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LAW ENFORCEMENT: ARE FEDERAL, STATE, AND LOCAL AGENCIES WORKING TOGETHER EFFECTIVELY?

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

THE

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

AND THE

SUBCOMMITTEE ON NATIONAL SECURITY, VETERANS AFFAIRS AND INTERNATIONAL RELATIONS

OF THE

COMMITTEE ON GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS
FIRST SESSION

NOVEMBER 13, 2001

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LAW ENFORCEMENT: ARE FEDERAL, STATE, AND LOCAL AGENCIES WORKING TOGETHER EFFECTIVELY?

TUESDAY, NOVEMBER 13, 2001

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, JOINT WITH THE SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS, AND THE SUBCOMMITTEE ON NATIONAL SECURITY, VETERANS AFFAIRS AND INTERNATIONAL RELATIONS, COMMITTEE ON GOVERNMENT REFORM,

Washington, DC.

The subcommittees met, pursuant to notice, at 9:30 a.m., in room 2154, Rayburn House Office Building, Hon. Stephen Horn (chairman of the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations) presiding.

Present for the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations: Representatives Horn, Schakowsky and Maloney.

Present for the Subcommittee on Criminal Justice, Drug Policy and Human Resources: Representative Cummings.

Present for the Subcommittee on National Security, Veterans Affairs and International Relations: Representatives Shays and Schakowsky.

Also present: Representative Watson.

Staff present: J. Russell George, staff director and chief counsel; Bonnie Heald, deputy staff director; Mark Johnson, clerk; Jim Holmes, intern, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations; Chris Donesa, staff director; Amy Horton, professional staff member; Conn Carroll, clerk, Subcommittee on Criminal Justice, Drug Policy and Human Resources; Lawrence Halloran, staff director; Jason Chung, clerk, Subcommittee on National Security, Veterans Affairs and International Relations; David McMillen, minority professional staff member; and Jean Gosa, minority clerk.

Mr. HORN. A quorum being present, this joint hearing of the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations and the Subcommittee on Criminal Justice, Drug Policy and Human Resources, and the Subcommittee on National Security, Veterans Affairs and International Relations will come to order. We are here today to discuss the efficiency and effectiveness of the flow of information between Federal, State, and

local law enforcement agencies. Interagency cooperation has always been an important factor in protecting the safety and security of this Nation, but the unimaginable events of September 11th and the ensuing biological attacks involving anthrax have drawn unparalleled attention to the need for a timely interchange of meaningful law enforcement information.

On October 5th of this year, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, which I chair, held a hearing on bioterrorism. During that hearing, Baltimore Police Commissioner, Edward T. Norris testified that following the September 11th attacks, neither his Department nor any other that was aware had been asked to contribute manpower toward following up on thousands of leads. In fact, weeks passed by before the Federal Bureau of Investigation's watchlist provided adequate descriptions of those who were suspected of participating in the devastating attacks.

Following the October 5th hearing, FBI Director Robert S. Mueller pledged to increase the role of non-Federal law enforcement agencies and to share more information with State and local agencies. We are interested to hear about the FBI's progress in attaining these important goals.

Commissioner Norris is with us again today and will update us on the progress. Commissioner, thank you for coming. We also want to examine the broader issue of effective law enforcement communication. Federal agencies such as the Immigration and Naturalization Service, the Drug Enforcement Agency, and the Department of Justice, the Bureau of Investigations of the FBI, control massive data banks of information. But how accessible is that information to the 650,000 police officers who protect our neighborhoods and roadways? Should we be doing more? September 11th reprioritized the agenda of this Nation and its Congress. The need for shared intelligence must rise above parochial interest at all levels of law enforcement. We cannot afford to do otherwise.

I'm pleased to note that one of our former colleagues, DEA Administrator Asa Hutchinson, will lead off with our panel of witnesses after the various subcommittee chairs will have their opening statements.

[The prepared statement of Hon. Stephen Horn follows:]

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SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

Opening Statement
Rep. Stephen Horn, R-CA
Chairman,
Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations
November 13, 2001

A quorum being present, this joint hearing of the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, the Subcommittee on Criminal Justice, Drug Policy and Human Resources, and the Subcommittee on National Security, Veterans Affairs and International Relations will come to order.

We are here today to discuss the efficiency and effectiveness of the flow of information between federal, state and local law enforcement agencies. Interagency cooperation has always been an important factor in protecting the safety and security of this nation. But the unimaginable events of September 11 and the ensuing biological attacks involving Anthrax have drawn unparalleled attention to the need for a timely interchange of meaningful law enforcement information. Our mutual concern about this matter is why our three subcommittees are holding this hearing jointly.

