will provide UAS strategic command and control and reside at the CBP Air and Marine Operations Center (AMOC) in Riverside, California. UAS pilot, payload/sensor operator, and flight engineer training will be administered by the National Aviation Training Center (NATC) in Oklahoma City, Oklahoma. The Assistant Commissioner of CBP Air and Marine will oversee the UAS Program Office from CBP A&M Headquarters in Washington, D.C.

Like the CBP Air (and Marine) Strategic Plan, the UAS program's planning is based on threats and intelligence that continue to evolve. The UAS Program Office will review and adjust the plan to properly focus on emerging threats and ensure that it is ever focused on areas where UAS capabilities are able to pay the highest operational dividends.

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN

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ANTONY J. BLINKEN, STAFF DIRECTOR
 KENNETH A. MYERS, JR., REPUBLICAN STAFF DIRECTOR

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

January 11, 2008

MEMORANDUM

TO: Woody **[PLEASE GIVE DIRECTLY TO WOODY!!!]**

FROM: Gail Coppage

SUBJECT: Confirmation of Permanent Resident Status

Pursuant to our recent conversation, following are the specifics of the case we discussed:

NAME: Ajmal Ahmadi DOB: 05/05/85

A # 72417369 SSN: 229-73-5816

ADDRESS: 8315 Timber Brook Lane, Springfield, VA 22153

Mr. Ahmadi lost his permanent resident card and Northern Virginia Community College wants to charge him tuition as an international student. He has been in the U.S. since he was four years old. On January 9th, he filed an I-90 form online requesting a replacement card (USCIS Receipt # MSC0880069028).

I'd appreciate it if you could either mail him or FAX me confirmation that USCIS records show he is a permanent resident so he can sign up for college courses ASAP. Additionally, if his replacement card could be expedited, that would be appreciated.

I can be reached on (202) 224-3951 and my FAX # is (202) 224-0836.
 Thanks for your help.

748532

U. S. Department of Homeland Security
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

JAN 15 2008

CO 703.1181

The Honorable Joseph R. Biden Jr.
Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Thank you for your letter of January 11, 2008, requesting verification of the immigration status of Mr. Amjal Ahmadi (A72 417 369), who lost his Permanent Resident Card. Mr. Ahmadi filed an application for a replacement card, received by U.S. Citizenship and Immigration Services (USCIS) on January 9, 2008.

According to our records, Mr. Amjal Ahmadi, born in Afghanistan on May 5, 1985, received his lawful permanent residence on January 11, 2005. His application for a replacement card will require approximately 90 to 120 days to process. Expedites can only be considered in cases where a clearly documented, articulable emergency can be substantiated.

We hope the information provided is helpful. If we may be of assistance in the future, please let us know.

Sincerely,

FOR THE DIRECTOR

Sarah Taylor
Chief
Office of Congressional Relations

FEB 4 2008

Assistant Secretary for Legislative Affairs
U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

The Honorable Joseph R. Biden, Jr.
Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This letter is submitted to the Committee on behalf of the Secretary of Homeland Security to comply with the reporting requirement contained in Section 212(d)(3)(B)(ii) of the Immigration and Nationality Act (INA). Under that provision, the Secretary must annually provide a report to the Committee on the individuals to whom the Secretary has applied the inapplicability authority provided at INA Section 212(d)(3)(B)(i), which includes but is not limited to "material support."

During Fiscal Year 2007, the Secretary exercised this discretionary authority on behalf of 2,909 individuals. Of these individuals, 2,834 were processed for refugee status, 11 were granted asylum, 51 adjusted of status to lawful permanent resident, and 13 were granted suspension of deportation or special rule cancellation of removal pursuant to Section 203 of NACARA (Nicaraguan Adjustment and Central American Relief Act of 1996).

Of the total number of individuals subject to the Secretary's discretionary authority, 141 provided material support to a terrorist organization under duress and 2,768 provided material support to groups whom the Secretary has designated for exemption.

U.S. Citizenship and Immigration Services is prepared to provide you with a briefing on its implementation of the Secretary's exercise of this discretionary authority at your request.

I appreciate your interest in the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,


Donald H. Kent, Jr.
Assistant Secretary
Office of Legislative Affairs

Congress of the United States
Washington, DC 20510

4/24/08
JON
4/25
P10
CC:MT

April 22, 2008

Ms. Crystal Newman
FIM Division
Federal Emergency Management Agency
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106-4404

2008 APR 23 10 19

RE: Delaware Department of Natural Resources and Environmental Control

Dear Ms. Newman:

We would like to convey our strong support of two projects sponsored by the Delaware Department of Natural Resources and Environmental Control (DNREC) for the Flood Mitigation Assistance Program. Through funding from the Federal Emergency Management Agency, we believe these projects will greatly benefit the citizens of Delaware by reducing the threat of flooding to homes and businesses.

The first project, which will be managed by the New Castle Conservation District will allow for the design and construction of flood proofing for the Shone Lumber Company in the Stanton Industrial Park in Stanton, Delaware. Located near the White Clay Creek, numerous businesses in this industrial park have been victims of repeat flooding. FEMA has previously provided assistance to Bell Plumbing Supply and Metroform Medical Center, which are both neighboring properties. This project is highly needed because it will involve construction of a flood barrier around the most critical areas of the Shone Lumber building.

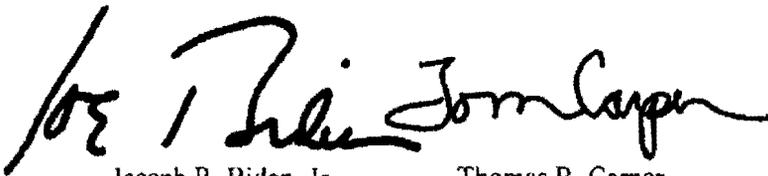
The second project involves the purchase and demolition of a flooded home at 3418A Faulkland Road. This home, located in a very high risk location, has received extensive flood damage, most recently by Hurricane Jeanne in September 2004. During that flood, water reached six feet deep in the first floor of the house leaving the property owner unable to repair the damages. The house is not in a FEMA-mapped floodplain and is not covered by flood insurance. To prevent future flooding, the New Castle County Department of Special Services will manage clearing the site of the home and creating space that will allow for a potential future storm water abatement project that will benefit the surrounding neighborhood.

We strongly believe in the proposals put forth by the Delaware Department of Natural Resources and Environmental Control. If funded, these projects will provide the

flood control our communities need by enhancing public safety and reducing property loss. It is for such reasons that we encourage you to consider funding these proposals.

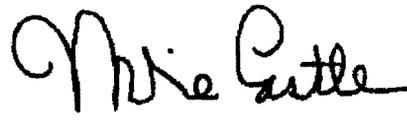
Please advise us when a decision is rendered in regard to this proposal. Senator Biden can be reached through his Projects Director, Ms. Tonya Baker, at (302) 573-6345. Senator Carper can be reached through his Projects Director, Mr. Garth Spencer, at (302) 573-6291. And Congressman Castle can be reached through his Staff Assistant, Ms. Erin Innes, at (302) 428-1902.

Sincerely,



Joseph R. Biden, Jr.
United States Senator

Thomas R. Carper
United States Senator



Michael N. Castle
Member of Congress

From: Ferreira, Frank
To: "John Dieleuterio@biden.senate.gov"; "Tonya Baker@biden.senate.gov"; "larry_windley@carper.senate.gov"; "garth_spencer@carper.senate.gov"; "Jeff.Dayton@mail.house.gov";
CC:
Subject: Announcement of a PDM Grant - University of Delaware
Date: Thursday, August 21, 2008 3:24:49 PM
Attachments: u del revised.pdf
pdm fact sheet[1] new.pdf
mitigation grant programs fact sheet[1].pdf

Good afternoon.

On behalf of Jon Sarubbi, FEMA's Region III Regional Administrator, I am pleased to announce the awarding of a Pre-Disaster Mitigation (PDM) grant to fund a University of Delaware mitigation project. For your information a fact sheet on the program is attached. I am also including a second sheet on other Mitigation programs.

Should you have any questions, feel free to contact me.

Warm personal regards,
Frank Ferreira

Frank Ferreira
External Affairs Specialist
Office of the Regional Administrator
U.S. Department of Homeland Security
Federal Emergency Management Agency
Region III
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106-4404
Phone:
Fax: (b)(2)
www.fema.gov

U.S. Department of Homeland Security
Region III
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106-4404



FEMA

MAY 30 2008

The Honorable Joseph R. Biden, Jr.
U.S. Senate
Suite 2000
1105 N. Market St.
Wilmington, DE 19801-1233

RE: Delaware Department of Natural Resources and Environmental Control

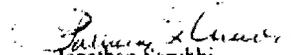
Dear Senator Biden:

I am in receipt of your joint letter of April 22, 2008, regarding the Pre-Disaster Mitigation (PDM) grant applications sponsored by the Delaware Department of Natural Resources and Environmental Control. Thank you for your input.

My mitigation staff is currently conducting eligibility and completeness reviews of both projects. At this time no final eligibility decisions have been made and the projects remain under review. Typically, projects such as these are reviewed and approved within 30 days. When decisions have been made regarding these projects, I will follow-up with your office.

If you have questions, please call External Affairs Officer Niki Edwards (b)(2)Low
(b)(2)Low

Sincerely,


Jonathan Sarubbi
Regional Administrator

Enclosure

Pre-Disaster Mitigation Grant Program

Building Stronger and Safer

FEMA's Pre-Disaster Mitigation (PDM) Grant Program provides funding to States, Indian tribal governments, territories, and local governments for implementing cost-effective hazard mitigation planning and projects before disasters occur. Authorized by the Robert T. Stafford Disaster Assistance and Emergency Relief Act, the goal of the PDM Program is to reduce the overall risk to people and property from future disasters, while also reducing reliance on funding from disaster declarations.

RANGE OF ACTIVITIES ELIGIBLE FOR FUNDING

Planning activities that develop State, Indian tribal, local, and university hazard mitigation plans while meeting specific planning criteria are eligible for the PDM Program. A FEMA-approved mitigation plan is required in order to receive project grants. Eligible mitigation projects include:

- Voluntary acquisition of real property
- Relocation of public or private structures
- Elevation of existing public or private structures
- Structural retrofitting and non-structural retrofitting
- Construction of safe rooms
- Vegetation management
- Protective measures for utilities
- Stormwater management projects
- Localized flood control projects that are designed specifically to protect critical facilities

ELIGIBLE APPLICATIONS ARE AWARDED ON A NATIONALLY COMPETITIVE BASIS

FEMA chairs a national panel to evaluate eligible proposals. PDM projects must be cost-effective,

feasible, effective, and consistent with the goals of applicable FEMA-approved State and local multi-hazard mitigation plans. In addition, projects must be compliant with environmental and historic preservation laws and regulations to receive Federal funding.

PDM grants are awarded to States, federally-recognized Indian tribal governments, and territories. Local governments and non-emergency management State agencies may apply to States, Indian tribes, and territories as sub-applicants. In addition, State or local governments can apply on behalf of private non-profit organizations. To receive PDM funding, applicants and sub-applicants must participate in the National Flood Insurance Program (NFIP) if they have areas designated as Special Flood Hazard Areas.

FOR MORE INFORMATION

For additional PDM resources and information, visit <http://www.fema.gov/government/grant/pdm/index>.

PDM FUNDING SUBJECT TO CONGRESSIONAL APPROPRIATIONS

Funding is provided through the National Pre-Disaster Mitigation Fund and is subject to Congressional appropriations. Grant awards are subject to a 75 percent Federal/25 percent non-Federal cost share. Small, impoverished communities may receive up to 90 percent Federal funding.



FEMA

**U.S. Department of Homeland Security
Region III**
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106

PDM (PDM-C) PROJECT APPROVAL

**CONGRESSIONAL
DELEGATION:**

The Hon. Joseph Bidden
The Hon. Thomas Carper
The Hon. Michael Castle

APPLICANT:

University of Delaware

PROJECT TITLE:

University of Delaware Plan

PROJECT TYPE:

Planning

PROJECT DESCRIPTION:

Develop its own all hazard mitigation plan as part of an overall operations plan effort. The plan will cover vulnerability analysis, mitigation project development and emergency planning cooperation with the City of Newark and the State of Delaware.

PROJECT TOTAL:

\$87,330

FEDERAL SHARE:

\$55,107

NON-FEDERAL SHARE:

\$32,193

From: Peditto, Stephanie
To: "john_diejeuterio@biden.senate.gov"; "larry.windley@carper.senate.gov"; "jeff.dayton@mail.house.gov";
CC: Edwards, Niki; Ferreira, Frank ; Pritchard, Josie;
Subject: Announcement of Awards for Delaware - Assistance to Firefighters Grant (AFG) - Round 8
Date: Thursday, September 20, 2007 11:45:02 AM
Attachments: AFG FY 2007 Fact Sheet FINAL.doc

Good morning,

I am pleased to advise you that the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) has awarded the following amounts in Assistance to Firefighters Grants (AFG) Round 8 to local fire departments and emergency medical services organizations in the State of Delaware.

These FY 2006 awards are supplements to those awards made in the latter part of FY 06 and into calendar year 2007. The funds are a part of the original FY 06 appropriation. The AFG program expects to make these types of supplemental awards through the close of FY 07 (September 30, 2007). FY 07 awards currently being made will continue into calendar year 2008.

FY 2006 AFG Awards:

| Fire Department | Address | District | City | Program | Award Amount |
|-----------------------------|------------------|-----------------|-------------|-----------------------|---------------------|
| Milville Vol. Fire Co., Inc | 316 Atlantic Ave | DE-01 | Milville | Operations and Safety | \$ 72,542 |
| Delaware Total | | | | | \$ 72,542 |

Attached you will find a fact sheet explaining the FY 2007 AFG Program.

If you have questions, please contact me.

Sincerely,
Stephanie

Stephanie M. Peditto
Congressional Affairs Specialist
U.S. Department of Homeland Security
FEMA - Region III
Office of the Regional Administrator

(b)(2)Low^(b)

From: Peditto, Stephanie
To: "john_dieleuterio@bidcn.senate.gov"; "larry_windlev@carper.senate.gov"; "jeff.dayton@mail.house.gov";
CC: Edwards, Niki; Ferreira, Frank ; Pritchard, Josie;
Subject: Announcement of Awards for Delaware - Assistance to Firefighters Grant (AFG) - Round 18
Date: Thursday, December 06, 2007 10:04:16 AM
Attachments: AFG FY 2007 Fact Sheet FINAL.doc

Good morning,

I am pleased to advise you that the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) has awarded the following amounts in Assistance to Firefighters Grants (AFG) Round 18 to local fire departments and emergency medical services organizations in the State of Delaware.

FY 2007 AFG Awards:

| Fire Department | Address | City | District | Program | Award Amount |
|----------------------------------|---------------|-----------|----------|-----------------------|------------------|
| Frankford Volunteer Fire Company | 7 Main Street | Frankford | DE-01 | Operations and Safety | \$ 72,438 |
| Delaware Total | | | | | \$ 72,438 |

Attached you will find a fact sheet explaining the FY 2007 AFG Program.

If you have questions, please contact me.

Sincerely,
Stephanie

Stephanie M. Peditto
Congressional Affairs Specialist
U.S. Department of Homeland Security
FEMA - Region III

(b)(2)Low

From: Peditto, Stephanie
To: "john_dieleuterio@biden.senate.gov"; "larry_windley@carper.senate.gov"; "jeff.dayton@mail.house.gov";
CC: "Edwards, Niki"; Ferreira, Frank ; Pritchard, Josie;
Subject: **Announcement of Awards for Delaware - Assistance to Firefighters Grant (AFG)**
Date: Thursday, February 28, 2008 11:33:02 AM
Attachments: AFG FY 2007 Fact Sheet FINAL.doc

Good morning,

I am pleased to advise you that the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) has awarded the following amounts in Assistance to Firefighters Grants (AFG) to local fire departments and emergency medical services organizations in the State of Delaware.

FY 2007 AFG Awards:

| Fire Department | Address | City | District | Program | Award Amount |
|--------------------------------------|----------------------|------------|----------|-----------------------|-------------------|
| Volunteer Hose Company of Middletown | 27 West Green Street | Middletown | DE-01 | Operations and Safety | \$ 119,826 |
| Delaware Total | | | | | \$ 119,826 |

Attached you will find a fact sheet explaining the FY 2007 AFG Program.

If you have questions, please contact me.

Sincerely,
Stephanie

Stephanie M. Peditto
Congressional Affairs Specialist
U.S. Department of Homeland Security
FEMA - Region III

(b)(2)Low

From: Peditto, Stephanie

To: susan_segal@specter.senate.gov; stan_caldwell@specter.senate.gov; michael_oscar@specter.senate.gov; gayle_mills@specter.senate.gov; charlie_lyons@casey.senate.gov; bonnie_seaman@casey.senate.gov; teresa_dennis@casey.senate.gov; shirley_gregory@mail.house.gov; bonnie_bowser@mail.house.gov; regina.smith@mail.house.gov; mike.butler@mail.house.gov; peter.winkler@mail.house.gov; joe.fadden@mail.house.gov; edward.schmid@mail.house.gov; bill.walsh@mail.house.gov; joan.nagel@mail.house.gov; phil.lorenzoni@mail.house.gov; doug.platz@mail.house.gov; madeleine.wille@mail.house.gov; jim.frank@mail.house.gov; paul.macknosky@mail.house.gov; joe.fabricatore@mail.house.gov; tom.williams@mail.house.gov; fred.ney@mail.house.gov; mark.critz@mail.house.gov; julie.slavet@mail.house.gov; paul.dalesandro@mail.house.gov; carol.halper@mail.house.gov; tom.tillett@mail.house.gov; tim.smith@mail.house.gov; trish.reilly@mail.house.gov; john.savinda@mail.house.gov; lisa.flanagan@mail.house.gov; eileen_mandel@warner.senate.gov; louise_ware@webb.senate.gov; angela.welch@mail.house.gov; joe.schumacher@mail.house.gov; marylou.stone@mail.house.gov; gisele.russell@mail.house.gov; jason.gray@mail.house.gov; linwood.duncan@mail.house.gov; pete.larkin@mail.house.gov; kathryn.rexrode@mail.house.gov; nick.chadkewicz@mail.house.gov; jennifer.nolen@mail.house.gov; susie.warner@mail.house.gov; laura.lee@mail.house.gov; judy.mccary@mail.house.gov; dave.foreman@mail.house.gov; anne_barth@byrd.senate.gov; louann_johnson@rockefeller.senate.gov; wes_holden@rockefeller.senate.gov; cate.johnson@mail.house.gov; mary.eckerson@mail.house.gov; paulgonzalez@mail.house.gov; kelly.dyke@mail.house.gov;

CC:

Subject: CONGRESSIONAL ADVISORY - DRAFT NATIONAL
RESPONSE FRAMEWORK (NRF)
Date: Wednesday, October 10, 2007 11:26:42 AM
Attachments: CA-07-06 Congressional Advisory.doc

Good morning,

Since our last two teleconferences on the release of the National Response Framework (NRF), there has been a change in the timeline for the public comment period and the associated documents and annexes. Please see the attached Congressional Advisory for more details.

Should you have any questions, please do hesitate to contact our office.

Sincerely,
Stephanie

Stephanie M. Peditto
Congressional Affairs Specialist
U.S. Department of Homeland Security
FEMA - Region III
Office of the Regional Administrator

(b)(2)LOW (Fax)

PUBLIC COMMENT PERIOD FOR DRAFT *NATIONAL RESPONSE FRAMEWORK* EXTENDED TO OCTOBER 22

The U.S. Department of Homeland Security (DHS) announced today that it has extended the public comment period on the draft *National Response Framework* until October 22, 2007. The extended comment period provides additional time for interested parties to provide feedback on the draft document.

“It is important to make sure that we provide ample opportunity within reason for those who wish to make comments in the development of the *National Response Framework*,” said Department of Homeland Security Secretary Michael Chertoff. “While we have already engaged in extensive outreach to our stakeholders on the development of this vital *Framework*,

nonetheless, we would like to offer our partners more time to provide final feedback and input.”

The NRF was posted on the DHS Web site for public comment on September 10, 2007. The current comment period was scheduled to expire on October 11, 2007. The draft *National Response Framework* is the successor to the National Response Plan, which was issued on January 5, 2005. The *National Response Framework*, which focuses on response and short-term recovery, articulates the doctrine, principles and architecture by which our nation prepares for and responds to all-hazard disasters across all levels of government and all sectors of communities. The *National Response Framework* is responsive to repeated federal, state and local requests for a streamlined document that is shorter, less bureaucratic and more user-friendly.

Individuals who wish to submit comments can obtain instructions for submission online at www.fema.gov/nrf or www.regulations.gov. All public comments received by DHS will be posted on the Federal Docket Management System. Comments may be viewed online by searching for docket number FEMA-007-0007 at www.regulations.gov. During the comment period, the existing *National Response Plan* remains in effect. The comment period on the associated documents and annexes of the draft *National Response Framework* remains open until November 10, 2007.

From: Peditto, Stephanie
To: "aaron.ward@mail.house.gov"; "thomas.atkins@mail.house.gov"; "john.dieleuterio@bidensenate.gov"; "larry.windley@carper.senate.gov"; "jeff.dayton@mail.house.gov"; "ellen.janes@mikulski.senate.gov"; "bart.kennedy@mikulski.senate.gov"; "bailey.fine@cardin.senate.gov"; "jodi.schwartz@cardin.senate.gov"; "cathy.bassett@mail.house.gov"; "tara.oursler@mail.house.gov"; "monica.henderson@mail.house.gov"; "adrian.l.jones@mail.house.gov"; "betsy.bossart@mail.house.gov"; "sallie.taylor@mail.house.gov"; "fran.allen@mail.house.gov"; "joan.kleinman@mail.house.gov";
CC: "Edwards, Niki"; Ferreira, Frank ;
Subject: Congressional Day - June 10, 2008
Date: Thursday, February 14, 2008 10:56:44 AM
Attachments:

Good morning,

We are having a "Congressional Day" at the Federal Emergency Management Region III office, 615 Chestnut Street, Philadelphia, Pennsylvania, beginning at 9:00 AM on Tuesday, June 10, 2008.

So that you can be informed of all the latest developments, we are holding a day of briefings for you.

Please plan on visiting our office and meeting us on June 10th. More details will follow as we get closer to the date. In the meantime, mark your calendars. We look forward to seeing you.

Sincerely,
Stephanie

Stephanie M. Peditto
Congressional Affairs Specialist
U.S. Department of Homeland Security
FEMA - Region III

(b)(2)Low (Fax)

(b)(2)Low

From: Peditto, Stephanie
To: Ferreira, Frank ;
CC:
Subject:
Date: Wednesday, September 26, 2007 2:31:33 PM
Attachments: List of PARTICIPANTS ON THE NRF CONFERENCE
CALL.doc

Here

Stephanie M. Peditto
Congressional Affairs Specialist
U.S. Department of Homeland Security
FEMA - Region III
Office of the Regional Administrator

(b)(2)Low (Fax)

PARTICIPANTS ON THE NRF CONFERENCE CALL
Thursday, September 27, 2007 at 2 PM

DE

Tonya Baker (Sen. Biden)
Jeff Dayton (Rep. Castle)

DC

MD

Bailey Fine (Sen. Cardin)
Amanda Rodgers (Rep. Ruppberger)
Sarah Holstein (Rep. Van Hollen)

PA

Adam Pope (Sen. Specter)
Charlie Lyons (Sen. Casey)
Tim Smith (Rep. Holden)
Paul Dalesandro (Rep. Doyle)
Joe Fabricatore (Rep. Carney)
Andrew Block (Rep. Dent)
Julie Slavett (Rep. Schwartz)
Bill Walsh (Rep. Sestak)

VA

Louise Ware plus more (Sen. Webb)
Gisele Russell (Rep. Scott)
Tom Powell (Rep. Forbes)
Jennifer Nolen (Rep. Cantor)
Dave Forman (Rep. J. Davis)
Cate Johnson (Rep. Mollohan)

WV

Wes Holden (Sen. Rockefeller)

From: Peditto, Stephanie
To: Carpenter, Nancy;
CC: Gruber, Gene; Edwards, Niki; Ferreira, Frank ;
Subject: Congressional Inquiry # 337 - Shone Lumber Co. et al
Date: Friday, April 25, 2008 3:06:50 PM
Attachments: Congressional # 337-Shone Lumber Co. & 3418A Faulkland Rd..pdf

Hi, Nancy,

Attached is Congressional Inquiry # 337 – Shone Lumber Co. & 3418A Faulkland Rd. The Division Due Date is **Wednesday, May 7, 2008.**

The issues to be addressed are:

- Whether FEMA will fund the Shone Lumber Company for the design and construction of flood proofing.
- Whether FEMA will fund the purchase and demolition of a flood damaged house located at 3418A Faulkland Road, Wilmington, Delaware.

Please send the response to FEMA-R3-CongQ (In Box).

Thank you for your help.

Stephanie

Stephanie M. Peditto
Congressional Affairs Specialist
U.S. Department of Homeland Security
FEMA - Region III

(b)(2)Low (Fax)

(b)(2)Low

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FEMA

Mr. James E. Turner, III
Governor's Authorized Representative
Delaware Emergency Management Agency
165 Brick Store Landing Road
Smyrna, DE 19977-9628

OCT 02 2008

PROGRAMMATIC APPROVAL LETTER

FMA-PJ-03-DE-2008-002

Sub Applicant: New Castle Conservation District
Project Title: Shone Lumber Dry Flood proofing

Dear Mr. Turner:

I am pleased to inform you that the Flood Mitigation Assistance Program (FMA) project entitled Shone Lumber Dry Flood Proofing has been programmatically approved. This project consists of installing a reinforced concrete wall and watertight doors at existing door openings. This activity will protect the building from a 500 year storm event.

The total amount of funding approved for this project under FY 2008 FMA is \$750,000 with a cost breakdown of \$562,500 for the federal share and \$187,500 for the non-federal share. The award was completed through the eGrants system and these funds are available in SMARTLINK.

