



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 19, 2009

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman Leahy and Chairman Lieberman:

This letter presents the views of the Department of Justice ("DOJ") on H.R. 549, the "National Bombing Prevention Act of 2009." H.R. 549 would, among other things, create within the Department of Homeland Security ("DHS") an Office for Bombing Prevention ("OBP") and define in statute its responsibilities and authorities.

DOJ maintains the responsibility for deterring, preventing, detecting, protecting against, and responding to terrorist use of explosives in the United States. DOJ fulfills its responsibilities through a full range of existing programs and capabilities within the Federal Bureau of Investigation ("FBI") and the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). These include the Terrorist Explosive Device Analytical Center, the FBI's Hazardous Devices School, the FBI's Critical Incident Response Group, ATF's Arson and Explosives National Response Team, ATF's National Center for Explosives Training and Research, ATF's Canine Training Facility, and the forensic and research capabilities of DOJ's laboratories.

Although DOJ recognizes the importance of consolidating and coordinating domestic bombing prevention capabilities, we are concerned that the range of responsibilities assigned through H.R. 549 could conflict with ongoing efforts within DOJ and the Administration to define roles and responsibilities, most notably the Homeland Security Presidential Directive 19 ("HSPD-19") Implementation Plan.

The HSPD-19 Implementation Plan clarifies "specific roles and responsibilities of agencies and heads of agencies through all phases of incident management from prevention and protection through response and recovery." In developing the HSPD-19 Implementation Plan, the roles of departments and agencies were assessed in order to establish lines of authority, reduce duplication, and focus resources. The Plan also assigns "lead" and "partner"

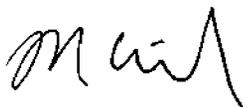
implementation roles for all tasks under the directive. This framework for implementing HSPD-19, while finalized recently, represents a significant step forward in accountability and delineation of authority.

DOJ does not object to the provisions of H.R. 549 that are consistent with the HSPD-19 Implementation Plan. For example, the HSPD-19 Implementation Plan tasks DHS with overseeing a domestic explosives-related capabilities assessment program and assigns DHS the lead role in developing a national IED public awareness and vigilance campaign. Additional activities specified in H.R. 549 are being worked by DHS and DOJ, such as the development of uniform training standards for explosives detection canine teams.

While H.R. 549 purports to create OBP, the fact is that OBP is already a well-established entity within DHS responsible for coordinating its domestic bombing prevention capabilities. By codifying OBP's responsibilities in statute, H.R. 549 could limit efforts within the Administration to further establish clear lines of authority between DOJ, DHS, and other federal agencies to avoid duplication of Federal resources. Accordingly, DOJ believes that H.R. 549 is unnecessary at this time.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the standpoint of the Administration's program, there is no objection to the submission of this letter.

Sincerely yours,



Ronald Weich
Assistant Attorney General

cc: The Honorable Jeff Sessions
Ranking Minority Member
Committee on the Judiciary

The Honorable Susan M. Collins
Ranking Minority Member
Committee on Homeland Security and Governmental Affairs