

## Study Guide for Chapter 3

### Homeland Security Laws and Regulations

1. **The power of DHS comes from the legal authority that created it.** Like other federal departments, various laws, regulations, and executive orders enable DHS to carry out its aim and purpose.

2. Some of these laws vest DHS with law enforcement and intelligence powers, while other laws enable DHS to work with international, state, and local governments, private persons.

3. **Sources of federal law include:**

a. **The Constitution** of the United States (for example, the Bill of Rights).

b. **Federal statutes: laws enacted by Congress and signed into law by the President (or by Congress in case it overrides a Presidential veto).** Among other places, these statutes can be found in the **United States Code (U.S.C.)**.

c. **Federal regulations: are issued by federal departments and agencies. They must be derived from and consistent with the legal authority otherwise granted to the department or agency that issues the regulation. They have the force and effect of law and can be found in the Code of Federal Regulations (CFR).**

**Regulations are vital to the government as they allow departments and agencies to implement laws within their jurisdiction.**

d. **Case Law:** Our system of law derives from English common law. Common law has been described as judge made law. That is, when a judge has a case he or she applies applicable law - which can be statutes, regulations, and previous judicial decisions (usually reported cases)

– to the facts and circumstances of their case and they issue a decision. That decision itself can then become judge made law.

e. **Treaties;** Under the Constitution, treaties negotiated by the President that are ratified by the Senate become law. Example: an extradition treaty.

**4. Executive Orders are issued by the President, but they do *not* always have the effect of law. They only have the force of law when they are pursuant to a statute or other source of law (for example, a treaty).**

**5. Right after the 9/11 attacks, President George W. Bush took steps to protect the homeland. He did this mainly using his Presidential authority to issue executive orders concerning homeland security measures. Among these steps were:**

a. **Executive Order 13228: Established the Office of Homeland Security and the Homeland Security Council.**

b. **Executive Order 13231: Critical Infrastructure Protection in the Information Age.** This Executive Order was directed at protecting information systems for critical infrastructure, including emergency preparedness communications and the physical assets that support such systems

**6. Homeland Security Act of 2002 (HSA) was passed in November 2002.**

**7. The HSA had bipartisan support and passed the Senate and the House of Representatives by wide margins.**

**8. The HSA was a comprehensive response to terror threats and laid out a national blueprint for homeland security.**

**9. The HSA includes the following areas of vital national interest:**

- a. border security;
- b. information and infrastructure;
- c. chemical, biological, and nuclear threats; and,
- d. emergency preparedness and response.

**10. The Real ID Act established minimum standards for the issuance of driver's licenses, including:**

- a. **Information and security features** that must be incorporated into each card.
- b. **Proof of identity and U.S. citizenship or legal status** of an applicant.
- c. **Verification of the source documents** provided by an applicant.
- d. **Security standards for the offices that issue licenses** and identification cards.

**11. Although the REAL ID program is well over a decade old, it has yet to be implemented by all states. Just a little over half the states have driver licenses that comply with REAL ID identity document requirements.**

**12. At present, Virginia drivers licenses do *not* comply with REAL ID identity document requirements.**

**10. According to the DHS website, starting January 22, 2018, a REAL ID compliant (that is, approved) drivers license must be used by persons to clear TSA for domestic air travel.**

**13. US-VISIT (U.S. Visitor and Immigrant Status Indicator Technology) is a DHS program to track the entry and exit of travelers to the United States by biometric means, that is, digital fingerprints and photographs.**

14. **The goals of US VISIT are:**

- a. **Enhancing the security** of U.S. citizens and visitors,
- b. **Facilitating legitimate travel and trade,**
- c. **Ensuring the integrity of the U.S. immigration system,** and
- d. **Protecting the privacy of visitors** to the United States.

13. Among other things, **US-VISIT uses biometric information to:**

- a. **Check a person's biometrics against watch lists** of known or suspected terrorists, criminals, and immigration violators.
- b. **Verify a person's identity** by comparing their biometrics with those concerning the identification document they present.

15. According to DHS, **the use of biometrics** (that is, the unique physical characteristics of fingerprints and digital photographs) **enables DHS and its agencies to zero in on a person's identity in a highly dependable way.**

16. **The Western Hemisphere Travel Initiative (WHTI) change in travel document requirements is the result of recommendations made by the 9/11 Commission, which Congress subsequently passed into law in the Intelligence Reform and Terrorism Prevention Act of 2004.**

17. **Under WHTI**, U.S. citizens and citizens of Canada, and Bermuda **traveling by air** between the U.S. and Canada, Mexico, Central and South America, the Caribbean, and Bermuda **must present a valid passport or other [WHTI-compliant documentation](#) to enter (or depart) the U.S.**

18. To enter or depart the U.S. **by land or sea**, citizens 19 years and older of the United States, Canada, and Bermuda **must present a government-issued photo ID, such as a driver's license, along with proof of citizenship, such as a birth certificate or naturalization certificate.**

19. **All travelers *including citizens of the United States*, Canada, and Bermuda are now required to present a valid passport when entering the United States at any airport.** This includes children of any age.