Please note that the sub grantee must satisfy the requirements listed in the enclosed Record of Environmental Consideration Report (REC). According to grant agreement this project has a three year project performance completion date scheduled to expire on August 13, 2011. Please provide our office with quarterly performance reports 30 days after the end of each federal fiscal year quarter.

If you have any questions about this FMA project grant, please contact Crystal Newman, Grant Program Specialist, at (b)(2)LOW

Sincerely,

Eugene K. Gruber, P.E.
Director, Mitigation Division

cc: Mike Powell (FMA Coordinator)
Mark Lockett, (MGMT)



FEMA

**U.S. Department of Homeland Security
Region III**
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106

FMA PROJECT APPROVAL

**CONGRESSIONAL
DISTRICT: 1**

CONGRESSMAN: Michael N. Castle

APPLICANT: New Castle Conservation District, Delaware

PROJECT TITLE: Shore Lumber Company, Dry Flood-proofing

PROJECT TYPE: Dry Flood-proofing

PROJECT DESCRIPTION: Dry Flood-proofing of commercial structure

PROJECT TOTAL: \$750,000

FEDERAL SHARE: \$562,500

NON-FEDERAL SHARE \$187,500

From: Brennan, Benjamin
To: "john_dieleuterio@biden.senate.gov"; "Larry Windley@carper.senate.gov"; "kristy.huxhold@mail.house.gov";
CC: Edwards, Niki; Ferreira, Frank ; Pritchard, Josie;
Subject: Delaware Assistance to Firefighters Grants Round 16
Date: Monday, December 15, 2008 11:36:36 AM
Attachments:

Good afternoon,

Delaware AFG FY' 08:

| Fire Department | District | City | Program | Award |
|---------------------|----------|--------|-----------------------|------------------|
| Odessa Fire Company | DE-01 | Odessa | Operations and Safety | \$ 73,308 |
| Total | | | | \$ 73,308 |

The primary goal of the Assistance to Firefighters Grants (AFG) is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical services organizations. More information can be found at www.firegrantsupport.com.

If you have questions, please contact me.

Ben Brennan
Administrative Specialist
Office of the Regional Administrator
U.S. Department of Homeland Security
FEMA-Region III
Office: (b)(2)Low
Fax: (b)(2)Low

From: Brennan, Benjamin
To: "john.dieleuterio@biden.senate.gov"; "Larry.Windley@carper.senate.gov"; "kristy.huxhold@mail.house.gov";
CC: Edwards, Niki; Ferreira, Frank; Pritchard, Josie;
Subject: Delaware Assistance to Firefighters Grants Round 17
Date: Thursday, December 18, 2008 2:33:32 PM
Attachments:

Good afternoon,

Delaware AFG FY '08:

| Fire Department | District | City | Program | |
|-------------------------------|--------------|--------|-----------------------|------------------|
| Hartly Volunteer Fire Company | DE-01 | Hartly | Operations and Safety | \$ 51,538 |
| | Total | | | \$ 51,538 |

The primary goal of the Assistance to Firefighters Grants (AFG) is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical services organizations. More information can be found at www.firegrantsupport.com.

If you have questions, please contact me.

Ben Brennan
Administrative Specialist
Office of the Regional Administrator
U.S. Department of Homeland Security
FEMA-Region III
Office: (b)(2)LOW
Fax: (b)(2)LOW

From: Chabel, Simon
To: Ferreira, Frank ;
CC:
Subject: FW: FEMA Congressional Day Invitation
Date: Tuesday, June 03, 2008 11:11:05 AM
Attachments: FEMA Congressional Day.pdf

Sent to:

'Seb.Britt@mail.house.gov'; 'aaron.ward@mail.house.gov'; 'thomas.atkins@mail.house.gov'; 'John_Dieleuterio@biden.senate.gov'; 'Tonya_Baker@biden.senate.gov'; 'larry_windley@carper.senate.gov'; 'Jeff.Dayton@mail.house.gov'; 'sally_wingo@mikulski.senate.gov'; 'ellen_janes@mikulski.senate.gov'; 'Bailey_Fine@cardin.senate.gov'; 'Cathy.Bassett@mail.house.gov'; 'Tara.Oursler@mail.house.gov'; 'monica.henderson@mail.house.gov'; 'Adrian1.Jones@mail.house.gov'; 'Betsy.Bossart@mail.house.gov'; 'Sallie.Taylor@mail.house.gov'; 'Fran.Allen@mail.house.gov'; 'Joan.Kleinman@mail.house.gov'; 'Gayle_Mills@specter.senate.gov'; 'Justin_Porembo@specter.senate.gov'; 'charlie_lyons@casey.senate.gov'; 'Shirley.Gregory@mail.house.gov'; 'Bonnie.Bowser@mail.house.gov'; 'Regina.smith@mail.house.gov'; 'miki.butler@mail.house.gov'; 'Peter.Winkler@mail.house.gov'; 'Edward.Schmid@mail.house.gov'; 'bill.walsh@mail.house.gov'; 'phil.lorenzon@mail.house.gov'; 'Jim.Frank@mail.house.gov'; 'paul.macknosky@mail.house.gov'; 'joe.fabricatore@mail.house.gov'; 'fred.ney@mail.house.gov'; 'mark.critz@mail.house.gov'; 'julie.slavet@mail.house.gov'; 'Paul.Dalesandro@mail.house.gov'; 'corey.o'connor@mail.house.gov'; 'laura.mcgarrry@mail.house.gov'; 'tom.tillett@mail.house.gov'; 'Tim.Smith@mail.house.gov'; 'norman.hilf@mail.house.gov'; 'julie.price@mail.house.gov'; 'Eileen_Mandel@warner.senate.gov'; 'louise_ware@webb.senate.gov'; 'Joe.Schumacher@mail.house.gov'; 'Marylou.Stone@mail.house.gov'; 'Gisele.Russell@mail.house.gov'; 'Jason.Gray@mail.house.gov'

From: Chabel, Simon
Sent: Wednesday, May 28, 2008 9:03 AM
To: Chabel, Simon
Subject: FEMA Congressional Day Invitation

Good morning. Attached is an invitation to FEMA Region III Congressional Day, to be held on June 10, 2008 at our office in Philadelphia. I hope you

will be able to attend. If you have questions, please do not hesitate to give me a call. Thank you.

-Simon

Simon Chabel
Public Information Officer
FEMA Region III
(b)(2)Low

U.S. Department of Homeland Security
Region III
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106-4404



FEMA

Dear Member of Congress:

I would like to cordially invite your staff to attend the Federal Emergency Management Agency's (FEMA) Congressional Day on June 10, 2008 in the Philadelphia regional office. Our agency is growing and evolving, and every day we look for ways to meet our mission more effectively. To keep you and your staff informed, we are holding a day of briefings.

Hurricane Season starts June 1, making Congressional Day an ideal opportunity to educate you on FEMA's latest preparedness efforts. Other briefings will include information about FEMA's grant programs, including the Assistance to Firefighters Grant Program and FEMA's hazard mitigation grants that can help reduce future disaster losses. We will provide an overview of disaster response and recovery programs, and discuss the National Flood Insurance Program, administered by FEMA. Naturally, there will be plenty of time for your questions and discussion.

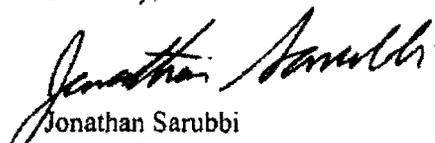
The event is scheduled for 9 a.m. to 2 p.m. in the FEMA-Region III office, 615 Chestnut Street, Sixth Floor, Philadelphia, Pennsylvania 19106. It is open to any member of a congressional staff in Region III, encompassing Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

We would like to know how many participants to expect, so please respond by June 4 if you plan to attend. You can e-mail Frank Ferreira at (b)(2)Low or call him at (b)(2)Low or Simon Chabel at (b)(2)Low

Also, please contact us if there are specific areas on which you would like greater detail during the briefings. An agenda of the day's events will be sent to you as the date approaches.

I look forward to meeting you.

Sincerely,


Jonathan Sarubbi
Regional Administrator

From: Ferreira, Frank
To: "john_dieleuterio@biden.senate.gov";
"brian_bushweller@carper.senate.gov"; "jeff.dayton@mail.
house.gov";
CC:
Subject: FEMA Region III - Flood Mitigation Assistance Program
(FMA) - Metroform, New Castle Co. - \$195K
Date: Friday, July 13, 2007 9:52:23 AM
Attachments: New Castle Co, DE FMA revised.doc
fina fact sheet[1] new.pdf

Good afternoon.

See the attachments for information on the approval of funding for an FMA project, Metroform Medical Complex, New Castle County. You will also find a fact sheet on the FMA.

Should you have any questions, please feel free to contact me.

Regards,

Frank Ferreira
External Affairs Specialist
U.S. Department of Homeland Security
Federal Emergency Management Agency
Region III
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106-4404
Phone: (b)(2)Low
Fax: (b)(2)Low
www.fema.gov

U.S. Department of Homeland Security
Region III
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106



FEMA

FMA PROJECT GRANT APPROVAL

| | |
|----------------------|---|
| APPLICANT: | New Castle County |
| GRANT PROGRAM | FMA 2007 |
| PROJECT # | FMA-PJ-03-DE-2007-001 |
| PROJECT TITLE: | Metroform Medical Complex Flood Proofing Project |
| PROJECT DESCRIPTION: | New Castle County proposes to flood proof one building in the floodplain. |
| # OF PROPERTIES | 1 |
| PROJECT TOTAL | \$260,000 |
| FED SHARE (75%) | \$195,000 |
| LOCAL MATCH (25%) | \$65,000 |
| TOTAL OBLIGATED | \$195,000 |

Flood Mitigation Assistance Program

Building Stronger and Safer

FEMA's Flood Mitigation Assistance Program (FMA) provides funding to States and communities for measures that reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insurable under the National Flood Insurance Program (NFIP). The program provides grants for mitigation planning, projects, and technical assistance, with a goal of reducing claims under the NFIP.

A FOCUS ON REPETITIVE LOSS PROPERTIES

A priority of the FMA Program is to fund flood mitigation activities that reduce the number of repetitive loss structures insured by the NFIP. Repetitive loss structures are those that have sustained two or more losses, each exceeding \$1000, within a ten year period. FEMA encourages States and communities to develop plans that address repetitive loss properties.

The States serve as program administrators. They set mitigation priorities, provide technical assistance to communities applying for FMA funds, evaluate applications, and work with FEMA to approve grants and award funds to communities.

THREE TYPES OF GRANTS AVAILABLE

The FMA Program offers three types of grants to States and NFIP communities:

Planning grants are used to assess flood risks and developing plans for reducing the risks.

Project grants are used to implement measures that reduce flood losses to NFIP-insured properties. Such activities include:

- Elevating structures in high-risk flood areas.
- Acquiring (and either demolishing or relocating) buildings in high-risk flood areas and returning the property to open space. Property owners are never forced to sell their property. Acquired land is owned by the community, and restricted to open space in perpetuity.

Mitigation projects must be cost-effective and technically feasible. They must be consistent with NFIP floodplain management regulations and applicable environmental laws and regulations. They must also comply with the local flood mitigation plan.

Technical Assistance grants help States and communities develop viable FMA applications and implement projects.

FOR MORE INFORMATION

For FMA Program resources, visit the FEMA website: www.fema.gov/government/grant/fma/index.

FMA FUNDING SUBJECT TO CONGRESSIONAL APPROPRIATION

FMA funding is provided through State allocations through the National Flood Insurance Fund. FEMA may contribute up to 75 percent of the total costs for eligible activities. At least 25 percent of the total costs must be provided by a non-Federal source, of which no more than half can be in-kind contributions from third parties.

From: Peditto, Stephanie
To: "aaron.ward@mail.house.gov"; "john.dieleuterio@bidensenate.gov"; "larry.windley@carper.senate.gov"; "jeff.dayton@mail.house.gov"; "ellen.janes@mikulski.senate.gov"; "bailey.fine@cardin.senate.gov"; "cathy.bassett@mail.house.gov"; "tara.oursler@mail.house.gov"; "monica.henderson@mail.house.gov"; "adrian.l.jones@mail.house.gov"; "betsy.bossart@mail.house.gov"; "sallie.taylor@mail.house.gov"; "fran.allen@mail.house.gov"; "joan.kleinman@mail.house.gov";
CC: Ferreira, Frank ; "Edwards, Niki";
Subject: FEMA Teleconference Call - April 4, 2008
Date: Tuesday, April 01, 2008 3:20:15 PM
Attachments:

Good afternoon,

Due to competing priorities, we have to temporarily postpone the conference call on flood map amendment process and flood insurance requirements scheduled for Friday, April 4, 2008. As soon as another date is selected, we will inform you.

I apologize for any inconvenience this might have caused.

Sincerely,

Stephanie

Stephanie M. Peditto
Congressional Affairs Specialist
U.S. Department of Homeland Security
FEMA - Region III

(b)(2)Low

From: Peditto, Stephanie
To: "aaron.ward@mail.house.gov"; "john.dieleuterio@biden.senate.gov"; "larry.windley@carper.senate.gov"; "jeff.dayton@mail.house.gov"; "ellen.janes@mikulski.senate.gov"; "bailey.fine@cardin.senate.gov"; "cathy.bassett@mail.house.gov"; "tara.oursler@mail.house.gov"; "monica.henderson@mail.house.gov"; "adrian.l.jones@mail.house.gov"; "betsy.bossart@mail.house.gov"; "sallie.taylor@mail.house.gov"; "fran.allen@mail.house.gov"; "joan.kleinman@mail.house.gov";
CC: Ferreira, Frank ;
Subject: Teleconference Call Re-scheduled
Date: Wednesday, April 09, 2008 9:48:11 AM
Attachments: answers to questions about the nfip.pdf
agenda.doc

Good morning,

On behalf of the Regional Administrator, Jonathan Sarubbi, I am extending you an invitation to join us on a teleconference call to discuss FEMA's flood map amending process and flood insurance requirements.

FEMA Region III has received a number of congressional inquiries involving these issues. In an attempt to clarify the process, and so that you will be able to educate your constituents on these programs and lessen your workload, we are holding a teleconference call with staff members on **Thursday, April 17, 2008 at 10:00 am.**

Attached is information that we thought helpful in preparing you for this call and an agenda which includes the telephone and pin numbers.

Please advise either Frank Ferreira at (b)(2)Low or (b)(2)Low gov or me, by close of business on Tuesday, April 15, 2008, if you or another member of your staff will be participating.

Sincerely,
Stephanie

Stephanie M. Peditto
Congressional Affairs Specialist
U.S. Department of Homeland Security
FEMA - Region III

(b)(2)Low (Fax)

(b)(2)Low

National Flood Insurance Program

Answers to Questions About the NFIP



FEMA



For more information about the NFIP and flood insurance, call

1-800-427-4661.

or go to

<http://www.fema.gov/business/nfip>

<http://www.floodsmart.gov>

NFD-09

F 084 (S. 05)

**Answers
to Questions About the
National Flood Insurance Program**

FEDERAL EMERGENCY MANAGEMENT AGENCY

Answers to Questions

About the National Flood Insurance Program

This booklet is intended to acquaint the public with the National Flood Insurance Program (NFIP). Despite the highly technical nature of the Program, there has been a deliberate effort to minimize the use of technical terms. This publication is designed for readers who do not need a detailed history or refined technical or legal explanations, but do need a basic understanding of the program and the answers to some frequently asked questions. Readers who need legal definitions should refer to the Standard Flood Insurance Policy and to NFIP and related regulations.

The information provided is as current as possible, but changes in the NFIP are made periodically. Readers can obtain the most up-to-date insurance information by using the contact information at the back of the booklet.

Use of acronyms and initials has been limited, but some terms are used so often that acronyms are practical and of assistance to the reader. The term will be spelled at its first use in the text with the acronym or initials following in parentheses. For readers' convenience, the following is a listing of acronyms and initials that appear in *Answers to Questions About the National Flood Insurance Program*:

| | |
|----------------|--|
| BFE | - Base Flood Elevation |
| CBRA | - Coastal Barrier Resources Act |
| CBRS | - Coastal Barrier Resources System |
| CLOMA | - Conditional Letter of Map Amendment |
| CLOMR | - Conditional Letter of Map Revision |
| CLOMR-F | - Conditional Letter of Map Revision Based on Fill |
| CRS | - Community Rating System |
| DHS | - U.S. Department of Homeland Security |
| FDPA | - Flood Disaster Protection Act |
| FEMA | - Federal Emergency Management Agency |
| FHBM | - Flood Hazard Boundary Map |
| FIRA | - Flood Insurance Reform Act |
| FIRM | - Flood Insurance Rate Map |
| FIS | - Flood Insurance Study |
| ICC | - Increased Cost of Compliance |
| LODR | - Letter of Determination Review |
| LOMA | - Letter of Map Amendment |
| LOMC | - Letter of Map Change |
| LOMR | - Letter of Map Revision |
| LOMR-F | - Letter of Map Revision Based on Fill |
| NFIP | - National Flood Insurance Program |
| NFIRA | - National Flood Insurance Reform Act |

-
- OPA** - Otherwise Protected Areas
 - PMR** - Physical Map Revision
 - RCBAP** - Residential Condominium Building Association Policy
 - SDF** - Special Direct Facility
 - SFHA** - Special Flood Hazard Area
 - SFHDF** - Standard Flood Hazard Determination Form
 - SFIP** - Standard Flood Insurance Policy
 - WYO** - Write Your Own

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Introduction to the NFIP

1. What is the National Flood Insurance Program (NFIP)?

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods.

Participation in the NFIP is based on an agreement between local communities and the Federal Government that states if a community will adopt and enforce a floodplain management ordinance to reduce future flood risks to new construction in Special Flood Hazard Areas, the Federal Government will make flood insurance available within the community as a financial protection against flood losses.

2. Why was the NFIP established by Congress?

For decades, the national response to flood disasters was generally limited to constructing flood-control works such as dams, levees, seawalls, and the like, and providing disaster relief to flood victims. This approach did not reduce losses, nor did it discourage unwise development. In some instances, it may have actually encouraged additional development. To compound the problem, the public generally could not buy flood coverage from insurance companies, and building techniques to reduce flood damage were often overlooked.

In the face of mounting flood losses and escalating costs of disaster relief to the general taxpayers, the U.S. Congress created the NFIP. The intent was to reduce future flood damage through community floodplain management ordinances, and provide protection for property owners against potential losses through an insurance mechanism that requires a premium to be paid for the protection.

3. How was the NFIP established and who administers it?

The U.S. Congress established the NFIP on August 1, 1968, with the passage of the National Flood Insurance Act of 1968. The NFIP was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994 and the Flood Insurance Reform Act of 2004. The NFIP is administered by the

Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security (DHS).

4. What is a Special Flood Hazard Area (SFHA)?

In support of the NFIP, FEMA identifies flood hazard areas throughout the U.S. and its territories by producing Flood Hazard Boundary Maps (FHBMs), Flood Insurance Rate Maps (FIRMs), and Flood Boundary and Floodway Maps (FBFMs). Several areas of flood hazards are commonly identified on these maps. One of these areas is the Special Flood Hazard Area (SFHA), a high-risk area defined as any land that would be inundated by a flood having a 1-percent chance of occurring in any given year (also referred to as the base flood).

The high-risk-area standard constitutes a reasonable compromise between the need for building restrictions to minimize potential loss of life and property and the economic benefits to be derived from floodplain development. Development may take place within the SFHA, provided that development complies with local floodplain management ordinances, which must meet the minimum Federal requirements. Flood insurance is required for insurable structures within high-risk areas to protect Federal financial investments and assistance used for acquisition and/or construction purposes within communities participating in the NFIP.

5. What is a flood?

Flood is defined in the Standard Flood Insurance Policy (SFIP), in part, as:

A general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (at least one of which is your property) from overflow of inland or tidal waters, from unusual and rapid accumulation or runoff of surface waters from any source, or from mudflow.

6. What is the NFIP's Write Your Own (WYO) Program?

The Write Your Own (WYO) Program, begun in 1983, is a cooperative undertaking of the insurance industry and FEMA. The WYO Program allows participating property and casualty insurance companies to write and service the Standard Flood Insurance Policy in their own names. The companies receive an expense allowance for policies written and claims processed while the Federal Government retains responsibility for underwriting losses. The WYO Program operates within the context of the NFIP, and is subject to its rules and regulations.

The goals of the WYO Program are:

- Increase the NFIP policy base and the geographic distribution of policies;
- Improve service to NFIP policyholders through the infusion of insurance industry knowledge; and
- Provide the insurance industry with direct operating experience with flood insurance.

Currently, about 100 insurance companies write flood insurance with FEMA.

7. Do the state insurance regulators have any jurisdiction over the NFIP in their respective states?

As established by the U.S. Congress, the sale of flood insurance under the NFIP is subject to the rules and regulations of FEMA. FEMA has elected to have State-licensed insurance companies' agents and brokers sell flood insurance to consumers. State regulators hold the insurance companies' agents and brokers accountable for providing NFIP customers with the same standards and level of service that the States require of them in selling their other lines of insurance.

Private insurance companies participating in the Write Your Own (WYO) Program must be licensed and regulated by States to engage in the business of property insurance in those States in which they wish to sell flood insurance.

8. How does the NFIP benefit property owners? Taxpayers? Communities?

Through the NFIP, property owners in participating communities are able to insure against flood losses. By employing wise floodplain management, a participating community can protect its citizens against much of the devastating financial loss resulting from flood disasters. Careful local management of development in the floodplains results in construction practices that can reduce flood losses and the high costs associated with flood disasters to all levels of government.

9. What is the definition of a community?

A community, as defined for the NFIP's purposes, is any State, area, or political subdivision; any Indian tribe, authorized tribal organization, or Alaska native village, or authorized native organization that has the authority to adopt and enforce floodplain management ordinances for the area under its jurisdiction. In most cases, a community is an incorporated city, town, township, borough, or village, or an unincorporated area of a county or parish. However, some States have statutory authorities that vary from this description.

10. Why is participation in the NFIP on a community basis rather than on an individual basis?

The National Flood Insurance Act of 1968 allows FEMA to make flood insurance available only in those areas where the appropriate public body has adopted adequate floodplain management regulations for its flood-prone areas. Individual citizens cannot regulate building or establish construction priorities for communities. Without community oversight of building activities in the floodplain, the best efforts of some to reduce future flood losses could be undermined or nullified by the careless building of others. Unless the community as a whole is practicing adequate flood hazard mitigation, the potential for loss will not be reduced sufficiently to affect disaster relief costs. Insurance rates also would reflect the probable higher losses that would result without local floodplain management enforcement activities.

11. Is community participation mandatory?

Community participation in the NFIP is voluntary (although some States require NFIP participation as part of their floodplain management program). Each identified flood-prone community must assess its flood hazard and determine whether flood insurance and floodplain management would benefit the community's residents and economy. However, a community that chooses not to participate within 1 year after the flood hazard has been identified and an NFIP map has been provided is subject to the ramifications explained in the answer to Question 20.

A community's participation status can significantly affect current and future owners of property located in Special Flood Hazard Areas (SFHAs). The decision should be made with full awareness of the consequence of each action.

12. What is the NFIP's Emergency Program?

The Emergency Program is the initial phase of a community's participation in the NFIP and was designed to provide a limited amount of insurance at less than actuarial rates. A community participating in the Emergency Program either does not have an identified and mapped flood hazard or has been provided with a Flood Hazard Boundary Map (FHBM), and the community is required to adopt limited floodplain management standards to control future use of its floodplains. Less than 1 percent of the 20,000 communities participating in the NFIP remain in the Emergency Program; FEMA hopes to convert all communities to the Regular Program of the NFIP. For additional information on mapping, please refer to the "Flood Hazard Assessment and Mapping Requirements" section of this booklet.

13. What is the NFIP's Regular Program?

A community participating in the Regular Program of the NFIP is usually provided with a Flood Insurance Rate Map (FIRM) and a detailed engineering study, termed a Flood Insurance Study (FIS). (Additional information on FIRMs and FISs is provided in the "Flood Hazard Assessment and Mapping Requirements" section of this booklet.) Under the Regular Program, more comprehensive floodplain management requirements are imposed on the community in exchange for higher amounts of flood insurance coverage.

14. What happens when a community does not enforce its floodplain management ordinance?

Communities are required to adopt and enforce a floodplain management ordinance that meets minimum NFIP requirements. Communities that do not enforce these ordinances can be placed on probation or suspended from the program. This is done only after FEMA has provided assistance to the community to help it become compliant.

15. What is probation?

Probation is the formal notification by FEMA to a community that its floodplain management program does not meet NFIP criteria. It is an action authorized under Federal regulations.

16. When can a community be placed on probation?

A community can be placed on probation 90 days after FEMA provides written notice to community officials of specific deficiencies. Probation generally is imposed only after FEMA has consulted with the community and has not been able to resolve deficiencies. The FEMA Regional Director has the authority to place communities on probation.

17. How long will probation last?

Probation may be continued for up to 1 year after the community corrects all Program deficiencies and remedies all violations to the maximum extent possible.

18. What penalties are imposed when a community is placed on probation?

A \$50 surcharge is added to the premium for each policy sold or renewed in the community. The surcharge is effective for at least 1 year after the community's probation period begins. The surcharge is intended to focus the attention of policyholders on the community's non-compliance to help avoid suspension of the community, which has serious adverse impacts on those policyholders. Probation does not affect the availability of flood insurance.

19. What is suspension?

Suspension of a participating community (usually after a period of probation) occurs when the community fails to solve its compliance problems or fails to adopt an adequate ordinance. The community is provided written notice of the impending suspension and granted 30 days in which to show cause why it should not be suspended. Suspension is imposed by FEMA. If suspended, the community becomes non-participating and flood insurance policies cannot be written or renewed. Policies in force at the time of suspension continue in force for the policy term.

20. What happens if a community does not participate in the NFIP?

Flood insurance under the NFIP is not available within that community. Furthermore, Section 202(a) of Public Law 93-234, as amended, prohibits Federal officers or agencies from approving any form of financial assistance for acquisition or construction purposes in a Special Flood Hazard Area (SFHA). For example, this would prohibit loans guaranteed by the Department of Veterans Affairs, insured by the Federal Housing Administration, or secured by the Rural Housing Services. Under Section 202(b) of Public Law 93-234, if a Presidentially declared disaster occurs as a result of flooding in a non-participating community, no Federal financial assistance can be provided for the permanent repair or reconstruction of insurable buildings in SFHAs. Eligible applicants may receive those forms of disaster assistance that are not related to permanent repair and reconstruction of buildings.

If the community applies and is accepted into the NFIP within 6 months of a Presidential disaster declaration, these limitations on Federal disaster assistance are lifted.

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- 21. Explain the discounts on premiums that can be obtained in communities that qualify for the Community Rating System (CRS) because they have floodplain management programs that go beyond the minimum requirements to participate in the NFIP.**

The NFIP's Community Rating System (CRS) recognizes community efforts beyond the NFIP minimum standards by reducing flood insurance premiums for the community's property owners. The discounts may range from 5 to 45 percent. The discounts provide an incentive for new flood mitigation, planning, and preparedness activities that can help save lives and protect property in the event of a flood.

- 22. What procedures must be followed for a community to participate in the Community Rating System?**

Participation in the CRS is voluntary. A community in compliance with the rules and regulations of the NFIP may apply. The community's Chief Executive Officer must appoint a CRS coordinator to handle the application work and serve as the liaison between the community and FEMA. The first step in the application process is for the community to obtain a copy of the *CRS Coordinator's Manual*, which describes the program and gives details on the eligible activities. The CRS coordinator should fill out and submit an application for participation in the CRS. The CRS will verify the information and arrange for flood insurance premium discounts.

- 23. How can a community acquire the *CRS Coordinator's Manual* and other information describing the program?**

The *CRS Coordinator's Manual*, additional CRS publications, and software may be ordered online or by writing, phoning, or faxing a request to the NFIP/CRS. Contact information is listed in the "Additional Reading" section at the end of the booklet. All publications are free, and the computer software for completing the application is also available at no charge.

Flood Insurance Information for Prospective Buyers

24. Who may purchase a flood insurance policy?

NFIP coverage is available to all owners of insurable property (a building and/or its contents) in a community participating in the NFIP. Owners and renters may insure their personal property against flood loss. Builders of buildings in the course of construction, condominium associations, and owners of residential condominium units in participating communities all may purchase flood insurance.

Condominium associations may purchase insurance coverage on a residential building, including all units, and its commonly owned contents under the Residential Condominium Building Association Policy (RCBAP). The unit owner may separately insure personal contents as well as obtain additional building coverage under the Dwelling Form as long as the unit owner's share of the RCBAP and his/her added coverage do not exceed the statutory limits for a single-family dwelling. The owner of a non-residential condominium unit may purchase only contents coverage for that unit.

25. How can property owners or renters find out if they are eligible to purchase flood insurance?

NFIP coverage is available only in participating communities. Almost all of the nation's communities with serious flooding potential have joined the NFIP. The NFIP provides a listing of participating communities in the *Community Status Book*. To learn if a community participates in the NFIP, refer to this listing online at www.fema.gov/fema/csb.shtml or contact a community official or insurance agent.

26. How can a property owner determine if the property is in a Special Flood Hazard Area (SFHA)?

FEMA publishes maps indicating a community's flood hazard areas and the degree of risk in those areas. Flood insurance maps usually are on file in a local repository in the community, such as the planning and zoning or engineering offices in the town hall or the county building. A property owner may consult these maps to find out if the property is in an SFHA.

In addition, maps can be viewed and ordered online or by writing, phoning, or faxing a request to the FEMA Map Service Center. Contact information is listed in the "NFIP Program Information" section at the back of this booklet. Delivery is usually within 2 to 4 weeks. There is a minimal charge for maps for most users, so it is advisable to call for detailed information.

27. What types of property may be insured against flood loss?

Almost every type of walled and roofed building that is principally above ground and not entirely over water may be insured if it is in a participating community. In most cases, this includes manufactured (i.e., mobile) homes that are anchored to permanent foundations and travel trailers without wheels that are anchored to permanent foundations and are regulated under the community's floodplain management and building ordinances or laws. (However, this does not include converted buses or vans.) Contents of insurable walled and roofed buildings also may be insured under separate coverage.

28. What kinds of property are not insurable under the NFIP?

Buildings entirely over water or principally below ground, gas and liquid storage tanks, animals, birds, fish, aircraft, wharves, piers, bulkheads, growing crops, shrubbery, land, livestock, roads, machinery or equipment in the open, and most motor vehicles are not insurable. Most contents and finishing materials located in a basement or in enclosures below the lowest elevated floor of an elevated building constructed after the FIRM became effective are not covered. (See "Coverage" section for coverage limitations in basements and below lowest elevated floors.) Information on the insurability of any special property may be obtained by contacting a property insurance agent or a broker.

29. Are there certain buildings that cannot be covered?

Flood insurance is not available for buildings that FEMA determines have been declared by a State or local zoning authority or other appropriate authority to be in violation of State or local floodplain management regulations or ordinances. No new policies can be written to cover such buildings; nor can an existing policy be renewed.

New construction or substantially improved structures located within a designated Coastal Barrier Resources System (CBRS) area are not eligible for flood insurance, but existing structures that predate CBRS designation are eligible for flood insurance coverage. These areas are located in nearly 400 communities on the Atlantic and Gulf coasts and along the Great Lakes shores, and are delineated on the communities' flood maps. If, at the time of a loss, it is determined that a post-CBRS-designation building is located in a CBRS area, the claim will be denied, the policy canceled, and the premium refunded. (See the answers to Questions 44 and 45 for a description of CBRS.)

30. How is flood insurance purchased?

After a community joins the NFIP, a policy may be purchased from any licensed property insurance agent or broker who is in good standing in the State in which the agent is licensed or through any agent representing a Write Your Own (WYO) company, including an employee of the company authorized to issue the coverage.

The steps leading to the purchase of a flood insurance policy are:

- A property owner or renter perceives a risk of flooding to an insurable building or its contents and elects to purchase flood insurance, or a lender making, renewing, increasing, or extending a loan, or reviewing its mortgage portfolio at any time during the term of the loan, informs the builder or potential buyer that the building is in a Special Flood Hazard Area (SFHA) and flood insurance must be purchased as required by the Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994. The builder or borrower contacts an insurance agent or broker or a Write Your Own (WYO) Company.
- The insurance agent completes the necessary forms for the builder or buyer. In the case of a building constructed in an SFHA after the issuance of a Flood Insurance Rate Map (FIRM), the builder or buyer must obtain an elevation certificate completed by a licensed engineer, architect, surveyor, or appropriate community official.
- The insurance agent submits the application, necessary elevation certification, and full premium to the NFIP or to a participating WYO Company.

31. How are flood insurance premiums calculated?

A number of factors are considered in determining the premium for flood insurance coverage. They include the amount of coverage purchased; location; age of the building; building occupancy; design of the building; and, for buildings in SFHAs, elevation of the building in relation to the Base Flood Elevation (BFE). Buildings eligible for special low-cost coverage at a pre-determined, reduced premium rate are single-family dwellings, one- to four-family dwellings, and non-residential buildings located in moderate-risk Zones B, C, and X, with specified loss limitations. (See the "Flood Hazard Assessment and Mapping Requirements" section for definitions of flood zones.)

32. Is the purchase of flood insurance mandatory?

The Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 mandate the purchase of flood insurance as a condition of Federal or Federally related financial assistance for acquisition and/or construction of buildings in SFHAs of any community. The purchase of flood insurance on a voluntary basis is frequently prudent even outside of SFHAs.

The Acts prohibit Federal agency lenders, such as the Small Business Administration (SBA) and United States Department of Agriculture's (USDA) Rural Housing Service, and Government-Sponsored Enterprises for Housing (Freddie Mac and Fannie Mae) from making, guaranteeing, or purchasing a loan secured by improved real estate or mobile home(s) in an SFHA, unless flood insurance has been purchased, and is maintained during the term of the loan.

The Acts apply to lenders under the jurisdiction of Federal entities for lending institutions. These Federal entities include the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, and the Farm Credit Administration. The Acts also require Freddie Mac and Fannie Mae to implement procedures designed to ensure compliance with the mandatory purchase requirements of the Acts.

The purchase of flood insurance does not apply to conventional loans made by Federally regulated lenders when the community in which the building is located is not participating in the NFIP. Although Federal flood insurance is not available for new construction or substantially improved structures in CBRS areas, conventional loans may be made there by Federally regulated lenders. In these cases, the lending institution is required to notify the borrower that, in the event of a flood-related Presidentially declared disaster, Federal disaster assistance will not be available for the permanent repair or restoration of the building. Federally regulated or insured lending institutions are required in all cases to notify the borrower when the building being used to secure a loan is in an SFHA.

33. Why is there a requirement to purchase flood insurance in communities that have not suffered flooding in many years or ever?

A major purpose of the NFIP is to alert communities to the danger of flooding and to assist them in reducing potential property losses from flooding. Therefore, FEMA determines flood risk through the use of all available information for each community. Historical flood data are only one element used in determining flood risk. More critical determinations can be made by evaluating the community's rainfall and river-flow data, topography, wind velocity, tidal surge, flood-control measures, development (existing and planned), community maps, and other data.

34. Why is my lender requiring the purchase of flood insurance?

For virtually every mortgage transaction involving a structure in the United States, the lender reviews the current NFIP maps for the community in which the property is located to determine its location relative to the published SFHA and completes the Standard Flood Hazard Determination Form (SFHDF). If the lender determines that the structure is indeed located within the SFHA and the community is participating in the NFIP, the borrower is then notified that flood insurance will be required as a condition of receiving the loan. A similar review and notification is completed whenever a loan is sold on the secondary loan market or perhaps when the lender completes a routine review of its mortgage portfolio. This fulfills the lender's obligation under the Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 that requires the purchase of flood insurance by property owners who are being assisted by Federal programs or by Federally regulated institutions in the acquisition or improvement of land, or facilities, or structures located or to be located within an SFHA.

35. Are lenders required to escrow flood insurance payments?

The statute requiring Federally regulated lenders, their services, and Federal Agency lenders to escrow for flood insurance became effective on October 1, 1996. If escrow for taxes, insurance, and/or other reasons is already required, escrow for flood insurance on loans secured by improved residential real estate or mobile homes is also required. Lenders who escrow will comply 100 percent with the statutory requirement by maintaining flood insurance during the term or life of the loan.

36. What if I disagree with my lender's determination that I am in the flood zone?

Property owners may not contest the requirement if the lending institution has established the requirements as a part of its own standard lending practices. However, if a lending institution is requiring the insurance to meet mandatory flood insurance purchase requirements, the property owner and lender may jointly request that FEMA review the lending institution's determination. This request must be submitted within 45 days of the date the lending institution notified the property owner that a building or manufactured home is in the SFHA and flood insurance is required. In response, FEMA will issue a Letter of Determination Review (LODR). The LODR does not result in an amendment or revision to the NFIP map. It is only a finding as to whether the building or manufactured home is in the SFHA shown on the NFIP map. The LODR remains in effect until the NFIP map panel affecting the subject building or manufactured home is revised.

37. What fees and data are required for LODRs?

A fee of \$80 must be submitted with all LODR requests. The fee payment may be in the form of a check or money order, in U.S. funds, made payable to the "National Flood Insurance Program." The fee must be accompanied by copies of the following: (1) the completed SFHDF; (2) the dated notification letter to the property owner; (3) a letter, signed by the property owner and lending institution, requesting FEMA's review; (4) an annotated copy of the effective NFIP map panel for the community showing the location of the structure or manufactured home; and (5) a copy of all material used by the lending institution or designated third party to make the determination.

38. How many buildings or locations (and their contents) may be insured on each policy?

Normally, only one building and its contents can be insured on each policy. The Dwelling Form of the Standard Flood Insurance Policy does provide coverage for up to 10 percent of policy amount for appurtenant detached garages but not for carports, tool and storage sheds, and the like. In addition, the Scheduled Building Policy is available to cover 2 to 10 buildings. The policy requires a specific amount of insurance to be designated for each building, and all buildings must have the same ownership and the same location.

39. What is the flood insurance policy term?

Flood insurance coverage is available for a 1-year term.

40. Is there a minimum premium for a flood insurance policy?

There is a minimum premium for all flood insurance policies. Because the minimum premium is subject to change, anyone interested in purchasing a flood insurance policy should contact a local property insurance agency or company that writes flood insurance coverage to obtain the current minimum premium amount.

41. Is there a waiting period for flood insurance to become effective?

There is normally a 30-day waiting period before flood insurance goes into effect. There are two basic exceptions:

- If the initial purchase of flood insurance is in connection with the making, increasing, extending, or renewing of a loan, there is no waiting period. The coverage becomes effective at the time of the loan, provided the application and presentment of premium are made at or prior to loan closing.
- If the initial purchase of flood insurance is made during the 13-month period following the revision or update of a Flood Insurance Rate Map for the community, there is a 1-day waiting period.

In addition to the two basic exceptions, FEMA has issued a policy decision specifying the following four exceptions:

- The 30-day waiting period will not apply when there is an existing insurance policy and an additional amount of flood insurance is required in connection with the making, increasing, extending, or renewing of a loan, such as a second mortgage, home equity loan, or refinancing. The increased amount of flood coverage will be effective as of the time of the loan closing, provided the increased amount of coverage is applied for and the presentment of additional premium is made at or prior to the loan closing.
- The 30-day waiting period will not apply when an additional amount of insurance is required as a result of a map revision. The increased amount of coverage will be effective at 12:01 a.m. on the first

calendar day after the date the increased amount of coverage is applied for and the presentment of additional premium is made.

- The 30-day waiting period will not apply when flood insurance is required as a result of a lender's determining a loan that does not have flood insurance coverage should be protected by flood insurance. The coverage will be effective upon the completion of an application and the presentment of payment of premium.
- The 30-day waiting period will not apply when an additional amount of insurance offered in the renewal bill is being obtained in connection with the renewal of a policy.

42. What is "presentment of payment"?

"Presentment of payment" is the receipt of premium and is considered to be the time payment is actually received by the NFIP or the WYO company. Delivery to an insurance agent or broker or mailing a premium by ordinary mail with placement of a postmark does not constitute presentment to the NFIP.

A premium mailed in a timely manner by certified mail and received by the NFIP is considered to have been delivered to and received by the NFIP as of the date of certification by the delivery service. (In this context, the term "certified mail" extends not only to the U.S. Postal Service but also to such third-party delivery services as Federal Express [FedEx], United Parcel Service [UPS], and courier services and the like that provide proof of mailing.) If time is short and coverage is needed, the certified mail transmittal of payment should be considered.

43. Is there a special rating procedure applicable to coastal high hazard areas (V zones)?

In calculating the applicable rates for buildings that were constructed or substantially improved in V zones after October 1, 1981, the actuarial formula takes into account the ability of the building to withstand the impact of wave action. The agent must follow the special instructions in the NFIP *Flood Insurance Manual* in preparing an application for coverage for buildings located in V zones. (See the "Flood Hazard Assessment and Mapping Requirements" section for a further explanation of V zones.)

44. What is the Coastal Barrier Resources System?

The U.S. Congress passed the Coastal Barrier Resources Act of 1982, and the Coastal Barrier Improvement Act of 1990, defining and establishing a system of protected coastal areas (including the Great Lakes) known as the Coastal Barrier Resources System (CBRS) and Otherwise Protected Areas (OPAs). The Acts define areas within the CBRS as depositional geologic features consisting of unconsolidated sedimentary materials; subject to wave, tidal and wind energies; and protecting landward aquatic habitats from direct wave attack. The Acts further define coastal barriers as "all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets and near shore waters, but only if such features and associated habitats contain few manmade structures and these structures and man's activities on such features, and within such habitats do not significantly impede geomorphic and ecological processes." Otherwise Protected Areas (OPAs) means an undeveloped coastal barrier within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes. The Acts provide protection to CBRS areas by prohibiting most expenditures of Federal funds within the CBRS. These prohibitions refer to "any form of loan, grant, guarantee, insurance, payment, rebate, subsidy or any other form of direct or indirect Federal assistance," with specific and limited exceptions.

45. Is Federal flood insurance available in CBRS?

Federal flood insurance is available in a CBRS area if the subject building was constructed (or permitted and under construction) before the CBRS area's effective date. For CBRS areas designated by the 1982 Act, the sale of Federal flood insurance is prohibited for structures built or substantially improved after October 1, 1983. For subsequent additions to the CBRS, the insurance prohibition date is shown on the Flood Insurance Rate Map (FIRM). For structures located in OPAs, insurance may be obtained if written documentation is provided certifying that the structure is used in a manner consistent with the purpose for which the area is protected. If an existing insured structure is substantially improved or damaged, any Federal flood insurance policy will not be renewed. If a Federal flood insurance policy is issued in error, it will be canceled and the premium refunded; no claim can be paid, even if the error is not found until a claim is made.

46. Can flood insurance be canceled at the request of the insured with a refund of premium?

Flood insurance can be canceled, and a refund can be issued, only in certain circumstances, because all of the premium is fully earned on the first day of the policy term. Premium will be refunded on a pro-rata basis when the policyholder no longer owns or has an insurable interest in the insured property, provided no claim has been paid or is pending. There are other limited cancellation provisions for the refunding of premium. To discuss cancellation criteria and procedures, policyholders should contact the insurance agent who wrote the policy or call the NFIP toll-free at 1-800-427-4661.

47. Is there a "grace period" for an insured under the NFIP policy conditions?

All policies expire at 12:01 a.m. on the last day of the effective term. (For the ease and convenience of insurance agents and brokers, lenders, and policyholders, NFIP rules allow for "renewal" of expiring policies and no new application is required.) Coverage remains in force for 30 days after the expiration of the policy, and claims for losses that occur in the period will be honored *providing the full renewal premium is received by the end of the 30-day period*. Coverage also remains in force for any mortgagee named in the policy for 30 days after written notice to the mortgagee of the expiration of a policy.

48. What is the requirement for purchasing flood insurance after receiving disaster assistance?

The NFIRA requires individuals in SFHAs who receive disaster assistance after September 23, 1994, for flood disaster losses to real or personal property to purchase and maintain flood insurance coverage for as long as they live in the dwelling. If flood insurance is not purchased and maintained, future disaster assistance will be denied. If the structure is sold, the current owner is required to notify the buyer of the house of the need to purchase and maintain flood insurance. If the buyer is not notified, suffers uninsured flood losses, and receives Federal disaster assistance, the seller may be required to repay the Federal Government any Federal disaster assistance the buyer received.

Coverage

49. How much flood insurance coverage is available?

The following coverage limits are available under the Dwelling Form and the General Property Form of the Standard Flood Insurance Policy. Coverage limits under the Residential Condominium Building Association Policy are listed in the NFIP *Flood Insurance Manual*.

| | Emergency Program | Regular Program |
|------------------------------|-------------------|-----------------|
| Building Coverage | | |
| Single-family dwelling | \$ 35,000* | \$250,000 |
| Two- to four-family dwelling | \$ 35,000* | \$250,000 |
| Other residential | \$100,000* | \$250,000 |
| Non-residential | \$100,000* | \$500,000 |
| Contents Coverage | | |
| Residential | \$ 10,000 | \$100,000 |
| Non-residential | \$100,000 | \$500,000 |

* Under the Emergency Program, higher limits of building coverage are available in Alaska, Hawaii, the U.S. Virgin Islands, and Guam.

50. Are there limitations on the amount of insurance available for certain types of property?

General coverage limitations are explained in the answers to Questions 28 and 29. In addition, items such as artwork, photographs, collectibles, memorabilia, rare books, autographed items, jewelry, watches, gems, articles of gold, silver, or platinum and furs are limited to \$2,500 coverage in the aggregate. This limitation does not apply to other items that are personal property or household contents usual or incidental to the occupancy of the building as a residence. For other limitations under the Standard Flood Insurance Policy, see the current policy or contact a property insurance agent or broker.

51. What flood losses are covered?

The Standard Flood Insurance Policy (SFIP) Forms contain complete definitions of the coverages they provide. Direct physical losses by "flood" are covered. Also covered are losses resulting from flood-related erosion caused by waves or currents of water activity exceeding anticipated cyclical levels, or caused by a severe storm, flash flood, abnormal tidal surge, or the like, which result in flooding, as defined. Damage caused by mudflows, as specifically defined in the policy forms, is covered.

52. What coverage is available in basements and in enclosed areas beneath the lowest elevated floor of an elevated building?

Coverage is provided for foundation elements, including posts, pilings, piers, or other support systems for elevated buildings. Coverage also is available for basement and enclosure utility connections, certain mechanical equipment necessary for the habitability of the building, such as furnaces, hot water heaters, clothes washers and dryers, food freezers and the food in them, air conditioners, heat pumps, electrical junctions, and circuit breaker boxes. Finished structural elements such as paneling and linoleum, and contents items such as rugs and furniture are not covered. The SFIP has a complete list of covered elements and equipment.

53. What is a basement?

The NFIP's definition of "basement" includes any part of a building where all sides of the floor are located below ground level. Even though a room may have windows and constitute living quarters, it is still considered to be a basement if the floor is below ground level on all sides.

54. Are losses from land subsidence, sewer backup, or seepage of water covered?

We will pay for losses from land subsidence under certain circumstances. Subsidence of land along a lake shore or similar body of water which results from the erosion or undermining of the shoreline caused by waves or currents of water exceeding cyclical levels that result in a flood is covered. All other land subsidence is excluded.

We do not insure for direct physical loss caused directly or indirectly by any of the following:

- Backups through sewers or drains;
- Discharges or overflows from a sump, sump pump, or related equipment;
- Seepage or leaks on or through the covered property;

unless there is a general condition of flooding in the area and the flood is the proximate cause of the sewer or drain backup, sump pump discharge or overflow, or seepage of water.

55. Does the NFIP apply a deductible to losses?

A minimum deductible is applied separately to a building and its contents, although both may be damaged in the same flood. Higher deductibles are available, and an insurance agent can provide information on specific amounts of available deductibles. Optional high deductibles reduce policy premiums but will have to be approved by the mortgage lender.

56. Are costs of preventive measures covered under the SFIP?

Some are. When an insured building is in imminent danger of being flooded, the reasonable expenses incurred by the insured for removal of insured contents to a safe location and return will be reimbursed up to \$1,000, and the purchase of sandbags and sand to fill them, plastic sheeting and lumber used in connection with them, pumps, fill for temporary levees, and wood will be reimbursed up to \$1,000. No deductible is applied to this coverage.

57. Does insurance under the NFIP provide coverage at replacement cost?

Only for single-family dwellings and residential condominium buildings, if several criteria are met. Replacement cost coverage is available for a single-family dwelling, including a residential condominium unit that is the policyholder's principal residence and is insured for at least 80 percent of the unit's replacement cost at the time of the loss, up to the maximum amount of insurance available at the inception of the policy term. Replacement cost coverage does not apply to manufactured (i.e., mobile) homes smaller than certain dimensions specified in the policy. Losses are adjusted on a replacement cost basis for residential condominium buildings insured under the Residential Condominium Building Association Policy (RCBAP). The principal residence and the 80 percent insurance to value requirements for single-family dwellings do not apply to the RCBAP. However, coverage amounts less than 80 percent of the building's full replacement cost value at the time of loss will be subject to a co-insurance penalty.

Contents losses are always adjusted on an actual cash value basis. If the replacement cost conditions are not met, the building loss is also adjusted on an actual cash value basis. Actual cash value means the replacement cost of an insured item of property at the time of loss, less the value of physical depreciation as to the item damaged.

58. Does the Standard Flood Insurance Policy provide additional living expenses, if the insured dwelling is flood damaged and cannot be occupied while repairs are being made?

No. The policy only covers direct physical flood damage to the dwelling and does not provide additional living expenses.

59. What is Increased Cost of Compliance coverage?

Increased Cost of Compliance (ICC) coverage under the Standard Flood Insurance Policy (SFIP) provides for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances from a flood event in which a building has been declared substantially damaged or repetitively damaged. When an insured building is damaged by a flood and the State or community declares the building to be substantially damaged or repetitively damaged, ICC coverage will help pay for the cost to elevate, floodproof, demolish, or relocate the building up to a maximum benefit of \$30,000. This coverage is in addition to the building coverage for the repair of actual physical damages from flood under the SFIP.

60. Is there a limit to the amount a policyholder can collect under ICC coverage?

Yes. The maximum amount a policyholder may collect under ICC is \$30,000. This amount is in addition to the amount the policyholder receives for physical damages by flood. The total amount the policyholder receives for combined physical structural damage from flood and ICC is always capped by the maximum limit of coverage established by Congress. The maximum amount collectible for both ICC and physical damage from flood for a single-family dwelling is \$250,000.

61. Is ICC coverage included in all Standard Flood Insurance Policies?

No. Insureds under the Group Flood Insurance Policy and insureds with condominium unit owner's coverage are ineligible for ICC coverage. Policies issued or renewed in Emergency Program communities are not eligible for ICC coverage. All other policies include the coverage.

Filing a Flood Insurance Claim

62. How does a policyholder file a claim for flood loss?

A flood insurance policyholder should immediately report any flood loss to the insurance company or agent who wrote the policy. A claims adjuster will be assigned the loss, and the policyholder must file a "proof of loss" within 60 days of the date of loss. A policyholder whose policy is with a WYO company must follow the company's claim procedures. The 60-day time limit for filing a proof of loss remains the same.

63. What is a "proof of loss"?

A proof of loss—the policyholder's valuation of claimed damages—is a sworn statement made by the policyholder that substantiates the insurance claim and is required to be submitted to the NFIP or WYO company within 60 days of the loss. A printed form usually is available from the adjuster assigned to the claim.

64. What is a "loss in progress"?

A loss in progress occurs when actual flood damage to a building or its contents started before the inception of the policy.

65. Is a loss in progress covered?

The NFIP does not cover damage caused by a loss in progress under any of the flood insurance policies.

66. What is the maximum that can be collected for a loss under the NFIP policy?

An insured will never be paid more than the value of the covered loss, less deductible, up to the amounts of insurance purchased. Therefore, purchasing insurance to value is an important consideration. The amount of insurance a property owner needs should be discussed with an insurance agent or broker.

Floodplain Management Requirements

67. What is the role of the community in floodplain management?

When the community chooses to join the NFIP, it must adopt and enforce minimum floodplain management standards for participation. FEMA works closely with State and local officials to identify flood hazard areas and flood risks. The floodplain management requirements within the SFHA are designed to prevent new development from increasing the flood threat and to protect new and existing buildings from anticipated flood events.

When a community chooses to join the NFIP, it must require permits for all development in the SFHA and ensure that construction materials and methods used will minimize future flood damage. Permit files must contain documentation to substantiate how buildings were actually constructed. In return, the Federal Government makes flood insurance available for almost every building and its contents within the community.

Communities must ensure that their adopted floodplain management ordinance and enforcement procedures meet program requirements. Local regulations must be updated when additional data are provided by FEMA or when Federal or State standards are revised.

68. Do State governments assist in implementing the NFIP?

At the request of FEMA, each Governor has designated an agency of State or territorial government to coordinate that State's or territory's NFIP activities. These agencies often assist communities in developing and adopting necessary floodplain management measures.

Some States require more stringent measures than those of the NFIP. For contact information, see the list of "State NFIP Coordinating Agencies" in the back of this booklet.

69. Do Federal requirements take precedence over State requirements?

The regulatory requirements set forth by FEMA are the minimum measures acceptable for NFIP participation. More stringent requirements adopted by the local community or State take precedence over the minimum regulatory requirements established for flood insurance availability.

70. What is meant by “floodplain management measures”?

“Floodplain management measures” refers to an overall community program of corrective and preventive measures for reducing future flood damage. These measures take a variety of forms and generally include zoning, subdivision, or building requirements, and special-purpose floodplain ordinances.

71. Do the floodplain management measures required by the NFIP affect existing buildings?

The minimum Federal requirements affect existing buildings only when an existing building is substantially damaged or improved. There may also be situations where a building has been constructed in accordance with a local floodplain management ordinance, and the owner subsequently alters it in violation of the local building code, without a permit. Such unapproved modifications to an existing building may not meet the minimum Federal requirements.

72. What constitutes “substantial improvement” or “substantial damage”?

“Substantial improvement” means any rehabilitation, addition, or other improvement of a building when the cost of the improvement equals or exceeds 50 percent of the market value of the building before start of construction of the improvement. The term includes buildings that have incurred “substantial damage.” “Substantial damage” means damage of any origin sustained by a building when the cost of restoring the building to its pre-damaged condition would equal or exceed 50 percent of the market value of the building before the damage occurred. Substantial damage is determined regardless of the actual repair work performed.

Substantial improvement or damage does not, however, include any project for improvement of a building to correct existing violations of State or local health, sanitary, or safety code specifications identified by local code enforcement officials as the minimum specifications necessary to assure safe living conditions. Also excluded from the substantial improvement requirement are alterations to historic buildings as defined by the NFIP.

73. Do the floodplain management requirements apply to construction taking place outside the SFHAs within the community?

The local floodplain management regulations required by the NFIP apply only in SFHAs. However, communities may regulate development in areas of moderate flood hazard.

74. Can modifications be made to the basic floodplain management requirement?

In developing their floodplain management ordinances, participating communities must meet at least the minimum regulatory standards issued by FEMA. NFIP standards and policies are reviewed periodically and revised whenever appropriate.

75. Does elevating a structure on posts or pilings remove a building from the Special Flood Hazard Area (SFHA)?

Elevating a structure on posts or pilings does not remove a building from the SFHA. If the ground around the supporting posts or pilings is within the floodplain, the building is still at risk. The structure is considered to be within the floodplain, and flood insurance will be required as a condition of receipt of Federal or Federally regulated financing for the structure. The reason for this, even in cases where the flood velocity is minimal, is that the hydrostatic effects of flooding can lead to the failure of the structure's posts or pilings foundation. The effects of ground saturation can lead to decreased load bearing capacity of the soil supporting the posts or pilings, which can lead to partial or full collapse of the structure. Even small areas of ponding will be subject to the hydrodynamic effects of flooding; no pond or lake is completely free of water movement or wave action. This movement of water can erode the ground around the posts or pilings and may eventually cause collapse of the structure.

Flood Hazard Assessment and Mapping Requirements

76. What is the difference between an FHBM and a FIRM?

A Flood Hazard Boundary Map (FHBM) is based on approximate data and identifies, in general, the SFHAs within a community. It is used in the NFIP's Emergency Program for floodplain management and insurance purposes. A Flood Insurance Rate Map (FIRM) usually is issued following a flood risk assessment conducted in connection with the community's conversion to the NFIP's Regular Program. If a detailed assessment, termed a Flood Insurance Study (FIS), has been performed, the FIRM will show Base Flood Elevations (BFEs) and insurance risk zones in addition to floodplain boundaries. The FIRM may also show a delineation of the regulatory floodway. (See the answer to Question 80 for a description of "regulatory floodway.") After the effective date of the FIRM, the community's floodplain management ordinance must be in compliance with appropriate Regular Program requirements. Actuarial rates, based on the risk zone designations shown on the FIRM, are then applied for newly constructed, substantially improved, and substantially damaged buildings.

77. How are flood hazard areas and flood levels determined?

Flood hazard areas are determined using statistical analyses of records of riverflow, storm tides, and rainfall; information obtained through consultation with the community; floodplain topographic surveys; and hydrologic and hydraulic analyses. The FIS covers those areas subject to flooding from rivers and streams, along coastal areas and lake shores, or shallow flooding areas.

78. What is the role of the local community in its flood hazard assessment?

In conducting a FIS, FEMA considers all available information for use in the study. Public meetings are usually held with community officials and other interested parties in an effort to obtain all relevant information to help ensure accurate study results. FEMA also works closely with community officials before and during the study to describe technical and administrative procedures and to obtain community input before the FIRM and collateral FIS report are published. Before the FIS is initiated, FEMA representatives, the selected contractor, and community officials meet to discuss the areas to be studied and the level of study required. This meeting is called a "time and cost" meeting.

79. What flood hazard zones are shown on the Flood Insurance Rate Map and what do they mean?

Several areas of flood hazard are commonly identified on the FIRM. One of these areas is the SFHA, which is defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent-annual-chance flood is also referred to as the "base flood." SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone 99, Zone AR, Zone AR/AE, Zone AR/AH, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded), are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded). The definitions for the various flood hazard areas are presented below.

Zone V: Areas along coasts subject to inundation by the 1-percent-annual-chance flood event with additional hazards associated with storm-induced waves. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown. Mandatory flood insurance purchase requirements apply.

Zones VE and V1-V30: Areas along coasts subject to inundation by the 1-percent-annual-chance flood event with additional hazards due to storm-induced velocity wave action. BFEs derived from detailed hydraulic analyses are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone VE is used on new and revised maps in place of Zones V1-V30.)

Zone A: Areas subject to inundation by the 1-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown. Mandatory flood insurance purchase requirements apply.

Zones AE and A1-A30: Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is used on new and revised maps in place of Zones A1-A30.)

Zone AH: Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are 1-3 feet. BFEs derived from detailed hydraulic analyses are shown in this zone. Mandatory flood insurance purchase requirements apply.

Zone AO: Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are 1-3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the 1-percent-annual-chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No BFEs or flood depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zones AR/AE, AR/AH, AR/AO, AR/A1-A30, and AR/A: Dual flood zones that, because of the risk of flooding from other water sources that the flood protection system does not contain, will continue to be subject to flooding after the flood protection system is adequately restored. Mandatory flood insurance purchase requirements apply.

Zones B, C, and X: Areas identified in the community FIS as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Local stormwater drainage systems are not normally considered in the community's FIS. The failure of a local drainage system creates areas of high flood risk within these rate zones. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

80. What is a regulatory floodway and who designates it?

The regulatory floodway, which is adopted into the community's floodplain management ordinance, is the stream channel plus that portion of the overbanks that must be kept free from encroachment in order to discharge the 1-percent-annual-chance flood without increasing flood levels by more than 1.0 foot (some states specify a smaller allowable increase). The intention of the floodway is not to preclude development. Rather, it is intended to assist communities in prudently and soundly managing floodplain development and prevent additional damages to other property owners. The community is responsible for prohibiting encroachments, including fill, new construction, and substantial improvements, within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment will not increase flood levels within the community. In areas that fall within the 1-percent-annual-chance floodplain, but are outside the floodway (termed the "floodway fringe"), development will, by definition, cause no more than a 1.0-foot increase in the 1-percent-annual-chance water-surface elevation. Floodplain management through the use of the floodway concept is effective because it allows communities to develop in floodprone areas if they so choose, but limits the future increases of flood hazards to no more than 1.0 foot.

81. What procedures are available for changing or correcting a Flood Insurance Rate Map?

FEMA has established administrative procedures for changing effective FIRMs and FIS reports based on new or revised scientific or technical data. A physical change to the affected FIRM panels and portions of the FIS report is referred to as a "Physical Map Revision," or "PMR." Changes can also be made by a Letter of Map Change (LOMC). The three LOMC categories are Letter of Map Amendment (LOMA), Letter of Map Revision Based on Fill (LOMR-F), and Letter of Map Revision (LOMR). These LOMC categories are discussed in more detail later.

82. What comprises scientific or technical data?

In general, the scientific or technical data needed to effect a map amendment or revision include certified topographic data and/or hydrologic and hydraulic analyses to support the request for amendment or revision.

83. What is a Physical Map Revision (PMR)?

A PMR is an official republication of a community's NFIP map to effect changes to BFEs, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

The community's chief executive officer must submit scientific and technical data to FEMA to support the request for a PMR. The data will be analyzed, and the map will be revised if warranted. The community is provided with copies of the revised information and is afforded a review period. When BFEs are changed, a 90-day appeal period is provided. A 6-month period for formal approval of the revised map(s) is also provided.

84. What is a Letter of Map Revision Based on Fill (LOMR-F)?

A LOMR-F is an official revision by letter to an effective NFIP map. A LOMR-F states FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and is, therefore, excluded from the SFHA.

85. What is a Letter of Map Amendment (LOMA)?

A LOMA is an official revision by letter to an effective NFIP map. A LOMA results from an administrative procedure that involves the review of scientific or technical data submitted by the owner or lessee of property who believes the property has incorrectly been included in a designated SFHA. A LOMA amends the currently effective FEMA map and establishes that a specific property is not located in an SFHA.

86. What is a Letter of Map Revision (LOMR)?

A LOMR is an official revision to the currently effective FEMA map. It is used to change flood zones, floodplain and floodway delineations, flood elevations, and planimetric features. All requests for LOMRs should be made to FEMA through the chief executive officer of the community, since it is the community that must adopt any changes and revisions to the map. If the request for a LOMR is not submitted through the chief executive officer of the community, evidence must be submitted that the community has been notified of the request.

87. What is a conditional map revision?

NFIP maps must be based on existing, rather than proposed, conditions. Because flood insurance is a financial protection mechanism for real-property owners and lending institutions against existing hazards, flood insurance ratings must be made accordingly. However, communities, developers, and property owners often undertake projects that may alter or mitigate flood hazards and would like FEMA's comment before constructing them. A Conditional Letter of Map Revision (CLOMR) is FEMA's formal review and comment as to whether a proposed project complies with the minimum NFIP floodplain management criteria. If it is determined that it does, the CLOMR also describes any eventual revisions that will be made to the NFIP maps upon completion of the project.

While obtaining a CLOMR may be desired, obtaining conditional approval is not automatically required by NFIP regulations for all projects in the floodway or 1-percent-annual-chance floodplain. A CLOMR is required only for those projects that will result in a 1-percent-annual-chance water surface elevation increase of greater than 1.0 foot for streams with BFEs specified, but no floodway designated, or any 1-percent-annual-chance water surface elevation increase for proposed construction within a regulatory floodway. The technical data needed to support a CLOMR request generally involve detailed hydrologic and hydraulic analyses and are very similar to the data needed for a LOMR request.

In addition to the situations described above, property owners and developers who intend to place structures in the 1-percent-annual-chance floodplain may need to demonstrate to the lending institutions and local officials before construction that proposed structures will be above the base flood elevation. If the project involves only the elevation

of structures on natural high ground, they can request a Conditional Letter of Map Amendment (CLOMA) from FEMA. If the elevation of structures on earthen fill is the sole component of the project (i.e., there is no associated channelization, culvert construction, etc., that would alter flood elevations) and there is no fill placed in the regulatory floodway, they can request from FEMA a CLOMR based on fill or a CLOMR-F. Requests for CLOMAs and CLOMRS should be made by the community and addressed to the Mitigation Division Director at the appropriate FEMA Regional Office. The addresses of all FEMA Regional Offices are provided in the back of this booklet. Until a LOMR is issued, this property remains in the floodplain and is subject to the community floodplain management ordinance and the mandatory flood insurance purchase requirements.

88. Who should be contacted in FEMA to initiate a LOMA, LOMR, or Physical Map Revision (PMR)?

Requests for conditional and final map revisions should be sent to the FEMA LOMA Depot. Any questions regarding LOMA/LOMR should be directed to one of FEMA's Flood Map Specialists. Contact information is provided in the "FEMA LOMA Depot" section at the back of this booklet.

89. How long does it take to obtain a LOMA, LOMR, or PMR?

For single-building or single-lot determinations that do not involve changes to BFEs or floodways, a LOMA or LOMR-F generally can be issued within 4 weeks. LOMAs and LOMRs involving multiple lots or multiple buildings require up to 8 weeks to process. Times are specified from the date of receipt of all technical, scientific, or legal documentation. LOMRs involving decreases in BFEs or floodways take approximately 90 days for processing. If changes in flooding conditions are extensive or if BFEs increase, a PMR will be required, which will take 12 months or longer.

90. If a LOMA, LOMR-F, or LOMR is issued by FEMA, will a lending institution automatically waive the flood insurance requirement?

Although FEMA may issue a LOMA, it is the lending institution's prerogative to require flood insurance as a condition of its own beyond the provisions of the Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994, before granting a loan or mortgage. Those seeking a LOMA should first confer with the affected lending institution to determine whether the institution will waive the requirement for flood insurance if a LOMA is issued. If it will, the policyholder may cancel flood insurance coverage and obtain a premium refund. If not, amending the NFIP map to remove the structure from the SFHA will generally lower the flood insurance premium.

91. If a LOMA, LOMR-F, or LOMR is granted and the lender waives the requirement for flood insurance, how can a flood insurance policy be canceled?

To effect a cancellation of a flood insurance policy, the policyholder must supply a copy of the LOMA, LOMR-F, or LOMR and a waiver for the flood insurance purchase requirement from the lending institution to the insurance agent or broker who services the policy. A completed cancellation form with the LOMA, LOMR-F, or LOMR and the waiver must be submitted by the agent to the NFIP or the appropriate WYO company.

When a LOMA, LOMR-F, or LOMR is issued and cancellation requested, the policyholder may be eligible for a refund of the premium paid for the current policy year only if no claim is pending and no claim has been paid during the current policy year.

92. Why is the burden of proof on the person requesting a map change?

FEMA and its Federal and private-sector contractors exercise great care to ensure that analytical methods employed in FISs are scientifically and technically correct, the engineering practices followed meet professional standards, and the results of the FIS are accurate. In making amendments and revisions to NFIP maps and reports, FEMA must adhere to the same engineering standards applied in preparing the effective maps and reports. Therefore, when requesting changes to NFIP maps, community officials and property owners are required to submit adequate supporting data. FEMA would have no justification for changing a flood hazard determination without sufficient evidence that the change is appropriate.

93. Are fees assessed for map change requests submitted by community officials, developers, and property owners?

To minimize the financial burden on the policyholders while maintaining the NFIP as self-sustaining, FEMA implemented procedures to recover costs associated with reviewing and processing requests for conditional and final map amendments and map revisions. The fee schedule for these requests is published in the *Federal Register* and applies to all types of requests except those that are specifically exempted in Section 72.5(c) of the NFIP Regulations. Community officials and other individuals who have questions regarding the required review and processing fees should contact the appropriate FEMA Regional Office as listed at the back of this booklet.

94. What is the purpose of the application/certification forms that are required for map change requests?

FEMA implemented the use of forms for requesting revisions or amendments to NFIP maps to provide a step-by-step process for requesters to follow. The forms are comprehensive; therefore, requesters are reasonably assured of preparing a complete request that includes all the necessary support data without having to go through an iterative process of providing additional information in a piecemeal fashion. Experience has shown piecemeal submissions to be time-consuming and expensive. Also, because use of the forms assures the requesters' submissions are complete and more logically structured, FEMA can complete its review in a shorter time frame. While completing the forms may appear to be burdensome, FEMA believes it is prudent to do so because of the advantages that result for the requester.

95. How can someone obtain copies of the technical data used in preparing the published NFIP maps?

Technical supporting data may be obtained by contacting a FEMA Flood Map Specialist listed in the "FEMA LOMA Depot" section at the back of this booklet. The letter should give the name of the community for which the data are sought, provide specific information as to the portion of the community and type of data needed, and give the requester's name and telephone number. Before the request is serviced, a representative will call to discuss the request. If a charge is necessary for the service, the extent of the service and the costs will be discussed during the call.

Repetitive Loss Properties Strategy

96. What is the Repetitive Loss Properties Strategy?

The primary objective of the Repetitive Loss Properties Strategy is to eliminate or reduce the damage to property and the disruption of life caused by repeated flooding of the same properties. A specific target group of repetitive loss properties is identified and serviced separately from other NFIP policies by the Special Direct Facility (SDF). The target group includes every NFIP-insured property that, since 1978 and regardless of any change(s) of ownership during that period, has experienced:

- Four or more paid flood losses of more than \$1,000 each; *or*
- Two paid flood losses within a 10-year period that, in the aggregate, equal or exceed the current value of the insured property; *or*
- Three or more paid flood losses that, in the aggregate, equal or exceed the current value of the insured property.

97. How is the loss history determined?

The loss history includes all flood claims paid on an insured property, regardless of any change(s) of ownership, since the building's construction or back to 1978 if the building was constructed before 1978. Target group policies are afforded coverage, whether new or renewal, only through the SDF.

98. How and when are affected property owners notified that their property is in the target group?

At least 90 days before the policy renewal date, affected property owners and their flood insurance agents are sent notice by the Write Your Own (WYO) company stating that the policy is ineligible for renewal through the WYO Program and offering renewal in the SDF. A follow-up notice is sent by the SDF 45 days before the renewal date.

99. How should a policyholder respond after receiving such a renewal notice?

The policyholder should renew the NFIP policy with the SDF, not with the present WYO company.

100. What procedures are available for property owners who believe that their property should not be included in the target group?

Policyholders who believe that their property has not sustained the loss history indicated by the NFIP may appeal *in writing* to the SDF. All documentation to substantiate the appeal must be included.

Until the appeal is settled, the policy will remain in the SDF. If the appeal is successful, the policy will be transferred back to the WYO company that previously serviced it. The policyholder will be notified of the results of the appeal.

101. What happens to a property in the target group?

The appropriate FEMA Regional Office (see list in the back of this booklet) provides information about the property to state and local floodplain management officials. States or communities may sponsor projects to mitigate flood losses to these properties or may be able to provide technical assistance on mitigation options.

102. What happens if a property owner agrees to undertake appropriate mitigation measures?

The property will be removed from the target group at the next renewal, and the policy then will be transferred from the SDF to the WYO company that previously serviced the policy.

103. What kinds of mitigation measures are appropriate?

Depending on individual circumstances, appropriate mitigation measures commonly include elevating buildings above the level of the base flood, demolishing buildings, and removing buildings from the Special Flood Hazard Area. Sometimes, mitigation takes the form of a local drainage-improvement project that meets NFIP standards.

Presidential Disaster Declarations and the NFIP

104. When a major flooding event occurs resulting in a Presidential disaster declaration, how does this affect the NFIP?

Although a Presidential disaster declaration is not required for an NFIP policyholder to file a claim, it may provide additional options to the policyholder to mitigate or prevent future damages. The policyholder may gain valuable information from his or her local officials about mitigation opportunities which may become available as a result of the Presidential disaster declaration.

105. What are examples of mitigation opportunities that may become available following a Presidential disaster declaration?

When major flooding disasters have affected a region, it is common for communities and individuals to consider relocation, acquisition or elevation of flood-damaged structures. Property owners who sustained extensive damages are often very interested in avoiding the recurrence of such an experience. The feasibility of such mitigation projects must be established on a case-by-case basis. It is important for a flood insurance policyholder to be aware of these possibilities and contact local officials to learn as much as possible.

106. Are there any specific programs available associated with a Presidential disaster declaration to assist with mitigation?

Yes, the Hazard Mitigation Grant Program, authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act is FEMA's primary hazard mitigation program designed to assist States and communities in implementing long-term hazard mitigation measures following a major disaster declaration. States manage this program and may set State-specific project criteria. Individuals with questions should contact their local officials for more information. Through the Small Business Administration, loans may be available to qualifying applicants to assist with the costs of mitigation.

Due to the need to coordinate many activities following Presidential declarations, it is important for individual citizens to raise their questions and concerns about these post-disaster mitigation opportunities with their local community officials.

NFIP Program Information

General Information

For general program information or inquiries about the laws, regulations, or administrative policies related to the NFIP, write:

U.S. Department of Homeland Security
Federal Emergency Management Agency
Mitigation Division
500 C Street SW
Washington DC 20472

For insurance questions, call local property insurance agents or brokers, or call the NFIP toll-free at 1-800-427-4661.

General program information may also be obtained as follows:

- FEMA on the Web
www.fema.gov
- NFIP on the Web
www.fema.gov/business/nfip
www.floodsmart.gov

Specific Information and Resources

To order Flood Insurance Rate Maps, Digital Q3 Map Data, Flood Insurance Study reports, the NFIP *Community Status Book*, the NFIP *Flood Insurance Manual*, or other resources, contact the FEMA Map Service Center (MSC) at the address below or one of the toll-free numbers below, or order online at www.msc.fema.gov.

Federal Emergency Management Agency
Map Service Center
PO Box 1038
Jessup MD 20794-1038

Phone: 1-800-358-9616
Fax: 1-800-358-9620

For information pertaining to hazard identification mapping and flood-plain management, contact the local community administrator or the State NFIP Coordinating Agency (see list beginning on page 55).

FEMA LOMA Depot

As a result of numerous public requests for Flood Insurance Rate Map (FIRM) revisions and information about flood maps, FEMA has contracted with a professional engineering firm to provide these services to interested parties.

Requests for conditional and final FIRM revisions should be sent to the "FEMA LOMA Depot" at the following address:

Michael Baker, Inc.
Suite 600
3601 Eisenhower Avenue
Alexandria VA 22304

For questions about FIRMs, the LOMA or LOMR-F, flood mapping procedures, or the map revision process, call 1-877-336-2627, toll free and ask for a "FEMA Flood Map Specialist."

FEMA Regional Offices

REGION I

(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

FEMA Region I Office
6th Floor
99 High Street
Boston MA 02110
877-336-2734

REGION II

(New Jersey, New York)

FEMA Region II Office
Suite 1311
26 Federal Plaza
New York NY 10278-0002
212-680-3600

REGION II—CARIBBEAN

(Puerto Rico, Virgin Islands)

FEMA Region II Office
Caribbean Division
New San Juan Office Building
159 Calle Chardon, 6th Floor
Hato Rey PR 00918
787-296-3500

(Physical Address)

FEMA Region II Office
Caribbean Division
PO Box 70105
San Juan PR 00936-0105

(Mailing Address)

REGION III

(Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)

FEMA Region III Office
6th Floor
615 Chestnut Street
Philadelphia PA 19106-4404
215-931-5608

REGION IV

(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

FEMA Region IV Office
Suite 270
3003 Chamblee-Tucker Road
Atlanta GA 30341
770-220-5200

REGION V

(Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

FEMA Region V Office
536 South Clark Street, 6th Floor
Chicago IL 60605
312-408-5500

REGION VI

(Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

FEMA Region VI Office
Federal Regional Center
800 North Loop 288
Denton TX 76201-3698
940-898-5399

REGION VII

(Iowa, Kansas, Missouri, Nebraska)

FEMA Region VII Office
Suite 900
2323 Grand Boulevard
Kansas City MO 64108-2670
816-283-7061

REGION VIII

(Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

FEMA Region VIII Office
Building 710
Denver Federal Center
PO Box 25267
Denver CO 80225-0267
303-235-4800

REGION IX

(Arizona, California, Hawaii, Nevada; Territory of American Samoa, Territory of Guam, Commonwealth of the Northern Mariana Islands, Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau)

FEMA Region IX Office
Suite 1200
111 Broadway
Oakland CA 94607-4052
510-627-7100

REGION X

(Alaska, Idaho, Oregon, Washington)

FEMA Region X Office
Federal Regional Center
130 228th Street SW
Bothell WA 98021-9796
425-487-4600

For the latest updates to this listing, please visit
www.fema.gov/about/contact/regions.shtm

NFIP Regional Offices

REGION I

(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

NFIP Region I Office
140 Wood Road, Suite 200
Braintree MA 02184-2513
781-848-1908

REGION II

(New Jersey, New York)

NFIP Region II Office
C/o CSC
304 West Route 38
Moorestown NJ 08057-3212
Phone number pending

REGION III

(Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)

NFIP Region III Office
C/o CSC
304 West Route 38
Moorestown NJ 08057-3212
856-489-4003

REGION IV—Atlanta Office

(Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

NFIP Region IV Office
PO Box 2706
Suwanee GA 30024-0984
770-887-6865

REGION IV—Tampa Office

(Florida)

NFIP Region IV Office,
Tampa Division
PO Box 1046
Zephyrhills FL 33539-1046
813-779-9642

REGION V

(Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

NFIP Region V Office
18008 Wolf Road, Suite 123
Orland Park IL 60467-5407
708-326-3072

REGION VI

(Arkansas, Louisiana, New Mexico, Oklahoma, Texas. Interim basis:
Puerto Rico, Virgin Islands)

NFIP Region VI Office
15835 Park Ten Place, Suite 108
Houston TX 77084-5131
281-829-6880

REGION VII

(Iowa, Kansas, Missouri, Nebraska)

NFIP Region VII Office
401 South Main Street, Suite 3
Ottawa KS 66067-2300
913-780-4238

REGION VIII

(Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

NFIP Region VIII Office
3440 Youngfield Street
PO Box 186
Wheat Ridge CO 80033-5245
303-275-3475

REGION IX

(Arizona, California, Guam, Hawaii, Nevada)

NFIP Region IX Office
1532 Eureka Road, Suite 103
Roseville CA 95661-3054
916-780-7889

REGION X
(Alaska, Idaho, Oregon, Washington)

NFIP Region X Office
PO Box 602
Bothell WA 98041-0602
425-482-0316

For the latest updates to this listing, please visit
www.fema.gov/business/nfip/nfip_regions.shtm



State NFIP Coordinating Agencies

| | | |
|--------------------|--|-----------------------------------|
| ALABAMA | ADECA/OWR/NFIP PO Box 5690 Montgomery AL 36103-5690 | 334-353-0853 Fax: 334-242-0776 |
| ALASKA | Alaska Department of Community and Economic Development Suite 1770 550 West 7th Avenue Anchorage AK 99501-3510 | 907-296-4567 Fax: 907-269-4563 |
| ARIZONA | Arizona Department of Water Resources 3550 N Central Avenue Phoenix AZ 85012-2105 | 602-771-8657 Fax: 602-771-8691 |
| ARKANSAS | Arkansas Soil and Water Conservation Commission Suite 350 101 E Capitol Ave Little Rock AR 72201 | 501-682-3969 Fax: 501-682-3991 |
| CALIFORNIA | California Department of Water Resources 3310 El Camino Ave Sacramento CA 95821 | 916-574-0611 Fax: 916-574-0678 |
| COLORADO | Colorado Water Conservation Board Room 721 1313 Sherman Street Denver CO 80203 | 303-866-4805 Fax: 303-866-4474 |
| CONNECTICUT | Connecticut Department of Environmental Protection 79 Elm Street Hartford CT 06106 | 860-424-3706 Fax: 860-424-4075 |

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|-----------------------------|---|-----------------------------------|
| DELAWARE | Delaware Department of Natural Resources 89 Kings Hwy Dover DE 19901 | 302-739-4411 Fax: 302-739-6724 |
| DISTRICT OF COLUMBIA | District of Columbia Department of Health Room 5021 51 N Street NE Washington DC 20002 | 202-535-2248 Fax: 202-535-1364 |
| FLORIDA | Florida Comm. Affairs Emerg. Mgmt. 2555 Shumard Oak Blvd Tallahassee FL 32399-2100 | 850-413-9960 Fax: 850-410-1582 |
| GEORGIA | Georgia Department of Natural Resources Suite 440 7 Martin Luther King Drive Atlanta GA 30334 | 404-656-6382 Fax: 404-656-6383 |
| HAWAII | Hawaii Department of Land and Natural Resources PO Box 373 Honolulu HI 96809 | 808-587-0267 Fax: 808-587-0283 |
| IDAHO | Idaho Department of Water Resources 322 E Front St Boise ID 83720 | 208-287-4928 Fax: 208-287-6700 |
| ILLINOIS | Illinois Department of Natural Resources One Natural Resources Way Springfield IL 62702-1271 | 217-782-4428 Fax: 217-785-5014 |
| INDIANA | Indiana Division of Water 402 W Washington St, Room W264 Indianapolis IN 46204-2748 | 317-234-1107 Fax: 317-233-4579 |
| IOWA | Iowa Department of Natural Resources Wallace State Office Building 502 East 9th Street Des Moines IA 50319 | 515-281-8942 Fax: 515 281-8895 |

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|----------------------------|--|-----------------------------------|
| KANSAS | Kansas Department of Agriculture 109 SW 9th St, 2nd Floor Topeka KS 66612-1283 | 785-296-4622 Fax: 785-296-4835 |
| KENTUCKY | Kentucky Division of Water 14 Reilly Road Frankfort KY 40601 | 502-564-3410 Fax: 502-564-9003 |
| LOUISIANA | Louisiana Department of Transportation and Development PO Box 94245 Capitol Station Baton Rouge LA 70804-9425 | 225-274-4354 Fax: 225-274-4351 |
| MAINE | Maine State Planning Office 184 State Street 38 State House Station Augusta ME 04333-0038 | 207-287-8063 Fax: 207-287-6489 |
| MARYLAND | Maryland Department of Environment 1800 Washington Blvd, Suite 430 Baltimore MD 21230 | 410-537-3914 Fax: 410-631-3873 |
| MASSACHU- SETTS | Massachusetts Department of Conservation and Recreation Flood Hazard Management Program Suite 700 251 Causeway St Boston MA 02114 | 617-626-1406 Fax: 617-626-1349 |
| MICHIGAN | Michigan Department of Environmental Quality PO Box 38458 Lansing MI 48909-7958 | 517-335-3448 Fax: 517-373-9965 |
| MINNESOTA | Minnesota Department of Natural Resource — Waters 500 Lafayette Road St Paul MN 55155-4032 | 651-296-0444 Fax: 651-296-0445 |

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| MISSISSIPPI | Mississippi Emergency Management Agency PO Box 4501 Fondren Station Jackson MS 39204-4501 | 601-366-6325 Fax: 601-366-5349 |
| MISSOURI | Missouri Emergency Management Agency PO Box 116 Jefferson City MO 65102 | 573-526-9141 Fax: 573-526-9198 |
| MONTANA | Montana Floodplain Management Program 48 N Last Chance Gulch PO Box 201601 Helena MT 59620-1601 | 406-444-6654 Fax: 406-444-0533 |
| NEBRASKA | Nebraska Department of Natural Resources 301 Centennial Mall South Lincoln NE 68509-4876 | 402-471-3934 Fax: 402-471-2900 |
| NEVADA | Nevada Division of Water Resources 123 W Nye Lane, #246 Carson City NV 89706-0818 | 775-687-4380 Fax: 775-687-6972 |
| NEW HAMPSHIRE | New Hampshire Office of State Planning 57 Regional Drive, Suite 3 Concord NH 03301-8519 | 603-271-2155 Fax: 603-271-2615 |
| NEW JERSEY | New Jersey Department of Environmental Protection PO Box 419 Trenton NJ 08625 | 609-292-2296 Fax: 609-984-1908 |
| NEW MEXICO | New Mexico Office of Emergency Management PO Box 1628 Santa Fe NM 87504-1628 | 505-476-9617 Fax: 505-471-9695 |

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| NEW YORK | New York Department of Environmental Conservation 625 Broadway Albany NY 12233-3507 | 518-402-8146 Fax: 518-402-9029 |
| NORTH CAROLINA | North Carolina Division of Emergency Management 4713 Mail Service Center Raleigh NC 27699-4713 | 919-715-8000 Fax: 919-715-5408 |
| NORTH DAKOTA | North Dakota State Water Commission 900 East Blvd Ave Bismarck ND 58505-0850 | 701-328-4898 Fax: 701-328-3747 |
| OHIO | Ohio Department of Natural Resources Division of Water 2045 Morse Rd, Bldg B-2 Columbus OH 43224 | 614-265-6754 Fax: 614-447-9503 |
| OKLAHOMA | Oklahoma Water Resources Board 3800 N Classen Blvd Oklahoma City OK 73118 | 405-530-8800 Fax: 405-530-8900 |
| OREGON | Oregon Department of Land Conservation and Development Suite 150 635 Capitol Street NE Salem OR 97301-2540 | 503-373-0050 x250 Fax: 503-375-5518 |
| PENNSYLVANIA | Pennsylvania Department of Community and Economic Affairs 400 N St, 4th Floor Harrisburg PA 17120 | 717-720-7445 Fax: 717-234-4560 |
| PUERTO RICO | Puerto Rico Planning Board Minillas Government Center PO Box 41119 Santurce PR 00940-1119 | 787-723-6200 Fax: 787-268-6858 |
| RHODE ISLAND | Rhode Island Emergency Management Agency 645 New London Ave Cranston RI 02920 | 401-946-9996 Fax: 401-944-1891 |

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| SOUTH CAROLINA | South Carolina Department of Natural Resources 1000 Assembly St, Ste 345C PO Box 167 Columbia SC 29201 | 803-734-9120 Fax: 803-734-9106 |
| SOUTH DAKOTA | South Dakota Division of Emergency Management 118 W Capitol Ave Pierre SD 57501 | 605-773-3238 FAX: 605-773-3580 |
| TENNESSEE | Tennessee Department of Economic and Community Development Tennessee Tower Bldg, 10th Floor 312 8th Ave Nashville TN 37243-0405 | 615-741-2211 Fax: 615-741-0607 |
| TEXAS | Texas Natural Resources Conservation Commission PO Box 13087-MC 160 Austin TX 78711-3087 | 512-239-6155 Fax: 512-239-4770 |
| UTAH | Utah Emergency Management State Office Building, Room 1110 Salt Lake City UT 84114 | 801-538-3750 Fax: 801-538-3770 |
| VERMONT | Vermont Agency of Natural Resources Building 10N 103 S Main Street Waterbury VT 05671-0408 | 802-241-3759 Fax: 802-241-3287 |
| VIRGIN ISLANDS | Virgin Islands Planning and Natural Resources Terminal Building, 2nd Floor Cyril E King Airport St Thomas VI 00802 | 340-774-3320 Fax: 340-775-5706 |
| VIRGINIA | Virginia Department of Conservation 203 Governor St, Suite 206 Richmond VA 23219-2019 | 804-786-8073 Fax: 804-371-2630 |

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| WASHINGTON | Washington Department of Ecology PO Box 47600 Olympia WA 98504-7600 | 360-407-6796 Fax: 360-407-6902 |
| WEST VIRGINIA | West Virginia Office of Emergency Services Cap Bldg 1, Room EB-80 1900 Kanawha Blvd Charleston WV 25305-0360 | 304-965-2331 Fax: 304-965-3216 |
| WISCONSIN | Wisconsin Department of Natural Resources 101 S Webster Madison WI 53702 | 608-266-8039 Fax: 608-264-9200 |
| WYOMING | Wyoming Office of Homeland Security Herschler Bldg, 1st East 122 W 25th Street Cheyenne WY 82002 | 307-777-4918 Fax: 307-635-6017 |

For the latest updates to this listing, please visit
the web site of the Association of State Floodplain Managers at
www.floods.org/statepocs/stcoor.asp

Additional Reading

The following publications on flood-related subjects are available at no charge from the Federal Emergency Management Agency. Ordering information is provided at the end of this list.

FEMA-15 – *Design Guidelines for Flood Damage Reduction* – Provides general information about flooding and how to properly design and build in floodprone areas.

FEMA-54 – *Elevated Residential Structures* – Covers proper design and construction methods for elevated homes.

FEMA-55 – *Coastal Construction Manual* – Demonstrates design and construction techniques for construction in coastal high hazard areas.

FEMA-85 – *Manufactured Home Installation in Flood Hazard Areas* – Contains information about how to properly site and install a manufactured home in a flood hazard area, with emphasis on design of elevated foundations.

FEMA-100 – *A Unified National Program for Floodplain Management* – Updates a 1979 report which presents strategies fundamental to implementing a balanced approach to floodplain management.

FEMA-102 – *Floodproofing Non-Residential Structures* – Describes a variety of floodproofing strategies for commercial and industrial structures.

FEMA-114 – *Design Manual for Retrofitting Floodprone Residential Structures* – Presents floodproofing techniques that can be used for existing residential structures.

FEMA-116 – *Reducing Losses in High Risk Flood Hazard Areas: A Guidebook for Local Officials* – Designed to help local government improve floodplain management programs for high risk flood hazard areas.

FEMA-186 – *Mandatory Purchase of Flood Insurance Guidelines* – Presents an overview of the Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994, which amends the Act of 1973. Explains the applicable statutes or regulations.

FEMA-213 – *Answers to Questions About Substantially Damaged Buildings* – Provides guidance for determining whether a building has been substantially damaged.

FEMA-259 – *Engineering Principles and Practices for Retrofitting Flood-prone Residential Buildings* – Provides engineering design and economic guidance to engineers, architects, and local code officials about what constitutes technically feasible and cost-effective retrofitting measures for floodprone residential structures.

FEMA-265 – *Managing Floodplain Development in Approximate Zone A Areas* – A guide for use by community officials, property owners, developers, surveyors, and engineers who may need to determine Base Flood Elevations (BFEs) in Special Flood Hazard Areas designated as approximate Zone A on Flood Insurance Rate Maps.

FEMA-268 – *Protecting Floodplain Resources* – A guidebook for officials and citizens at the local level on protecting natural resources in floodplains. Offers suggestions for creating strategies for wisely managing floodplain natural resources.

FEMA-301 – *Increased Cost of Compliance Coverage: Interim Guidance for State and Local Officials* – Provides information on the Increased Cost of Compliance coverage and how it relates to communities' administration of floodplain management laws or ordinances following a flooding event.

MitDiv-2 – *Answers to Questions About the NFIP* (this booklet) – Provides nontechnical answers to questions frequently asked about the National Flood Insurance Program by community officials, present and prospective policyholders, real estate agents, lenders, and others.

MitDiv-12 – *Appeals, Revisions, and Amendment to Flood Insurance Maps: A Guide for Community Officials* – Details how to obtain revisions to FEMA flood risk maps.

To order most FEMA and Mitigation Division publications about the NFIP, write, phone, or fax the FEMA Distribution Center (see below). You can download the Public Awareness Materials Order Form on the web at www.fema.gov/business/nfip/forms.shtm

FEMA Distribution Center
8241-A Sandy Court
PO Box 2012
Jessup MD 20794

Phone: 1-800-480-2520
Fax: 301-362-5335

Please cite both the publication number and title when ordering.

To obtain the *CRS Coordinator's Manual*, information pertaining to the Community Rating System (CRS), and software for completing the CRS application, please write, phone, or fax your request to:

NFIP/CRS
PO Box 501016
Indianapolis IN 46250-1016

Phone: 317-848-2898
Fax: 317-848-3578

CRS information can also be found on the Web at www.fema.gov/business/nfip/crs.shtm

From: Peditto, Stephanie
To: "john_dieleuterio@biden.senate.gov"; "larry_windley@carper.senate.gov"; "jeff.dayton@mail.house.gov";
CC: "Edwards, Niki"; Ferreira, Frank ;
Subject: FW: (Delaware) Notification of Funding to Emergency Food and Shelter Board - FY08 Allocations
Date: Tuesday, February 26, 2008 4:22:52 PM
Attachments: Delaware.doc
Phase.26.Sample.Press.Release.doc
ProgramOverview26.doc
ESF FACT SHEET FY08.doc
Phase.26.Congressional.Advisory.doc
Funding Overview FY-08 Information Sheet P26.doc
EFS Formula Explanation P26.doc
ESF National Press Release FY 08.doc

Good afternoon,

I am pleased to provide notification that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) is awarding \$153 million to fund the Emergency Food and Shelter (EFS) Program for Fiscal Year (FY) 2008.

EFS funds were first authorized by Congress in 1983 and are appropriated annually under the McKinney-Vento Homeless Assistance Act. With the FY 2008 allocation, more than \$3.1 billion in federal aid will have been disbursed through the EFS Program since its inception, twenty-five years ago. The grant will fund assistance to support social service agencies in cities and counties across the country to help feed and shelter the Nation's hungry and homeless. EFS Program funds are used to supplement food, shelter, rent, mortgage, and utility assistance programs for people with non-disaster related emergencies.

The EFS Program is administered by a national board of volunteer agencies and chaired by FEMA. Member agencies of the National Board include a diverse cross section of social service organizations. The National Board qualifies local jurisdictions for annual EFS Program awards based on criteria involving current population, unemployment, and poverty levels. Awarded shares are disbursed by local affiliates of the National Board to nonprofit organizations and government

agencies in the eligible jurisdictions.

Grants to the National Board may be used—

(1) to supplement and expand ongoing efforts to provide shelter, food, and supportive services for homeless individuals with sensitivity to the transition from temporary shelter to permanent homes, and attention to the special needs of homeless individuals with mental and physical disabilities and illnesses, and to facilitate access for homeless individuals to other sources of services and benefits;

(2) to strengthen efforts to create more effective and innovative local programs by providing funding for them; and

(3) to conduct minimum rehabilitation of existing mass shelter or mass feeding facilities, but only to the extent necessary to make facilities safe, sanitary, and bring them into compliance with local building codes.

Attached are:

- EFSP Program Overview
- EFSP Formula Explanation
- EFSP Fact Sheet
- EFSP National Press Release
- EFSP Funding Allocation Breakdown for Your State
- EFSP Funding Information Overview
- EFSP Congressional Advisory
- EFSP Sample Press Release for Congressional Offices Use

If you have questions, please contact me.

Stephanie

Stephanie M. Peditto
Congressional Affairs Specialist
U.S. Department of Homeland Security
FEMA - Region III

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FY 2008 Emergency Food and Shelter National Board Program

Formula Explanation

The formula which has been used since Phase 3 of the Emergency Food and Shelter National Board Program (EFS) requires jurisdictions to meet a minimum number of unemployed individuals. If the jurisdiction meets the minimum number of individuals unemployed requirement, then they must meet or exceed either of two criteria – unemployment rate or poverty rate. (Note: A jurisdiction is either a county or city. Sometimes a city will qualify all of the county/counties in which it lies. Prior to Phase 3 only unemployment rates were used to qualify a jurisdiction for funding. Additionally, the minimum number of unemployed has been changed from time to time.)

The unemployment rates used are based upon the National Average Unemployment Rate from the most recent 12-month unemployment statistics available from the Bureau of Labor Statistics (BLS). Two different rates are used to recognize the differences between the more urban/suburban jurisdictions and the smaller/more rural jurisdictions. Although the rates vary from phase to phase based upon the National Average, the EFS formula for the larger jurisdictions has dropped down 1% from the National Average Unemployment Rate and gone up 1% for the smaller jurisdictions. Essentially, this has made it easier for the larger jurisdictions to qualify.

The poverty rate used is based upon the National Average Poverty Rate from the most recent Census statistics available. The EFS formula drops below the National Average. Census 2000 is being used again for Phase 26.

Once jurisdictions are qualified for funding, the amount received per unemployed person is based upon the number of unemployed in all qualifying jurisdictions and a per capita amount is determined. The per capita amount is multiplied by the number of unemployed persons and that is the jurisdiction's direct award.

The Program Overview for each Phase includes the formula currently being used. For Phase 26 it is:

Jurisdictions that qualified for awards were chosen based on the following criteria:

1. most current 12-month national unemployment rates;
2. total number of unemployed within a civil jurisdiction;
3. total number of individuals below the poverty level within a civil jurisdiction; and,
4. the total population of the civil jurisdiction.

More specifically, jurisdictions were selected to receive funding during Phase 26 according to one of the following criteria:

- Jurisdictions, including balance of counties, with 13,000+ unemployed and a 3.5% rate of unemployment.
- Jurisdictions, including balance of counties, with 300 to 12,999 unemployed and a 5.5% rate of unemployment.
- Jurisdictions, including balance of counties, with 300 or more unemployed and an 11.0% rate of poverty.

For those jurisdictions that do not meet the National Board's criteria, the State Set-Aside Process (SSA) was established in Phase 5 (1986). The purpose of SSA is to give an award to each state based upon the unemployment in the non-qualifying jurisdictions. The SSA Committee is directed to fund areas of greatest need in their state based upon indicators of need they choose. SSA Committees are directed to consider jurisdictions:

- that previously qualified for the program, but no longer meet the established formula and demonstrate high levels of need;
- with unusually high levels of unemployment or poverty, but do not meet the minimum unemployed cut-off;
- that have pockets of homelessness or poverty and do not qualify for direct funding; or,
- that are experiencing recent negative economic changes, such as plant closings.

As a total each state receives a minimum of \$250,000 (this includes both direct funded jurisdictions and the amount to the SSA Committee). The EFS formula covers 100% of the Nation's unemployment between the qualifying jurisdictions and the amount to the SSA Committee based on the unemployment in the non-qualifying jurisdictions.

Phase 26
FY 2008
PL 110-161
\$153, 000,000

PROGRAM OVERVIEW

The Emergency Food and Shelter National Board Program (EFSP) is a Federal program administered by the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) and has been entrusted through the McKinney-Vento Homeless Assistance Act (PL 100-77) "to supplement and expand ongoing efforts to provide shelter, food and supportive services" for the nation's hungry, homeless, and people in economic crisis.

A National Board, chaired by the U.S. Department of Homeland Security's Federal Emergency Management Agency, with representatives from American Red Cross; Catholic Charities, USA; National Council of the Churches of Christ in the U.S.A.; The Salvation Army; United Jewish Communities; and United Way of America governs the EFS Program. The National Board has selected United Way of America to once again serve as Secretariat and Fiscal Agent to the National Board. In addition, the authorization as revised (PL 102-550) in 1992 requires that a homeless or formerly homeless person be a member of each EFSP Local Board.

The following operating principles, originating in Fiscal Year 1984, remain in force for Fiscal Year 2008:

- fast response
- allocations to neediest areas
- public/private sector cooperation
- minimum, but accountable reporting
- local decision-making

The original authorizing legislation (PL 100-77) specifically calls for "sensitivity to the transition from temporary shelter to permanent homes and attention to the specialized needs of homeless individuals with mental and physical disabilities and illness and to facilitate access for homeless individuals to other sources of services and benefits".

Also in accordance with the legislation, the National Board encourages Local Boards to place special emphasis on identification of and assistance to the elderly, families with children, Native Americans, veterans, and mentally and physically disabled.

This year's appropriation of \$153,000,000 brings the total distributed to more than \$3.105 billion over the program's 25-year history. In funded jurisdictions, Local Boards similar in composition to the National Board advertise the availability of the funds; establish priorities among community needs; allocate funds to non-profit and government emergency food and shelter agencies; and, help monitor program compliance.

Funded agencies, known as "Local Recipient Organizations", use EFSP supplemental funds for mass shelter, mass feeding, food distribution through food pantries and food banks, one-month utility payments to prevent service cut-off, and one-month rent/mortgage assistance to prevent evictions or assist people leaving shelters to establish stable living conditions. In each of the last few years, nearly 12,000 local non-profit and government agencies have received EFSP funds in more than 2,500 jurisdictions nationwide.

Jurisdictions that qualified for awards were chosen based on the following criteria:

1. most current 12-month national unemployment rates;
2. total number of unemployed within a civil jurisdiction;
3. total number of individuals below the poverty level within a civil jurisdiction; and,
4. the total population of the civil jurisdiction.

More specifically, jurisdictions were selected to receive funding during Phase 26 according to one of the following criteria:

- Jurisdictions, including balance of counties, with 13,000+ unemployed and a 3.5% rate of unemployment.
- Jurisdictions, including balance of counties, with 300 to 12,999 unemployed and a 5.5% rate of unemployment.
- Jurisdictions, including balance of counties, with 300 or more unemployed and an 11.0% rate of poverty.

Varying rates were selected to recognize dynamics such as urban area attraction for the homeless and hungry, and poverty-ridden rural areas. Poverty data was used to compensate for the fact that many in need are not shown in published unemployment statistics. Poverty data used for Phase 26 was obtained from the Bureau of the Census based on the data they collected in the 2000 Census; the Bureau of Labor Statistics provided the most recent unemployment data.

With the receipt of the \$153,000,000 for use in FY 2008 (Phase 26), the EFSP National Board is again reserving a portion of these funds for the State Set-Aside Program (SSA). This program allows for additional flexibility in selecting jurisdictions for funding. The National Board requires that prior to selecting jurisdictions for funding, the SSA committee considers jurisdictions:

- that previously qualified for the program, but no longer meet the established formula and demonstrate high levels of need;
- with unusually high levels of unemployment or poverty, but do not meet the minimum 300 unemployed cut-off;
- that have pockets of homelessness or poverty and do not qualify for direct funding; or,
- that are experiencing recent negative economic changes, such as plant closings.

Through direct and SSA awards, each state receives a minimum of \$250,000.

The National Board will issue grants to LROs recommended for funding by Local Boards. However, LROs failing to report and document expenditures under all previous phases of the program will not be eligible for funding in Phase 26 until Final Reports are received and any known outstanding program compliance exceptions are reconciled. First payments will be made to eligible LROs; second payments will be made upon successful completion of the Phase 25 compliance review process.



FEMA

Emergency Food and Shelter Program

FACT SHEET

The Emergency Food and Shelter National Board Program

The Emergency Food and Shelter National Board Program (EFS) is a Federal program administered by The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) and has been entrusted through the McKinney-Vento Homeless Assistance Act (PL 100-77) "to supplement and expand ongoing efforts to provide shelter, food and supportive services" for the nation's hungry, homeless, and people in economic crisis.

A National Board, chaired by FEMA, with representatives from American Red Cross; Catholic Charities, USA; National Council of the Churches of Christ in the U.S.A.; The Salvation Army; United Jewish Communities; and United Way of America governs the EFS Program. The United Way of America serves as Secretariat and Fiscal Agent to the National Board.

The program's objectives are:

- To allocate funds to the neediest areas.
- To ensure fast response.
- To foster public-private sector partnerships.
- To ensure local decision-making.
- To maintain minimal, but accountable, reporting.

Each civil jurisdiction (a county or city) funded by the program must constitute a Local Board. The Board must be composed of representatives of the same organizations as those on the National Board, with a local government official replacing the FEMA representative. In jurisdictions where affiliates of National Board agencies do not exist, other appropriate groups and individuals should be invited to sit on the Local Board. Jurisdictions that are located within or encompass a Federally recognized Native American reservation must have a Native American representative on the Local Board. Each Local Board is required to include a homeless person, a formerly homeless person, or former recipient of program services on the Local Board. Additionally, the National Board encourages that organizations representing or serving the special emphasis groups named in the McKinney-Vento Homeless Assistance Act be included on Local Boards. These groups include the elderly, families with children, veterans, and the physically and mentally disabled.

Program funds are used to provide the following services, as determined by the Local Board in each funded jurisdiction:

- Food, in the form of served meals or groceries
- Lodging in a mass shelter or hotel
- One month's rent, mortgage, and/or utility bill payment
- Transportation costs associated with the provision of food or shelter
- Minimal repairs to mass feeding or sheltering facilities for building code violations or for handicapped accessibility
- Supplies and equipment necessary to feed or shelter people, up to a \$300 limit per item

Emergency Food and Shelter Program

FY 2008 – “Phase 26” – State Allocations

Delaware

| | |
|-------------------------------|------------------|
| Kent County | \$55,021 |
| New Castle County | \$231,094 |
| State Set-Aside Committee, DE | <u>\$35,252</u> |
| <i>Delaware Total</i> | <i>\$321,367</i> |

EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM

Funding Information

Phase 26
FY 2008

Appropriated Amount \$153,000,000
Administrative Allowance – (\$1,530,000)
Amount Allocated -- \$151,470,000
Statistical Period – July 2006 – June 2007

National Statistics

| | |
|--------------|--|
| Labor Force | 152,537,519 |
| Unemployment | 6,915,571 (does not include Puerto Rico) |
| Average Rate | 4.5% |

Historical Formula

| | |
|--|----------------------------------|
| 13,000+ unemployed | 3.5% rate of unemployment |
| 300 – 12, 999 unemployed | 5.5% rate of unemployment |
| 300+ unemployed | 11.0% rate of poverty |
| State Set-Aside Percentage | 8% |
| State Minimum Award | \$250,000 |
| Number of states at minimum | 5 |
| Qualifying jurisdictions | 1,702 |
| Unemployment in Qualifying Jurisdictions | 6,013,488 (includes Puerto Rico) |
| Non-Qualifying jurisdictions | 1,436 |
| Unemployment in Non-Qualifying Jurisdictions | 1,026,645 |
| Phase 26 qualifying per capita | \$23.03 (Phase 25 was \$21.47) |
| Phase 26 State Set-Aside per capita | \$11.75 (Phase 25 was \$11.90) |

Information on New Qualifiers

New Qualifiers (Phase 25 – Phase 26) 52
13 jurisdictions with 300 – 399 unemployed

Information on Non-Qualifiers

Non-Qualifiers (Phase 25 -- Phase 26) 74
57 of the 74 jurisdictions fell below 300 unemployed
13 of the 64 had improvement in their rate of unemployment and no longer met the criteria
2 of the 64 jurisdictions fell below the 13,000 unemployed qualifier currently used for larger areas



FEMA

Congressional Advisory

February 26, 2008

Emergency Food and Shelter Program Awards FY 2008 Grants

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) is announcing the Emergency Food and Shelter (EFS) Program grant awards for Fiscal Year (FY) 2008.

Congress appropriated \$153 million for the EFS Program for FY 2008. This funding will support social service agencies in cities and counties across the country to help feed and shelter the Nation's hungry and homeless. EFS Program funds are used to supplement food, shelter, rent, mortgage, and utility assistance programs for people with non-disaster related emergencies.

The EFS Program, entering its twenty-fifth year, is administered by a national board of volunteer agencies and chaired by FEMA. The National Board qualifies local jurisdictions for annual EFS Program awards based on criteria involving current population, unemployment, and poverty levels. Awarded shares are disbursed by local affiliates of the National Board to nonprofit organizations and government agencies in the eligible jurisdictions. In addition, 8% of the year's total EFS Program appropriation will be set aside by the National Board for state grants to aid the needy in jurisdictions that did not otherwise qualify for assistance.

EFS Program funds were first authorized by Congress in 1983 and are appropriated annually under the McKinney-Vento Homeless Assistance Act. With the FY 2008 allocation, more than \$3.1 billion in federal aid will have been disbursed through the EFS Program since its inception.

Member agencies of the National Board include: American Red Cross; Catholic Charities, USA; United Jewish Communities; National Council of the Churches of Christ in the U.S.A.; The Salvation Army and United Way of America.

Information on the EFS Program grants for FY 2008 ("Phase 26" of the EFS Program) will be available beginning January 25, 2008 at www.efsp.unitedway.org. For a listing of the Emergency Food and Shelter (EFS) Program Local Board contacts in particular jurisdictions or for more information, please call the EFS Program National Board staff at (703) 706-9660, or FEMA's Office of Legislative Affairs at (202) 646-4500.

For a listing of the Emergency Food and Shelter (EFS) Program Local Board contacts in particular jurisdictions or for more information, please call the EFS Program National Board staff at (703) 706-9660, or FEMA's Office of Legislative Affairs at (202) 646-4500.

THIS IS A SAMPLE PRESS RELEASE; YOU MAY USE THIS EXAMPLE OR ONE OF YOUR OWN CHOOSING.

(DISTRICT/STATE) AWARDED \$ _____ IN FEDERAL FUNDS FOR EMERGENCY FOOD AND SHELTER PROGRAM.

Congressman/woman/Senator _____ announced today that \$ _____ has been awarded to the (District/State) by the Emergency Food and Shelter (EFS) Program.

The following jurisdictions are receiving funds:

Additional jurisdictions in (District/State) may be selected at a later date by the EFS State Set-Aside Committee. The EFS National Board, chaired by the Department of Homeland Security's Federal Emergency Management Agency (FEMA) and composed of representatives from American Red Cross; Catholic Charities, USA; United Jewish Communities; National Council of the Churches of Christ in the U.S.A.; The Salvation Army; and United Way of America, provides supplemental funding to shelters, soup kitchens, and food banks. One-month awards for rent, mortgage, and utility assistance are also available. The funds are used to help individuals and families with non-disaster, temporary emergency needs.

In each funded jurisdiction, a Local Board advertises the availability of the funds, establishes local priorities, selects local non-profit and government agencies to receive supplemental funding, and monitors program compliance. The Local Board's composition mirrors the EFS Program National Board, with a local government official replacing FEMA and board members voting to select their chair.

The EFS Program has been in existence since 1983 and was authorized under the McKinney-Vento Homeless Assistance Act of 1987. With the FY 2008 allocation, more than \$3.105 billion in federal aid will have been disbursed through the EFS Program since its inception to communities nationwide, and has accounted for millions of additional meals and nights of shelter to the hungry and homeless most in need across the nation.

From: Peditto, Stephanie
To: Ferreira, Frank ;
CC:
Subject: RE: NFR Teleconference Confirmation List
Date: Wednesday, September 26, 2007 1:33:53 PM
Attachments:

Thanks

From: Ferreira, Frank
Sent: Wednesday, September 26, 2007 1:33 PM
To: Peditto, Stephanie
Subject: NFR Teleconference Confirmation List

Steph:

The following District Directors / staffers are confirmed for tomorrow's teleconference:

| | | |
|--------------------------|----------------|----------------|
| Rep. J. Biden – DE | | Tonya Baker |
| Rep. M. Castle – DE | Jeffrey Dayton | |
| Rep. Cardin – MD | Bailey Fine | |
| Rep. Ruppertsberger – MD | | Amanda Rodgers |
| Rep. Van Hollen – MD | | Sarah Holstein |
| Sen. Specter – PA | | Adam Pope |
| Sen. Casey | Charlie Lyons | |
| Rep. Sestak | Bill Walsh | |
| | | |

Frank Ferreira
External Affairs Specialist
U.S. Department of Homeland Security
Federal Emergency Management Agency
Region III
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106-4404
Phone:
Fax: (b)(2)LOW
www.fema.gov

From: Peditto, Stephanie
To: Ferreira, Frank ;
CC:
Subject: RE: UPDATE - Teleconference - DRAFT OF NATIONAL RESPONSE FRAMEWORK (NRF)
Date: Wednesday, September 26, 2007 2:17:58 PM
Attachments:

Terrific!

From: Ferreira, Frank
Sent: Wednesday, September 26, 2007 2:17 PM
To: Peditto, Stephanie
Subject: FW: UPDATE - Teleconference - DRAFT OF NATIONAL RESPONSE FRAMEWORK (NRF)

FYI. I just sent this out. We should get more calls.

From: Ferreira, Frank
Sent: Wednesday, September 26, 2007 2:12 PM
To: 'Seb.Britt@mail.house.gov'; 'John_Dieleuterio@biden.senate.gov'; 'Tonya_Baker@biden.senate.gov'; 'Brian_Bushweller@carper.senate.gov'; 'mark_lally@carper.senate.gov'; 'Jeff.Dayton@mail.house.gov'; 'sally_wingo@mikulski.senate.gov'; 'ellen_janes@mikulski.senate.gov'; 'Bailey_Fine@cardin.senate.gov'; 'Cathy.Bassett@mail.house.gov'; 'Tara.Oursler@mail.house.gov'; 'monica.henderson@mail.house.gov'; 'Adrian1.Jones@mail.house.gov'; 'Betsy.Bossart@mail.house.gov'; 'Sallie.Taylor@mail.house.gov'; 'Fran.Allen@mail.house.gov'; 'Joan.Kleinman@mail.house.gov'; 'Gayle_Mills@specter.senate.gov'; 'Justin_Porembo@specter.senate.gov'; 'charlie_lyons@casey.senate.gov'; 'Shirley.Gregory@mail.house.gov'; 'Bonnie.Bowser@mail.house.gov'; 'Regina.smith@mail.house.gov'; 'mikebutler2001@aol.com'; 'Peter.Winkler@mail.house.gov'; 'Edward.Schmid@mail.house.gov'; 'bill.walsh@mail.house.gov'; 'phil.lorenzoni@mail.house.gov'; 'doug.platz@mail.house.gov'; 'Jim.Frank@mail.house.gov'; 'paul.macknosky@mail.house.gov'; 'joe.fabricatore@mail.house.gov'; 'fred.ney@mail.house.gov'; 'mark.critz@mail.house.gov'; 'julie.slavet@mail.house.gov'; 'Paul.Dalesandro@mail.house.gov'; 'corey.oconnor@mail.house.gov'; 'carol.halper@mail.house.gov'; 'laura.mcgarra@mail.house.gov'; 'andrew.block@mail.house.gov'; 'tom.tillett@mail.house.gov'; 'Tim.

Smith@mail.house.gov'; 'john.savinda@mail.house.gov'; 'julie.price@mail.house.gov'; 'Eileen_Mandel@warner.senate.gov'; 'louise_ware@webb.senate.gov'; 'Joe.Schumacher@mail.house.gov'; 'Marylou.Stone@mail.house.gov'; 'Gisele.Russell@mail.house.gov'; 'Jason.Gray@mail.house.gov'; 'linwood.duncan@mail.house.gov'; 'jennifer.moorefield@mail.house.gov'; 'Pete.Larkin@mail.house.gov'; 'jennifer.nolen@mail.house.gov'; 'Susie.Warner@mail.house.gov'; 'Rebecca.Coleman@mail.house.gov'; 'Judy.McCary@mail.house.gov'; 'Dave.Foreman@mail.house.gov'; 'Anne_Barth@byrd.senate.gov'; 'Lou_ann_johnson@rockefeller.senate.gov'; 'wes_holden@rockefeller.senate.gov'; 'cate.johnson@mail.house.gov'; 'mary.eckerson@mail.house.gov'; 'paulgonzalez@mail.house.gov'; 'michael_oscar@specter.senate.gov'; 'stan_caldwell@specter.senate.gov'

Subject: UPDATE - Teleconference - DRAFT OF NATIONAL RESPONSE FRAMEWORK (NRF)

Good afternoon:

I am pleased to inform you that FEMA Region III's Regional Administrator, Jonathan Sarubbi, will be joining us during tomorrow's 2PM teleconference call on the draft National Response Framework (NRF).

Let me thank in advance those offices which have confirmed their participation. If you have not confirmed participation and would like to join this teleconference, kindly e-mail or call me and I'll be glad to add you to our list. At that time, I'll provide you with a telephone and pin number needed to join this teleconference.

I am also taking this opportunity to attach an additional brochure on the NRF.

Regards,

Frank Ferreira
External Affairs Specialist
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One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106



FEMA

September 25, 2007

No.: R3-CA 07-05

Contact: Frank Ferreira

Phone:

E-mail: (b)(2)Low

Alternate Contact: Stephanie Peditto

Phone:

E-mail: (b)(2)Low

Congressional Advisory

DRAFT NATIONAL RESPONSE FRAMEWORK RELEASED FOR PUBLIC COMMENT

On September 10, 2007, the Department of Homeland Security (DHS) released a draft *National Response Framework*, successor to the National Response Plan, for a 30-day public comment period. The *Framework*, which focuses on response and short-term recovery, articulates the doctrine, principles and architecture by which our nation prepares for and responds to all-hazard disasters across all levels of government and all sectors of communities. The *Framework* is responsive to repeated federal, state and local requests for a streamlined document that is shorter, less bureaucratic and more user-friendly.

The *Framework* is intended for senior elected and appointed leaders, such as federal agency heads, state governors, mayors, tribal leaders and city managers. Simultaneously, it informs emergency management practitioners by explaining the operating structures and tools routinely used by first responders and emergency managers at all levels of government.

"The *Framework* recognizes that most incidents are managed locally," DHS Secretary Michael Chertoff said. "But when needed to support state and local officials as they respond to a disaster, the *Framework* establishes the playbook for the federal coordination of resources and assets to manage disasters of all sizes and scope."

The *Framework* incorporates a number of key recommendations from more than 700 individuals representing federal, tribal, state and local governments, non-governmental agencies and associations, and the private sector, who participated in a review process that began in September, 2006. In addition to the core *Framework*, supporting documents, including Emergency Support Functions, Support and Incident Annexes and other appendices have also been updated, expanded and remain an integral part of the *Framework*. These documents are available at the newly-created NRF Resource Center, which is available online at www.fema.gov/nrf. This resource center will be continuously updated as additional supporting materials are created or revised.

The 30-day comment period, which ends on *October 10, 2007*, provides interested parties with the opportunity to provide feedback on the document. A comment form has been circulated to various departments, agencies and key stakeholders. Individuals who wish to submit comments can obtain a comment form and instructions for submission online at www.fema.gov/nrf. During this period, the existing *National Response Plan* remains in effect.

FEMA coordinates the federal government's role in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including acts of terror. Region III covers Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia.

###

From: Peditto, Stephanie
To: "john.dieleuterio@biden.senate.gov"; "larry.windley@carper.senate.gov"; "jeff.dayton@mail.house.gov";
CC: Hutchison, Robert; "Edwards, Niki"; Ferreira, Frank ;
Subject: Announcement of HMGP Award - City of New Castle, DE
Date: Tuesday, February 12, 2008 4:09:58 PM
Attachments: HMGP Project Approval-2-12-08 (2).doc

Good afternoon,

See the attached information on the approval of funding for a Hazard Mitigation Grant Program (HMGP) project for the City of New Castle.

Also, for your information, is a fact sheet on the HMGP.

Sincerely,

Stephanie

Stephanie M. Peditto
Congressional Affairs Specialist
U.S. Department of Homeland Security
FEMA - Region III

(b)(2)Low

HMGP PROJECT APPROVAL

DISTRICT: 1st Congressional District

APPLICANT: City of New Castle, DE

DISASTER # 1654-DR-DE

PROJECT # 3

PROJECT TITLE: Buttonwood Tide Gate Structure

PROJECT DESCRIPTION: This project will replace a failing tide gate structure and provide protection from tidal flooding for 44 homes in the Buttonwood and Manor areas of New Castle.

OF PROPERTIES

PROJECT TOTAL \$62,000

FEDERAL SHARE \$31,498

Grantee Admin Cost \$ 1,001

Subgrantee Admin Cost \$ 1,860

TOTAL OBLIGATION \$34,359

Mitigation Grant Programs

FEMA's Mitigation Grant programs provide funding for eligible mitigation activities that reduce losses and protect life and property from future disaster damages. Currently, FEMA administers the Hazard Mitigation Grant Program, the Flood Mitigation Assistance Program, the Pre-Disaster Mitigation Program, the Repetitive Flood Claims Program, and the Severe Repetitive Loss Program.

HAZARD MITIGATION GRANT PROGRAM (HMGP)

www.fema.gov/government/grant/hmgp/index

Hazard Mitigation Grant Program (HMGP) funds are available following a Presidential disaster declaration. Eligible applicants include States, local governments, Indian Tribal governments, and some Private Non-Profit organizations. Communities may apply for HMGP assistance on behalf of affected individuals and businesses, and all funds must be used to reduce or eliminate losses from future disasters. Examples of projects include:

- Elevating flood-prone homes or businesses;
- Acquiring (and either demolishing or relocating) flood-prone homes from willing owners and returning the property to open space;
- Retrofitting buildings to minimize damage from high winds, flooding, earthquakes, and other hazards; and
- Implementing minor flood control projects to protect critical facilities.
- Constructing safe rooms inside schools or other buildings in tornado-prone areas

HMGP funding is allocated using a "sliding scale" formula based on the percentage of the funds spent on Public and Individual Assistance programs for each Presidentially-declared disaster. For States with a Standard State Mitigation Plan, the formula provides 15 percent of the first \$2 billion of estimated aggregate amounts of disaster assistance; 10 percent for the next portion of amounts between \$2 billion and \$10 billion; and 7.5 percent for the next portion of amounts between \$10 billion and \$35.333 billion.

Grant applications are submitted to the State, which sets mitigation priorities and awards grants based on available funding and State criteria. FEMA conducts the final eligibility review to ensure that all projects are compliant with Federal regulations, including the Federal law that requires States and communities to have FEMA-approved mitigation plans in place prior to receipt of HMGP project funds. A mitigation plan must identify hazards, assess community needs, and describe a community-wide strategy for reducing risks associated with natural disasters.

FLOOD MITIGATION ASSISTANCE PROGRAM (FMA)

www.fema.gov/government/grant/fma/index

The Flood Mitigation Assistance (FMA) Program provides funding to States and communities for measures that reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insured under the National Flood Insurance Program (NFIP). The program provides grants for mitigation planning and projects with a goal of reducing claims under the NFIP.

- **Planning grants** are used to assess flood risks and develop Flood Mitigation Plans to reduce the risks;
- **Project grants** are used to implement mitigation activities that reduce flood losses to NFIP-insured properties by elevating, acquiring, and demolishing or relocating NFIP-insured buildings. Project grants are available to NFIP-participating communities that have a Flood Mitigation Plan in place; and
- **Technical Assistance grants** help States and communities develop viable FMA applications and implement projects.

The FY 2007 FMA priority is to fund mitigation activities that reduce or eliminate the long-term risk of flood damage to insured properties.

PRE-DISASTER MITIGATION PROGRAM (PDM)

www.fema.gov/government/grant/pdm/index

The Pre-Disaster Mitigation (PDM) Program is a nationally competitive program that provides funds to States and communities, including Tribal governments, for hazard mitigation planning and implementation of mitigation projects prior to a disaster event. The PDM Program provides Applicants with an opportunity to raise risk awareness and reduce disaster losses through cost effective hazard mitigation activities. Communities and States must have FEMA-approved mitigation plans in order to receive project grant funds.

Eligible PDM activities include:

- Elevation of existing public or private structures;
- Localized flood control projects that are designed specifically to protect critical facilities;
- Protective measures for utilities;
- Relocation of public or private structures;
- Storm water management projects;
- Vegetation management for natural dune restoration, wildfire, or snow avalanche;
- Structural and non-structural retrofitting;
- Construction of safe rooms for public and private structures; and,
- Voluntary acquisition of real property.

REPETITIVE FLOOD CLAIMS GRANT PROGRAM (RFC)

www.fema.gov/government/grant/rfc/index

The Repetitive Flood Claims (RFC) Grant Program is designed to reduce or eliminate the long-term risk of flood damage to structures that are insured under the NFIP and have had one or more claim payment(s) for flood damages. RFC funds may only be used to mitigate structures located within a State or community that is participating in the NFIP and cannot meet the requirements of the FMA program due to lack of cost share or lack of capacity to manage the activities.

Project grants are available for acquisition, structure demolition, or structure relocation with the property deed restricted for open space uses in perpetuity.

The RFC grants are awarded to Applicants on a nationwide basis without reference to State allocations, quotas, or other formula-based allocations. All grants are eligible for up to 100 percent Federal assistance in FY 2007.

Awards will be prioritized to fund acquisitions that create the greatest amount of savings to the NFIF based on a benefit-cost analysis. A FEMA-approved State/Tribal standard or enhanced hazard mitigation plan is required for eligibility; however, a local plan is not required. All properties must be insured at the time of application.

SEVERE REPETITIVE LOSS PROGRAM

www.fema.gov/government/grant/srl/index

The Severe Repetitive Loss (SRL) Program provides funds to assist States, Indian Tribal governments, and local governments participating in the NFIP in reducing or eliminating the long-term flood risks to severe repetitive loss properties, thus reducing outlays from the NFIF. Severe repetitive loss was defined by the FIRA 2004. For a property to be designated SRL, it must:

- Be a residential property currently insured under the National Flood Insurance Program;
- Have incurred flood losses that resulted in either (1) four or more flood insurance claims payments that each exceeded \$5,000 with at least two of the payments occurring within a 10-year period, or (2) two or more flood insurance claims payments that cumulatively exceeded the value of the property.

SRL funds will be allocated annually to States, Territories, and Tribes based on the number of severe repetitive loss properties in their respective jurisdictions.

Eligible SRL activities include:

- Elevation, relocation, or demolition of existing residential properties;
- Floodproofing measures for historical properties;
- Minor physical localized flood control projects; and,
- Demolition and rebuilding of properties to at least Base Flood Elevation (BFE) or greater if required by any local ordinance.

Grants are eligible for up to a 75 percent Federal cost share. The non-Federal cost share may be adjusted to 10 percent if the Applicant has a FEMA-approved State mitigation plan that also addresses how the State has and will continue to reduce the number of severe repetitive loss properties.

From: Peditto, Stephanie
To: "john_dieleuterio@biden.senate.gov"; "tonya baker@biden.senate.gov"; "brian_bushweller@carper.senate.gov"; "jeff.dayton@mail.house.gov";
CC: Edwards, Niki; Ferreira, Frank ; "Hutchison, Robert";
Subject: Announcement of HMGP Award - Town of South Bethany, DE
Date: Wednesday, October 24, 2007 4:02:56 PM
Attachments: HMGP Project Grant Approval - Town of South Bethany, DE.doc
hmgp fact sheetI new.pdf

Good afternoon,

See the attached information on the approval of funding for a Hazard Mitigation Grant Program (HMGP) project for the Town of South Bethany.

Also, for your information, is a fact sheet on the HMGP.

If you have questions, please contact me.

Sincerely,

Stephanie

Stephanie M. Peditto
Congressional Affairs Specialist
U.S. Department of Homeland Security
FEMA - Region III
Office of the Regional Administrator

(b)(2)LOW (Fax)

U.S. Department of Homeland Security
Region III
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106



DISTRICT: 1st Congressional District

APPLICANT: Town of South Bethany, Delaware

DISASTER # DR-1654-DE

PROJECT # 002

PROJECT TITLE: Home Elevation Project – 202 Carlisle Drive

PROJECT DESCRIPTION: The scope of this project includes elevating one (1) residential structure.

PROJECT TOTAL \$23,500

FEDERAL SHARE \$17,625

Grantee Admin Cost \$ 550

Sub-Grantee Admin Cost \$ 705

Total Obligation \$18,880

FACT SHEET

Hazard Mitigation Grant Program

Building Stronger and Safer

FEMA's Hazard Mitigation Grant Program (HMGP) provides grants to States, local governments, and Indian tribes for long-term hazard mitigation projects following a major disaster declaration. The purpose of the program is to reduce the loss of life and property in future disasters by funding mitigation measures during the recovery phase of a natural disaster.

HMGP LEADS TO LONG-TERM SOLUTIONS

HMGP funds can be used to make improvements to public or private property. To be eligible, a project must provide a long-term solution to a specific risk. Examples are:

- Elevating flood-prone homes or businesses. The structure is raised with a higher first floor, allowing floodwater to flow under the house rather than through it.
- Acquisition of (and either demolishing or relocating) flood-prone homes from willing owners and returning the property to open space. The local government becomes the new owner of the property.
- Retrofitting buildings to minimize damage from high winds, flooding, earthquakes, and other hazards. FEMA and other organizations have worked to develop model code requirements and building guides to aid in the process.
- Floodwall systems to protect critical facilities.

HMGP FUNDS ADMINISTERED BY STATES

During the recovery phase of a disaster, local jurisdictions select projects that could reduce property damage from future disasters, and submit grant applications to the State. Indian tribes and certain non-profit organizations can also apply, and local governments can apply on behalf of individual property owners. The States administer the HMGP program. They establish mitigation priorities for the State, facilitate the development of applications, and

submit applications to FEMA based on State criteria and available funding. They can also set limits on grant amounts.

FEMA conducts a final eligibility review to ensure compliance with Federal regulations. HMGP projects must comply with Federal environmental laws and regulations, be cost-effective, and be technically feasible.

HMGP GRANTS AVAILABLE TO COMMUNITIES AFFECTED BY DISASTERS

Total grant funding: HMGP funding is allocated using a "sliding scale" formula based on the percentage of the funds spent on Public and Individual Assistance programs for each Presidentially-declared disaster. For States with a Standard State Mitigation Plan, the formula provides 15% of the first \$2 billion of estimated aggregate amounts of disaster assistance; 10% for the next portion of amounts between \$2 billion and \$10 billion; and 7.5% for the next portion of amounts between \$10 billion and \$35.333 billion.

Funding formula: FEMA pays up to 75 percent of the project cost. Either the State or applicants covers the remaining 25 percent, though it need not be in cash. In-kind services and materials can be used.



FEMA



Federal law requires States and local jurisdictions to have a mitigation plan prior to receipt of HMGP funds. The plan identifies hazards, assesses community needs, and describes a community-wide strategy for reducing risks associated with natural disasters.

PROPERTY ACQUISITIONS: REMOVING PEOPLE AND PROPERTY FROM HARM'S WAY

The acquisition of property can be an effective way to move people and property away from high-risk areas. An acquisition can apply to a single piece of property or an entire neighborhood.

Acquisition projects funded through the HMGP are voluntary and homeowners are never forced to sell their property. The decision to buy damaged property is made by the local government and the property owners, not FEMA. Once an acquisition project is approved by the state and FEMA, the community uses Federal funds to purchase the home or building, and the land is restricted to open space, recreation, or wetlands in perpetuity.

ADDITIONAL FUNDING OPPORTUNITIES

The Pre-Disaster Mitigation (PDM) Program assists States, Indian tribes, and local governments with cost-effective hazard mitigation activities that complement a comprehensive mitigation program. The program provides applicants with an opportunity before disasters strike to raise risk awareness and reduce disaster losses through planning and project grants. Potential activities range from plan development to structural retrofits, acquisitions of property in high-risk areas, and safe room construction.

PDM applicants compete for funding on a national basis. Public colleges and universities can apply as sub-applicants through a State or local government. In addition, State or local governments can apply on behalf of private non-profit organizations and institutions. The program operates on an annual cycle and is subject to Congressional appropriations.

FEMA's Flood Mitigation Assistance (FMA) is a pre-disaster program that provides project, planning, and technical assistance grants to States and communities to help reduce or eliminate the risk of repetitive flood damage. Mitigation projects must address buildings and structures that are insurable under the National Flood Insurance Program (NFIP). The States set mitigation priorities and award grant applications.

FOR MORE INFORMATION

For additional HMGP resources and information, visit www.fema.gov/government/grant/hmgp/index.

Congress of the United States
Washington, DC 20510

4/24/08
JOS 4/21
JIM
210
0017

April 22, 2008

Ms. Crystal Newman
FIM Division
Federal Emergency Management Agency
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106-4404

RE: Delaware Department of Natural Resources and Environmental Control

Dear Ms. Newman:

We would like to convey our strong support of two projects sponsored by the Delaware Department of Natural Resources and Environmental Control (DNREC) for the Flood Mitigation Assistance Program. Through funding from the Federal Emergency Management Agency, we believe these projects will greatly benefit the citizens of Delaware by reducing the threat of flooding to homes and businesses.

The first project, which will be managed by the New Castle Conservation District will allow for the design and construction of flood proofing for the Shone Lumber Company in the Stanton Industrial Park in Stanton, Delaware. Located near the White Clay Creek, numerous businesses in this industrial park have been victims of repeat flooding. FEMA has previously provided assistance to Bell Plumbing Supply and Metroform Medical Center, which are both neighboring properties. This project is highly needed because it will involve construction of a flood barrier around the most critical areas of the Shone Lumber building.

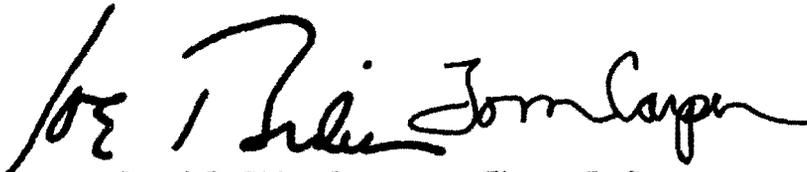
The second project involves the purchase and demolition of a flooded home at 3418A Faulkland Road. This home, located in a very high risk location, has received extensive flood damage, most recently by Hurricane Jeanne E. September 2004. During that flood, water reached six feet deep in the first floor of the house leaving the property owner unable to repair the damages. The house is not in a FEMA-mapped floodplain and is not covered by flood insurance. To prevent future flooding, the New Castle County Department of Special Services will manage clearing the site of the home and creating space that will allow for a potential future storm water abatement project that will benefit the surrounding neighborhood.

We strongly believe in the proposals put forth by the Delaware Department of Natural Resources and Environmental Control. If funded, these projects will provide the

flood control our communities need by enhancing public safety and reducing property loss. It is for such reasons that we encourage you to consider funding these proposals.

Please advise us when a decision is rendered in regard to this proposal. Senator Biden can be reached through his Projects Director, Ms. Tonya Baker, at (302) 573-6345. Senator Carper can be reached through his Projects Director, Mr. Garth Spencer, at (302) 573-6291. And Congressman Castle can be reached through his Staff Assistant, Ms. Erin Innes, at (302) 428-1902.

Sincerely,



Joseph R. Biden, Jr.
United States Senator

Thomas R. Carper
United States Senator



Michael N. Castle
Member of Congress

Mishler, Jeremy K

From: Terrell, Louisa (Biden) [Louisa_Terrell@biden.senate.gov]
Sent: Thursday, October 11, 2007 5:41 PM
To: Mishler, Jeremy K
Subject: RE: smuggling center briefing

Hey there,

Thanks for your note. The briefing has been scheduled for 3:00 on Monday the 22nd. Marc Gorelick at the State Department has been our point of contact. I recommend contacting him if you want more details on the briefing. In the meantime, I hope to see you there, and please forward this on to your colleague Jamie Z. – I got her voice message, and look forward to connecting with her soon. Thanks again,
Louisa

From: Mishler, Jeremy K [mailto: (b)(6)]
Sent: Tuesday, October 09, 2007 10:50 AM
To: Terrell, Louisa (Biden)
Subject: smuggling center briefing

Hi Louisa,

I have been assigned as the ICE point of contact for the briefing you had requested below. I just wanted to touch base with you and see where things stand at this point in time with your request. Has the briefing been scheduled, etc? If there is anything you need, please don't hesitate to call! Talk to you soon.

Sincerely,

Jeremy Mishler

Office of Congressional Relations
Immigration and Customs Enforcement
425 I Street, NW
Suite 7030
Washington, DC 20536
(202) 616- (b)(2)LOW

Hi there,

I work for Senator Biden who is looking closely at the anti-trafficking legislation and reauthorization. Senate staff would very much like to hear from the Smuggling Center, how it works, what role the Center is playing in anti-trafficking efforts, the connections made between international intelligence on trafficking and domestic prosecutions, etc. May we schedule a briefing? Let me know a couple of dates and times when it would be convenient for your folks. Many thanks,

Louisa

Louisa Terrell
Deputy Chief of Staff
Senator Joseph R. Biden, Jr.
(202) 224-9488
(202) 228-2116 (fax)
Louisa_Terrell@Biden.senate.gov <mailto:Louisa_Terrell@Biden.senate.gov>

9/8/2008

Mishler, Jeremy K

From: Terrell, Louisa (Biden) [Louisa_Terrell@biden.senate.gov]
Sent: Thursday, October 18, 2007 12:03 PM
To: Mishler, Jeremy K
Subject: RE: smuggling center briefing

Thanks so much for the update. I do not know who will attend the briefing – notice has been sent to R and D staff of both Judiciary Committee and SFRC. You just never know. We will be in the SFRC hearing room in Dirksen 419. Let me know if you have any other questions or concerns, and look forward to seeing you on Monday.
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Thursday, October 18, 2007 10:58 AM
To: Terrell, Louisa (Biden)
Subject: RE: smuggling center briefing

Hi Louisa,

In regards to the briefing next Monday, I wanted to give you a quick update and also ask a couple quick questions. Do you know who will be attending the briefing? Will this just be a Biden briefing, or have other offices also been invited? Also, where will we be meeting at and what is the room number? Thanks so much!

And... just so you know, Mark Gorelick from the State Department will be doing most of the briefing on Monday. Mark is the Acting Director for the HSTC. We will also be joined by Kumar Kibble and Brett Dreyer, both from ICE, as well as Matt Hearn from FBI, who will all be able to answer any questions that might come up. Let me know if there is anything else that you need in the meantime.

See you next week!
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Wednesday, October 17, 2007 4:41 PM
To: Mishler, Jeremy K
Subject: RE: smuggling center briefing

Thanks so much for your email. I am not up to speed on Senator Biden's schedule, but am confident that our scheduling office will get back to you if there is any available time. Thanks again,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Tuesday, October 16, 2007 2:06 PM
To: Terrell, Louisa (Biden)
Subject: RE: smuggling center briefing

Hi Louisa,

I also wanted to let you know that Assistant Secretary Julie Myers will be making a courtesy visit to a number of other members of the Senate Judiciary Committee and we have sent a formal request to the Senator's Scheduler. If your boss would like to meet with Ms. Myers, let me know and I would be happy to arrange for such a visit.

Thanks,
Jeremy

[Mishler, Jeremy K] -----Original Message-----
From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, October 11, 2007 5:41 PM
To: Mishler, Jeremy K
Subject: RE: smuggling center briefing

Hey there,
Thanks for your note. The briefing has been scheduled for 3:00 on Monday the 22nd. Marc Gorelick at the State Department has been our point of contact. I recommend contacting him if you want more details on the briefing. In the meantime, I hope to see you there, and please forward this on to your colleague Jamie Z. - I got her voice message, and look forward to connecting with her soon. Thanks again,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Tuesday, October 09, 2007 10:50 AM
To: Terrell, Louisa (Biden)
Subject: smuggling center briefing

Hi Louisa,

I have been assigned as the ICE point of contact for the briefing you had requested below. I just wanted to touch base with you and see where things stand at this point in time with your request. Has the briefing been scheduled, etc? If there is anything you need, please don't hesitate to call! Talk to you soon.

Sincerely,
Jeremy Mishler
Office of Congressional Relations
Immigration and Customs Enforcement
425 I Street, NW
Suite 7030
Washington, DC 20536
(202) 616-(b)(2)(Low)

Hi there,
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Louisa
Louisa Terrell
Deputy Chief of Staff
Senator Joseph R. Biden, Jr.
(202) 224-9488
(202) 228-2116 (fax)

Louisa_Terrell@Biden.senate.gov <mailto:Louisa_Terrell@Biden.senate.gov>

Mishler, Jeremy K

From: Terrell, Louisa (Biden) [Louisa_Terrell@biden.senate.gov]
Sent: Thursday, December 20, 2007 10:29 AM
To: Mishler, Jeremy K
Subject: RE: contact information

Thanks for the interesting proposition, and I am checking with some folks here. I'll keep you posted.

From: Mishler, Jeremy K [mailto:jeremy.mishler@dhs.gov]
Sent: Tuesday, December 18, 2007 4:46 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

On a completely different note, would your office be at all interested in an ICE Detailee? If you think it sounds like something might be willing to at least consider, we could get you some resume's to pour over. Let me know what you think and we can go from there.

I am pushing on your get backs and will let you know as soon as I have something.
-Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Tuesday, December 18, 2007 3:57 PM
To: Mishler, Jeremy K
Subject: RE: contact information

How are we doing on this information?

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Tuesday, November 20, 2007 5:39 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

Glad to help... I will get to work on this. With the holiday coming up, it may take me a little longer than usual to get answers back to you as I know folks are headed out of town. That being said, I'm around all week if there is anything you need.

I did talk briefly to CBP and mentioned that you would like a similar briefing from them. I will refer you to Bob Mueller in their Congressional Affairs shop, who can help you arrange a meeting. Bob can be reached at (202) 344-(b)(2)Low

I will be in touch. Thanks,
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Tuesday, November 20, 2007 4:48 PM
To: Mishler, Jeremy K
Cc: Simon, Jennifer (Foreign Relations)
Subject: RE: contact information

Thanks Jeremy for setting up this week's meeting and for your follow up email. As I look at my

notes, I think we are on the same page. Here is what I have:

- (1) Contact information for CBP to arrange a second briefing;
- (2) Number of exclusion orders issued annually (2003-2007)
- (3) Number of investigations annually, how many were closed for lack of evidence/prima facie case, etc., how many resulted in trial and/or exclusion order (2003-2007)
- (4) For each investigation listed in response to #3, please indicate the type of case: forced child labor, forced labor, trafficked labor, slave labor, prison labor, and any other type of trafficking-related cases.
- (5) For exclusion orders, please indicate duration and what is done to enforce the exclusion order
- (6) Confirm annual budget numbers for investigations for each of the cases listed in #4.
- (7) Is there a list, informal or formal, of industries that fall under the consumptive demand exception, and if so, please forward.
- (8) What reporting requirements on the issue of forced/child labor, prison labor, trafficked labor (not including the annual GTIP report and the report issued annually on trafficking by the Department of Justice)?
- (9) Copy of the Human Trafficking PSA, and any other materials related to ICE efforts on trafficking. And to that end, please advise if we need to arrange a second meeting to talk about trafficked labor investigations and ICE's activities related to trafficking.
- (10) What are industries/products that fall under the consumptive demand exception?

Thanks very much.
Louisa

From: Mishler, Jeremy K [mailto:jeremy.k.mishler@ice.dhs.gov]
Sent: Monday, November 19, 2007 12:31 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

Hi Louisa,

I hope this morning's briefing was at least somewhat helpful. ;-). If you need us to come up again at any time, I would be happy to arrange another meeting. In the meantime, below are a few of things I scribbled down that you would like us to get back to you with. If I am missing anything, please let me know. Thanks and I hope you have a Happy Thanksgiving!
Jeremy

1. contact at CBP to find out how many exclusion orders are currently in place
2. # of cases: forced child, human trafficking and status of each, opened, closed, etc.
3. Is there a list of industries that fall under the consumptive demand exception?
4. Is there a report to Congress regarding consumptive demand, prison labor, etc.?
5. copy of the Human Trafficking PSA
6. Are there any other exceptions besides cocoa?

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 15, 2007 11:09 AM
To: Mishler, Jeremy K
Subject: RE: contact information

It will be Biden and Harkin staff and as I mentioned before, we would like to hear Customs' role in enforcing section 1307 in the Tariff Act and the consumptive demand exception to importing forced/child labor goods. See you on Monday, the 19th at 10 am in Russell 201.

Thanks,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Thursday, November 15, 2007 10:55 AM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

That shouldn't be a problem, I will let you know if I hear otherwise. Let me know if you have specific questions/issues you would like us to cover.

Thanks!
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 15, 2007 10:52 AM
To: Mishler, Jeremy K
Subject: RE: contact information

Could we please have the briefing at 10 a.m. in Russell 201? Thanks,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Wednesday, November 14, 2007 1:08 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information
Importance: High

Louisa,

We are good to go on Monday morning the 19th. What time would you like us to be there and will this be Biden staff only? Also, if there is anything in particular you would like us to cover or that we should be ready to answer, let me know and I will make sure we come prepared. Thanks again!

Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Monday, November 12, 2007 12:54 PM
To: Mishler, Jeremy K
Subject: RE: contact information

Thanks for your help. Could we schedule something for Thursday, Nov. 15th, preferably in the am? Thanks,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Thu 11/8/2007 3:08 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

Louisa,

I have have rounded up SMEs to do this briefing if you could let me know a date/time that will work for you. Thanks!

Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 08, 2007 11:16 AM
To: Mishler, Jeremy K
Subject: Re: contact information

Yes, please.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Mishler, Jeremy K (b)(6)
To: Terrell, Louisa (Biden)
Sent: Thu Nov 08 11:11:22 2007
Subject: RE: contact information

Should we shoot for next week to do a briefing?

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 08, 2007 10:19 AM
To: Mishler, Jeremy K
Subject: Re: contact information

Can we just talk on the phone. What is your extension?

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Mishler, Jeremy K (b)(6)
To: Terrell, Louisa (Biden)
Sent: Thu Nov 08 10:17:40 2007
Subject: RE: contact information

Are you looking for ICE to come up and do a briefing? You had originally asked for the appropriate congressional affairs person, which I would be... but I am certainly not the subject matter expert (SME). They would like to know what specifically what you would like to know about section 1307 in the Tariff Act and the consumptive demand exception to forced labor goods?

Sorry for any confusion and for the delay in getting back to you. Yesterday was out of control! I am happy to get you whatever you need.

Thanks!
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 08, 2007 10:06 AM

To: Mishler, Jeremy K
Subject: Re: contact information

I think my initial email is fairly descriptive. What exactly don't you understand? I am not sure I understand the disconnect. Thanks,
Louisa

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Mishler, Jeremy K [mailto:]
To: Terrell, Louisa (Biden)
Sent: Thu Nov 08 09:53:51 2007
Subject: RE: contact information

Hi Louisa,

Can you tell me what exactly the Senator would like to know? This will help me ensure we get you the right information.

Thanks,
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Tuesday, November 06, 2007 10:00 AM
To: Mishler, Jeremy K
Subject: contact information

Hey there,

Can you put me in touch with the appropriate congressional affairs person for the following request? In connection with reauthorizing in persons bill, Senator Biden would like to hear from Customs on section 1307 in the Tariff Act and the consumptive demand exception to forced labor goods? Thanks,

Louisa

Louisa Terrell

Deputy Chief of Staff

Senator Joseph R. Biden, Jr.

(202) 224-9488

(202) 228-2116 (fax)

Louisa_Terrell@Biden.senate.gov

Mishler, Jeremy K

From: Terrell, Louisa (Biden) [Louisa_Terrell@biden.senate.gov]
Sent: Wednesday, January 09, 2008 1:21 PM
To: Mishler, Jeremy K
Subject: RE: contact information

Thanks Jeremy.

When can we expect the rest of the answers? This seems to be taking quite some time, although I know you are working hard to get it done. Thanks,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Thursday, December 27, 2007 10:07 AM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

Hi Louisa,

I hope you are enjoying your break and had a happy holiday! I'm still working on some of these answers for you, but I wanted to get you what I could. The rest should be coming shortly. Also, if you decide you might be interested in a detailee, let me know and I will get you some resumes to review.

Thanks again for the patience... and sorry this is taking so long!
Jeremy

- 1.) Contact information for CBP to arrange a second briefing

Bob Mueller
Department of Homeland Security
Customs and Border Protection
Office of Congressional Affairs
Office 202-344-(b)(2),Low
Cell 202-251-
Fax 202-344-

- 2.) Number of Exclusion Orders issued annually (2003-2007)

CBP Response: CBP issued no Exclusion Orders during 2003 – 2007 timeframe. The last Exclusion Order issued by CBP was in February 2001 for Bebe (herbal) cigarettes from India.

- 5.) Please indicate duration and what is done to enforce exclusion orders.

CBP Response: Exclusion Orders are issued indeterminately. CBP will suspend an Exclusion

Order once it is determined that the prohibited good is no longer being imported into the United States.

Upon issuing an Exclusion Order, CBP performs a risk assessment using intelligence and information to target suspect shipments.

7.) Is there a list, either informal or formal, of industries that fall under the consumptive demand exception?

CBP Response: There is no list, formal or informal, of industries that fall under the consumptive demand exception that CBP is aware of.

10.) What industries/products fall under the consumptive demand exception?

CBP Response: CBP is not aware of any industries/products that fall under the consumptive demand exception.

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Tuesday, December 18, 2007 3:57 PM
To: Mishler, Jeremy K
Subject: RE: contact information

How are we doing on this information?

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Tuesday, November 20, 2007 5:39 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

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9/8/2008

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Jeremy

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Sent: Tuesday, November 20, 2007 4:48 PM
To: Mishler, Jeremy K
Cc: Simon, Jennifer (Foreign Relations)
Subject: RE: contact information

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- (10) What are industries/products that fall under the consumptive demand exception?

Thanks very much.
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Monday, November 19, 2007 12:31 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

Hi Louisa,

I hope this morning's briefing was at least somewhat helpful. ;-) If you need us to come up again at any time, I would be happy to arrange another meeting. In the meantime, below are a few of things I scribbled down that you would like us to get back to you with. If I am missing anything, please let me know. Thanks and I hope you have a Happy Thanksgiving!
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Thanks!
Jeremy

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From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 15, 2007 10:52 AM
To: Mishler, Jeremy K
Subject: RE: contact information

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Sent: Wednesday, November 14, 2007 1:08 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information
Importance: High

Louisa,

We are good to go on Monday morning the 19th. What time would you like us to be there and will this be Biden staff only? Also, if there is anything in particular you would like us to cover or that we should be ready to answer, let me know and I will make sure we come prepared. Thanks again!

Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Monday, November 12, 2007 12:54 PM

To: Mishler, Jeremy K
Subject: RE: contact information

Thanks for your help. Could we schedule something for Thursday, Nov. 15th, preferably in the am? Thanks,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Thu 11/8/2007 3:08 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

Louisa,

I have have rounded up SMEs to do this briefing if you could let me know a date/time that will work for you. Thanks!

Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 08, 2007 11:16 AM
To: Mishler, Jeremy K
Subject: Re: contact information

Yes, please.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Mishler, Jeremy K [mailto:(b)(6)]
To: Terrell, Louisa (Biden)
Sent: Thu Nov 08 11:11:22 2007
Subject: RE: contact information

Should we shoot for next week to do a briefing?

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From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 08, 2007 10:19 AM
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matter expert (SME). They would like to know what specifically what you would like to know about section 1307 in the Tariff Act and the consumptive demand exception to forced labor goods?

Sorry for any confusion and for the delay in getting back to you. Yesterday was out of control! I am happy to get you whatever you need.

Thanks!
Jeremy

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From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 08, 2007 10:06 AM
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Subject: Re: contact information

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----- Original Message -----

From: Mishler, Jeremy K <(b) (6)>
To: Terrell, Louisa (Biden)
Sent: Thu Nov 08 09:53:51 2007
Subject: RE: contact information

Hi Louisa,

Can you tell me what exactly the Senator would like to know? This will help me ensure we get you the right information.

Thanks,
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Tuesday, November 06, 2007 10:00 AM
To: Mishler, Jeremy K
Subject: contact information

Hey there,

Can you put me in touch with the appropriate congressional affairs person for the following request? In connection with reauthorizing the trafficking in persons bill, Senator Biden would like to hear from Customs on section 1307 in the Tariff Act and the consumptive demand exception to forced labor goods? Thanks,

Louisa

Louisa Terrell

Deputy Chief of Staff

Senator Joseph R. Biden, Jr.

(202) 224-9488

(202) 228-2116 (fax)

Louisa_Terrell@Biden.senate.gov

Mishler, Jeremy K

From: Terrell, Louisa (Biden) [Louisa_Terrell@biden.senate.gov]
Sent: Tuesday, December 18, 2007 3:57 PM
To: Mishler, Jeremy K
Subject: RE: contact information
Follow Up Flag: Follow up
Flag Status: Red

How are we doing on this information?

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Tuesday, November 20, 2007 5:39 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

Glad to help... I will get to work on this. With the holiday coming up, it may take me a little longer than usual to get answers back to you as I know folks are headed out of town. That being said, I'm around all week if there is anything you need.

I did talk briefly to CBP and mentioned that you would like a similar briefing from them. I will refer you to Bob Mueller in their Congressional Affairs shop, who can help you arrange a meeting. Bob can be reached at (202) 344- (b)(2)Low

I will be in touch. Thanks,
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Tuesday, November 20, 2007 4:48 PM
To: Mishler, Jeremy K
Cc: Simon, Jennifer (Foreign Relations)
Subject: RE: contact information

Thanks Jeremy for setting up this week's meeting and for your follow up email. As I look at my notes, I think we are on the same page. Here is what I have:

- (1) Contact information for CBP to arrange a second briefing;
- (2) Number of exclusion orders issued annually (2003-2007)
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- (9) Copy of the Human Trafficking PSA, and any other materials related to ICE efforts on trafficking.

And to that end, please advise if we need to arrange a second meeting to talk about trafficked labor investigations and ICE's activities related to trafficking.
(10) What are industries/products that fall under the consumptive demand exception?

Thanks very much.
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Monday, November 19, 2007 12:31 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

Hi Louisa,

I hope this morning's briefing was at least somewhat helpful. ;-) If you need us to come up again at any time, I would be happy to arrange another meeting. In the meantime, below are a few of things I scribbled down that you would like us to get back to you with. If I am missing anything, please let me know. Thanks and I hope you have a Happy Thanksgiving!
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1. contact at CBP to find out how many exclusion orders are currently in place
2. # of cases: forced child, human trafficking and status of each, opened, closed, etc.
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4. Is there a report to Congress regarding consumptive demand, prison labor, etc.?
5. copy of the Human Trafficking PSA
6. Are there any other exceptions besides cocoa?

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 15, 2007 11:09 AM
To: Mishler, Jeremy K
Subject: RE: contact information

It will be Biden and Harkin staff and as I mentioned before, we would like to hear Customs' role in enforcing section 1307 in the Tariff Act and the consumptive demand exception to importing forced/child labor goods. See you on Monday, the 19th at 10 am in Russell 201. Thanks,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Thursday, November 15, 2007 10:55 AM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

That shouldn't be a problem, I will let you know if I hear otherwise. Let me know if you have specific questions/issues you would like us to cover.

Thanks!
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 15, 2007 10:52 AM

To: Mishler, Jeremy K
Subject: RE: contact information

Could we please have the briefing at 10 a.m. in Russell 201? Thanks,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Wednesday, November 14, 2007 1:08 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information
Importance: High

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Jeremy

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To: Mishler, Jeremy K

Subject: contact information

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Louisa Terrell

Deputy Chief of Staff

Senator Joseph R. Biden, Jr.

(202) 224-9488

(202) 228-2116 (fax)

Louisa_Terrell@Biden.senate.gov

Mishler, Jeremy K

From: Terrell, Louisa (Biden) [Louisa_Terrell@biden.senate.gov]
Sent: Wednesday, December 12, 2007 3:16 PM
To: Mishler, Jeremy K
Subject: RE: contact information

I don't have any brilliant update except to say that we are working hard over here on a Senate bill. And as soon as you can get material to us, the better. Many thanks,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Friday, December 07, 2007 10:58 AM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

Hi Louisa,

I hope you are doing well. I wanted to give you another quick update. Answers are starting to roll in from our different components tasked with answering your follow up questions to the forced labor/trafficking briefing. As soon as they get through the clearance process, I will shoot them your way. I don't anticipate things taking much longer now, but I will certainly keep you posted if anything changes. That being said, just so you know... we are reffering 4 of the 10 questions you sent me to CBP as they are in a better position to answer. I will follow up with Bob to make sure nothing falls through the cracks.

Also, I noticed that the House passed a Trafficking bill the other day and I remember you mentioning that you were working on a Senate bill. Is there any update on how things are progressing in the Senate? If there is anything you need in terms of more information, technical assistance, etc., please don't hesitate to ask.

Have a good weekend!
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Tuesday, December 04, 2007 12:10 PM
To: Mueller, Robert A; Mishler, Jeremy K
Subject: RE: contact information

Terrific – thanks.
Louisa

From: MUELLER, ROBERT A [mailto:(b)(6)]
Sent: Tuesday, December 04, 2007 12:08 PM
To: Mishler, Jeremy K
Cc: Terrell, Louisa (Biden)
Subject: RE: contact information

I just reached out to our SME on these issues with a request for the 12th or 13th. I'll get back to you as soon as I hear something.

Bob Mueller

Department of Homeland Security

Customs and Border Protection

Office of Congressional Affairs

Office 202-344-(b)(7)(C),LOW

Cell 202-251-[REDACTED]

Fax 202-344-[REDACTED]

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: December 04, 2007 11:33
To: Mueller, Robert A
Subject: FW: contact information

Hi Bob,

I just wanted to make sure you saw this. It looks as though Biden's office would like to schedule a briefing with CBP.

Thanks,
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Tuesday, December 04, 2007 11:24 AM
To: Mishler, Jeremy K
Cc: Mueller, Robert A
Subject: RE: contact information

Thanks very much for the update. I appreciate it. Yes, it would be useful to schedule a briefing with CBP. Please let me know if there is a convenient time, perhaps either Dec. 12th or 13th to come to Russell 201 for a briefing. I will invite staff from other offices as well. Thanks,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Tuesday, December 04, 2007 10:47 AM
To: Terrell, Louisa (Biden)
Cc: Mueller, Robert A
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I wanted to get back to you quickly so you didn't think I had forgot about you. We are working on your request, but I know some of these require extensive research and hand counting, so it may take us a little while to get you everything you need. That being said, feel free to harrass me if need be. ;-) In addition,

for a number of the questions you have asked... I'm told that CBP would be need to answer those. I have contacted CBP leg affairs and we are trying to coordinate so we can accomdate your request. I have also let them know that you might be interested in a briefing from them on this topic as well. I have been speaking with Bob Mueller at CBP, who I have cc:d on this response. Below you will also find his contact info. If you have any questions or if there is anything else you need, please don't hesitate to ask. I will be in touch.

Thanks!
Jeremy

Bob Mueller

Department of Homeland Security

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Office of Congressional Affairs

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Sent: Tuesday, November 20, 2007 4:48 PM

To: Mishler, Jeremy K

Cc: Simon, Jennifer (Foreign Relations)

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From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 15, 2007 11:09 AM
To: Mishler, Jeremy K
Subject: RE: contact information

It will be Biden and Harkin staff and as I mentioned before, we would like to hear Customs' role in enforcing section 1307 in the Tariff Act and the consumptive demand exception to importing forced/child labor goods. See you on Monday, the 19th at 10 am in Russell 201. Thanks,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Thursday, November 15, 2007 10:55 AM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

That shouldn't be a problem, I will let you know if I hear otherwise. Let me know if you have specific questions/issues you would like us to cover.

Thanks!
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 15, 2007 10:52 AM
To: Mishler, Jeremy K
Subject: RE: contact information

Could we please have the briefing at 10 a.m. in Russell 201? Thanks,
Louisa

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Wednesday, November 14, 2007 1:08 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information
Importance: High

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Jeremy

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Deputy Chief of Staff

Senator Joseph R. Biden, Jr.

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Deputy Chief of Staff

Senator Joseph R. Biden, Jr.

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(202) 228-2116 (fax)

Louisa_Terrell@Biden.senate.gov

Mishler, Jeremy K

From: Terrell, Louisa (Biden) [Louisa_Terrell@biden.senate.gov]
Sent: Wednesday, November 14, 2007 6:22 PM
To: Mishler, Jeremy K
Subject: RE: contact information

Would 3 in the afternoon work?

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Tuesday, November 13, 2007 6:48 PM
To: Terrell, Louisa (Biden)
Subject: Re: contact information

Louisa,

Let's tentatively plan on Monday the 19th. I am still waiting for one last person from the Office of International Affairs to confirm. If anything changes, I will let you know. In the meantime, what time would you like us to be there Monday?

Thanks for your patience...nothing is easy around here. :-)

Jeremy

Sent using BlackBerry

-----Original Message-----

From: Terrell, Louisa (Biden)
To: Mishler, Jeremy K
Sent: Tue Nov 13 17:16:32 2007
Subject: RE: contact information

Monday the 19th in the am?

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Tuesday, November 13, 2007 5:16 PM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

Hi Louisa,

Unfortunately, our SMEs aren't available to do a briefing on the 15th. Is there another day that might work for you all? Let me know and I will see what I can do for you.

9/8/2008

Thanks,

Jeremy

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Follow Up Flag: Follow up
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Subject: Re: contact information

Can we just talk on the phone. What is your extension?

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Mishler, Jeremy K <(b)(6)>
To: Terrell, Louisa (Biden)
Sent: Thu Nov 08 10:17:40 2007
Subject: RE: contact information

Are you looking for ICE to come up and do a briefing? You had originally asked for the appropriate congressional affairs person, which I would be... but I am certainly not the subject matter expert (SME). They would like to know what specifically what you would like to know about section 1307 in the Tariff Act and the consumptive demand exception to forced labor goods?

Sorry for any confusion and for the delay in getting back to you. Yesterday was out of control! I am happy to get you whatever you need.

Thanks!
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Thursday, November 08, 2007 10:06 AM
To: Mishler, Jeremy K
Subject: Re: contact information

I think my initial email is fairly descriptive. What exactly don't you understand? I am not sure I understand the disconnect. Thanks,

Louisa

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Mishler, Jeremy K. (b)(6)
To: Terrell, Louisa (Biden)
Sent: Thu Nov 08 09:53:51 2007
Subject: RE: contact information

Hi Louisa,

Can you tell me what exactly the Senator would like to know? This will help me ensure we get you the right information.

Thanks,
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Tuesday, November 06, 2007 10:00 AM
To: Mishler, Jeremy K
Subject: contact information

Hey there,

Can you put me in touch with the appropriate congressional affairs person for the following request? In connection with reauthorizing the trafficking in persons bill, Senator Biden would like to hear from Customs on section 1307 in the Tariff Act and the consumptive demand exception to forced labor goods? Thanks,

Louisa

Louisa Terrell

Deputy Chief of Staff

Senator Joseph R. Biden, Jr.

(202) 224-9488

(202) 228-2116 (fax)

Louisa_Terrell@Biden.senate.gov

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Sent: Tuesday, November 06, 2007 10:00 AM

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Subject: contact information

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Deputy Chief of Staff

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Deputy Chief of Staff

Senator Joseph R. Biden, Jr.

(202) 224-9488

(202) 228-2116 (fax)

Louisa_Terrell@Biden.senate.gov

Mishler, Jeremy K

From: Terrell, Louisa (Biden) [Louisa_Terrell@biden.senate.gov]
Sent: Tuesday, November 06, 2007 12:42 PM
To: Mishler, Jeremy K
Subject: RE: contact information

Thanks.

From: Mishler, Jeremy K [mailto:(b)(6)]
Sent: Tuesday, November 06, 2007 10:15 AM
To: Terrell, Louisa (Biden)
Subject: RE: contact information

Hi Louisa,

I'll be in touch with you shortly re: your request. Let me know if you need anything else.

Thanks,
Jeremy

-----Original Message-----

From: Terrell, Louisa (Biden) [mailto:Louisa_Terrell@biden.senate.gov]
Sent: Tuesday, November 06, 2007 10:00 AM
To: Mishler, Jeremy K
Subject: contact information

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Louisa Terrell
Deputy Chief of Staff
Senator Joseph R. Biden, Jr.
(202) 224-9488
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Sent: Tuesday, November 06, 2007 10:00 AM
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Subject: contact information
Follow Up Flag: Follow up
Flag Status: Flagged

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Louisa_Terrell@Biden.senate.gov

JOSEPH R. BIDEN, JR.
DELAWARE

www.biden.senate.gov

24 NORTH WEST FRONT STREET
WINDSOR BUILDING, SUITE 101
MILFORD, DELAWARE 19963-1440
(302) 434-6000

United States Senate



JUDICIARY SUBCOMMITTEE
ON CRIME AND DRUGS
CHAIRMAN

FOREIGN RELATIONS COMMITTEE
CHAIRMAN

CAUCUS ON INTERNATIONAL
NARCOTICS CONTROL
CHAIRMAN

CONGRESSIONAL INTERNATIONAL
ANTI-PIRACY CAUCUS
CO-CHAIRMAN

ANTI-METH CAUCUS
CO-CHAIRMAN

DATE: January 31, 2007

TO: Ricardo, ICE Congressional Liaison

FROM: (b)(6) for Senator Biden

RE: (b)(6)

Number of pages INCLUDING cover page: 5

If you have any questions or if there are problems with transmission please call (302) 424-(b)(2)Low

COMMENTS: Ricardo, I spoke to you last week about this deportation case. I tried to go through the Philadelphia District office for information but am getting no where. Enclosed is a copy of the privacy release form as well as letters sent to Senator Biden about this Guatemalan immigrant. Thank you for your assistance!

01/31/2007 18:21 FAX 3024248098
JAN-29-2007 05:02 PM
01/25/2007 17:05 FAX 3024248098

Milford District Office
Milford District Office

002/005
P. 02
012/002

JOSEPH R. BIDEN, JR.
DRAWING
201 N. WALTON STREET
WASHINGTON, DC 20540-0000
202 522-6000
www.senate.gov/biden

United States Senate

JUDICIARY COMMITTEE
SUBCOMMITTEE ON
CRIME, CORRUPTION AND VICTIMS' RIGHTS
FOREIGN RELATIONS COMMITTEE
CALCULUS OF INTERNATIONAL
NARCOTICS CONTROL

Date: 1.27.07

Senator Joseph R. Biden, Jr.
United States Senate
24 NW Front Street
Windsor Building, Ste. 101
Milford, Delaware 19963
Telephone: (302) 424-8090
Fax: (302) 424-8098

TO WHOM IT MAY CONCERN:

I am aware that the Privacy Act of 1974 prohibits the release of information in my file without my approval. I authorize the DHS to provide information on my claim/case to Senator Joseph R. Biden, Jr.

X (Signature) (b)(6)
(Name) (b)(6)
(Address) (b)(6)
(City, Zip) Milford DE 19973
(Social security or claim number) (b)(6)
(Telephone Number) (b)(6)

If you wish information to be provided to a parent, child, attorney, or other interested party, please indicate below.

I authorize _____ to receive information from Senator Joseph R. Biden, Jr. relative to my case/claim.

X (Signature) (b)(6)

(b)(6)
Seaford, DE 19973
(b)(6)
FAX

(b)(6)

facsimile transmittal

To: (b)(6) Fax:
From: (b)(6) Date: 1/29/2007
Re: Pages:
Cc:

Urgent For review Please comment Please reply Please recycle

Notes:

I have the privacy release form signed by (b)(6) I will try and give you the facts as I know them.

In 2001 (b)(6) work papers expired. He went before a judge and the judge said that he was not going to be deported that he was to leave on his own after the baby was born. (b)(6) knew that his wife could not take care of their two daughters on her own so he stayed. Both of his daughters are US citizens. He has a valid driver's license until November 2007 so he thought he could stay until then.

Last year he was arrested for using a fake ID so that he could work. The charges were dismissed and he was put on supervision so that he could help the authorities catch immigrants with fake IDs. To date I don't think he has been contacted.

He lost his original supervision paper that showed he reported when he was scheduled in Dover at ICE. He applied for work papers and they asked for a copy of the supervision paper to make sure he was complying. He had to go back to ICE to get a copy. I had a photo copy in my records that was taken before he reported in April of 2006 so he took that for them to resign in December 2006. They told him that he never came in April 2006. That is not true since my husband had taken him. They would not even listen to us. They took his passport and said come back in January. When he reported in January they said that they were taking him now for deportation.

(b)(6) wife is applying for residency and everything looks like she will get it. If she does he can also get residency because of her I think.

I don't think he has a deportation order since when a friend, (b)(6) went to visit he understood that (b)(6) would not be going back until he had his hearing.

Please call (b)(6) (b)(6) He is (b)(6) wife's lawyer and can explain more on (b)(6) wife's residency. Thank you for your time

JAN-23-2007 02:51 PM

P. 02

(b)(6)

Seaford, DE 19973

(b)(6)

January 23, 2007

Senator Joseph R. Biden, Jr.
24 NW Front Street
Windsor Building, Suite 101
Milford, DE 19963

Dear Senator,

I need your help on a deportation of a Guatemalan immigrant. Today my husband and I took (b)(6) to his appointment with ICE under his Order of Supervision. They informed him that they longer needed his help and he is to be deported now. He is leaving behind his wife and two girls. I understand that they have the right to just deport someone without notice but this is a man that is leaving a family behind. Please help me with this. My husband and I or our church will be glad to sponsor him. Right now he is in Dover and will go this afternoon to Philadelphia for processing. His wife is beside herself. I will try and give you the history of my husband and I and this man.

My husband and I own a farm in Sussex County where we raise haired sheep. Our families have lived on the eastern shore since the sixteen hundreds. We have raised six children and are very active with our church. Our accomplishments can be found in President George Bush's June 11, 1991 speech to the graduates of James H. Groves Adult High School and the June 9, 2006 edition of The Communicator a United Methodist Reporter newspaper for Delaware. This is just to give you a little background of my husband and myself

(b)(6) has been in this country since 1991. He met his wife who has been in this country since 1988, married, and has two wonderful girls ages 9 and 6 who are US citizens. He has been working for the chicken plants here in Sussex County and has been paying taxes. He and his family have been attending our church for years and his girls were just baptized this past Sunday. He has been an excellent father and husband and a very good citizen. His wife has worked on our farm for 4 years. He applied for his employment authorization documents in October 5, 2006. He has been working with the authorities and has tried to do everything they have requested. I am sending copies of his papers to you.

Office of Congressional Relations
U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

FEB 16 2007

The Honorable Joseph Biden, Jr.
United States Senator
24 North West Front Street
Windsor Building, Suite 101
Milford, DE 19983

Dear Senator Biden:

Thank you for your January 31, 2007, correspondence to (b)(6)
U.S. Immigration and Customs Enforcement (ICE), on behalf of (b)(6)
regarding the immigration case of (b)(6)

A review of (b)(6) immigration case reflects that (b)(6) was
deported on February 8, 2007.

I appreciate your interest in ICE. If we may be of further assistance, please contact my
office.

Sincerely,


Karyn V. Lang
Director



U.S. Immigration
and Customs
Enforcement

November 13, 2007

The Honorable Joseph R. Biden, Jr.
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Biden:

I write to provide you with information surrounding the incident that occurred during the Combined Federal Campaign Halloween costume contest hosted by ICE Headquarters on October 31, 2007. I deeply regret this incident. Although I was not aware at the time of the contest that the employee disguised his skin color, I believe that it was inappropriate for me to recognize any individual wearing an escaped prisoner costume.

As background, the agency's Combined Federal Campaign (CFC) coordinator at ICE headquarters organized a CFC Halloween costume contest for Metro Washington, DC ICE employees on October 31. The event was designed as a fundraising effort to support and promote the CFC. At the coordinator's request, I agreed, along with two other members of my senior leadership team, to participate as a judge for the costume contest.

A flyer advertising the event clearly indicated that employees were expected to wear only tasteful costumes. An estimated 50-75 employees, many of whom were wearing costumes, attended the event. One employee who attended the event was wearing a striped costume-style jail outfit; a dreadlock wig and makeup on his skin. The costume was both inappropriate and offensive; inappropriate in that it could leave a negative impression as to the respect that ICE has for those in our custody, and offensive as to manner in which the individual portrayed his skin color.

I had very limited interaction with this individual. Because I was running late for the event, each employee was asked to come to the table quickly, state their name and the particular division at ICE for which they worked. This employee was towards the middle or the end of the employees with costumes. This individual was present at the table for less than half a minute before he moved on and was followed by the next employee. I noted only his name on a list I was keeping of employees who were participating. When it came time to pick award finalists, the other "judges" had identified three recipients which apparently didn't include this particular employee. However, one of my fellow "judges" noted that all recipients were from the "management" side of ICE and concluded that we should attempt to include someone from the "operations" side of ICE for more balance. We removed the third place recipient (a group costume) and replaced them with the employee in question. At that time, he was the only "operations" employee that was brought to my attention. After a discussion that lasted at most 15 seconds, I was handed a list of the three awardees, stood up, and quickly announced the winners. This employee was recognized for originality. I left the room for a few minutes and went up to my office (one floor above), but returned to take a photo with the winners, including this employee.

The intended purpose of the photos taken at the fundraising event was to help promote ICE's CFC efforts internally within ICE. The Office of Public Affairs intended to use the photos in our agency newsletter, on our Intranet site, and to share with employees. As I mentioned, the costume was both inappropriate and offensive. Immediately upon taking the photo with this employee, although I did not know that this individual had disguised his race, I determined that I had made an error in judgment in recognizing an escaped prisoner at this party, and I did not think that recognizing an escaped prisoner in any way was beneficial to the agency's goal of treating everyone in our custody with dignity and respect. Accordingly, I instructed my Chief of Staff to direct ICE's official event photographer to delete all photos of the employee in the inappropriate costume so they would not be placed into the agency's photo archive and inadvertently used in future publications. At this point, although I did not know that the employee had disguised his race, I believed I had made an error in judgment in recognizing an escaped prisoner.

It was not until the following day, Thursday, November 1, 2007, that I learned that this employee was, in fact, wearing makeup. I was shocked and horrified. After learning that the employee was wearing makeup, the following actions were taken:

1. I instructed the supervisory staff to take appropriate disciplinary action, in consultation with the attorneys, with respect to the employee who wore the inappropriate and offensive costume. I did not personally make a decision with respect to the particular discipline imposed on this individual. This process was initiated Thursday, and he was counseled on Friday. In addition, the Department decided to also place the individual on administrative leave. That process began on Monday, November 5 and the employee was notified Tuesday, November 6.
2. On Friday, November 2, I issued a broadcast message to all ICE Headquarters employees apologizing for the incident and reminding all employees of their diversity training requirements. The message is enclosed for your information.
3. On Friday, November 2, I also reached out to the Vice President of the National Association of African-Americans in the Department of Homeland Security (NAADHS) to express my regret about what had occurred, and I also took full responsibility for creating and sustaining an environment where all employees can reach their full potential. The Vice President was not aware of this incident before I called him. I am enclosing a copy of a letter from NAADHS with respect to this call.
4. On Friday, November 2, I reached out to an ICE supervisory agent whom I was informed had received informal inquiries regarding this matter. I offered my apologies and regrets, explained the circumstances to this ICE supervisory agent, and offered to speak to any ICE employee whom the supervisory agent thought would want to speak to me. I emphasized to this agent that this is not what I stand for, nor what this agency stands for, and that I deeply regretted this incident. I also shared my draft broadcast message with him for any comments and or advice he had on the message.
5. I talked with Deborah Lewis, the EEO Director on several occasions about this matter. In addition to discussing the above-referenced steps, I also asked her whether there were any further steps she believed I should take at this time.

There have, thus far, been no formal complaints filed with the ICE EEO Office, but I, and all of us in ICE leadership, deeply regret that this happened. As the head of the agency, I assume responsibility for this unfortunate event, and I fully recognize my responsibility to ensure every employee is a valued member of the ICE team. We pride ourselves for having a strong, diverse and capable team, and anything that serves to diminish that team or its individual members is a

The Honorable Joseph R. Biden, Jr.
Page 3

great disservice to the dedicated men and women of ICE. To that end, I would like to share a number of ICE accomplishments under my leadership in support of creating a more diverse and inclusive workforce. I have enclosed a copy of these accomplishments as well as a recent letter of support from the American Federation of Government Employees (AFL-CIO) National Council 118 for your information.

Again, thank you for the opportunity to address your questions. If you wish to discuss this matter personally, please do not hesitate to contact me.

Sincerely,



Julie L. Myers
Assistant Secretary

Enclosures: Broadcast Message, November 2, 2007
NAADHS Statement, November 5, 2007
EEO Accomplishments, 2007
AFGE (AFL-CIO) National Council 118 Letter, November 8, 2007

United States Senate

2008 APR 22 PM 3:43
RECEIVED BY THE SENATE

April 21, 2008

VIA FACSIMILE

Mr. Don Kent
Assistant Secretary for Legislative Affairs
Department of Homeland Security
Washington, DC 20528

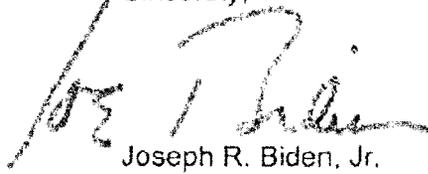
RE: (b)(6)

Dear Mr Kent:

I am writing on behalf of (b)(6) in reference to an issue he has contacted my office about. (b)(6) a retired employee of the previous U.S. Immigration and Naturalization Service, is writing to request his encased badge as well as a retired Service Identification Card.

Enclosed you will find a copy of (b)(6) correspondence, in addition to a privacy release form. I would appreciate if you could provide me with any information as to how (b)(6) can receive these articles as a keepsake for the service he has given. If you have any questions, please contact my Constituent Advocate, Sarah Lynam, at (302) 573-6345. Thank you.

Sincerely,



Joseph R. Biden, Jr.
United States Senator

(b)(6)

Laurel, DE 19956
21 February 2008

The Honorable Joseph R. Biden, Jr.
24 NW Front St.
Windsor Building, Suite 101
Milford, DE 19963

2008 APR 22 PM 3:42

RECEIVED BY: [illegible]

Dear Senator Biden:

First of all, thank you for your continued service to the citizens of this Great Nation, but more importantly to the citizens of the Great State of Delaware.

Now, getting to my issue:

I am a retired employee of the old U.S. Immigration and Naturalization Service, having retired in 1997 with many years of service. I served as a Deportation Officer, Supervisory Immigration Examiner, Senior Immigration Examiner, Immigration Examiner and Border Patrol Agent.

Before the creation of the Department of Homeland Security, the INS (Part of the Dept. of Justice), had a policy, outlined in its Operating Instructions, that allowed a retiring employee to receive their badge encased in Lucite as a memento of their service as well as a retired Service identification card.

I realize that many years have passed since my retirement, but I have realized how important to my life my service to the Immigration and Naturalization Service really was. I gave them a lot of years, and actually enjoyed most of them. Now, at this stage of my life, I would like this memento, and maybe just to have them to pass down to my son.

But, since the creation of the Department of Homeland Security, I don't know where to turn or how to apply for the encased badge and retired ID card.

I put in a lot of years, in a lot of different position and I realize I get a monthly pension, but this would be something to not only remind me of my service to our nation, but a little something to make my son proud of his old dad.

Again, thank you for not only your service, but the service of Beau also. I'm sure you must be very proud.

I look forward to hearing from you soon.

(b)(6)

U.S. Senator Joseph R. Biden, Jr.
1105 N. Market St.
Suite 2000
Wilmington, DE 19801-1233
phone: (302) 573-6345 fax: (302) 573-6351

PRIVACY ACT RELEASE FORM

FULL NAME (as it appears on driver's license or birth certificate):

(b)(6)

ADDRESS:

(b)(6)

LAUREA, DE 19956

PHONE NUMBER:

(b)(6)

E MAIL (optional)

(b)(6)

DATE OF BIRTH:

(b)(6)

SOCIAL SECURITY NUMBER:

(b)(6)

CASE NUMBER (If you have already initiated a case with a federal agency):

AGENCY (If applicable):

Please provide a brief description of the problem you are having. If you have written an accompanying letter, you may simply write "attached"

ATTACHED

I Hereby authorize the Office of U.S. Senator Joseph R. Biden, Jr. to access my records and work on my behalf with any and all agencies necessary to resolve the matters listed above

(b)(6)

30 MAR 2008

Date

Office of Congressional Relations

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

AUG 25 2008

The Honorable Joseph R. Biden, Jr.
United States Senator
Washington, DC 20510

Dear Senator Biden:

Thank you for your April 21, 2008, letter to Donald H. Kent, Office of Legislative Affairs, U.S. Department of Homeland Security (DHS) and your April 23, 2008, letter to the Office of Congressional Relations, U.S. Immigration and Customs Enforcement (ICE), on behalf of (b)(6) and his request for his encased Immigration and Naturalization Services (INS) badge and his retired service identification card.

Upon receipt of your supplemental information regarding (b)(6) final duty station at retirement, ICE's Office of Human Capital forwarded his request to the U.S. Customs and Border Protection Human Resources Office in Laguna Niguel, California, which handles personnel matters for retired INS Deportation Officers.

Unfortunately, their INS records indicate that badges and other personnel credentials not requested at retirement in 1997 would have been forwarded to an agency collection depot for burning or shredding. Therefore, we regret that we cannot fulfill (b)(6) request.

Thank you once again for contacting ICE. Please do not hesitate to call me if you have additional questions.

Sincerely,

A handwritten signature in black ink that reads "Jamie E. Zuieback". The signature is written in a cursive style with a large initial "J".

Jamie E. Zuieback
Director