On October 5 of this year, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, which I chair, held a hearing on bio-terrorism. During that hearing, Baltimore Police Commissioner Edward T. Norris testified that, following the September 11 attacks, neither his department nor any other that he was aware had been asked to contribute manpower toward following up on thousands of leads. In fact, weeks passed by before the Federal Bureau of Investigation's "watch list" provided adequate descriptions of those who were suspected of participating in the devastating attacks.

Following the October 5 hearing, FBI Director Robert S. Mueller pledged to increase the role of non-federal law enforcement agencies and to share more information with state and local agencies. We are interested to hear about the FBI's progress in attaining those important goals. Commissioner Norris is with us again today, and will update us on that progress. Commissioner, thank you for coming.

We also want to examine the broader issue of effective law enforcement communication. Federal agencies such as the Immigration and Naturalization Service, the Drug Enforcement Agency, and the Department of Justice itself, along with the FBI, control massive data banks of information. But how accessible is that information to the 650,000 officers who protect our neighborhoods and roadways? Should we be doing more?

September 11th re-prioritized the agenda of this nation and its Congress. The need for shared intelligence must rise above parochial interests at all levels of law enforcement. We cannot afford to do otherwise.

I am pleased to note that one of our former colleagues, DEA Administrator Asa Hutchinson will lead off our panel of witnesses today. I welcome all of you and look forward to your testimony.

Mr. HORN. I now yield to Mr. Shays for his opening statement. The gentleman from Connecticut.

Mr. SHAYS. Good morning, gentlemen. Good morning witnesses and guests. For many Federal law enforcement and intelligence agencies, intergovernmental cooperation has been becoming a self defeating game of "I've Got a Secret," in which critical facts and leads are hidden from those who most need to know. The quaint, insular habits of the past have proven inadequate to prevent the tragic events of the last 2 months. Protecting national security against dispersed global and deadly threats requires interagency cooperation and coordination on an unprecedented scale. Before the terrorists acquired the means to inflict catastrophic losses on our Nation and our people, we need to be assured of our first lines of defense.

The eyes and ears of the intelligence community and law enforcement at all levels are seeing and hearing the same things. Critical data sharing between Federal, State, and local agencies today is often the product of good luck and the happenstance of personal relationships. Our current peril demands a more systematic collection and dissemination of the information needed to identify suspects or prevent known terrorists from entering the United States. Tripartite joint hearing demonstrates—this tripartite joint hearing demonstrates our commitment to unprecedented data sharing and the willingness to overcome artificial jurisdictional barriers. We look to our witnesses today to describe how they are overcoming current barriers to effective intergovernmental communication. I appreciate their being here.

Mr. Chairman, I appreciate your having this hearing, and I look forward to hearing from our witnesses.

[The prepared statement of Hon. Christopher Shays follows:]

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Statement of Rep. Christopher Shays
November 13, 2001

For many federal law enforcement and intelligence agencies, intergovernmental cooperation has become a self-defeating game of "I've Got a Secret" in which critical facts and leads are hidden from those who most need to know. The quaint, insular habits of the past have proven inadequate to prevent the tragic events of the last two months.

Protecting national security against dispersed, global and deadly threats requires interagency cooperation and coordination on an unprecedented scale. Before the terrorists acquire the means to inflict catastrophic losses on our nation and our people, we need to be assured our first lines of defense, the eyes and ears of the intelligence community and law enforcement at all levels, are seeing and hearing the same things.

Critical data sharing between federal, state and local agencies today is often the product of good luck and the happenstance of personal relationships. Our current peril demands a more systematic collection and dissemination of the information needed to identify suspects or prevent known terrorists from entering the United States.

This tripartite joint hearing demonstrates our commitment to data sharing and a new willingness to overcome artificial jurisdictional barriers. I look to our witnesses today to describe how they are overcoming current barriers to effective intergovernmental communication.

Thank you for being here.

Mr. HORN. I thank the gentleman and now yield to the acting member for the minority, Mrs. Maloney, and we're delighted to have you with us. It's like old times.

Mrs. MALONEY. Thank you, Mr. Chairman, and I, first of all, I want very much to welcome my colleague, Asa Hutchinson and congratulate him on his new post. You served with great honor in our body and we wish you all the best, and certainly to welcome all of the distinguished panelists and thank them for coming, and we have all personally changed since September 11th, personally and as a Nation. Legislatively we've made improvements through the Patriot Act; however, I believe we need to maintain the current momentum and continue to improve our Nation to function at its absolute best.

During the events of September 11th and the current threat of anthrax, we heard complaints regarding the lack of communication and information shared among law enforcement. I am here today to tell you that we must create a free flow of information in both directions. During a recent hearing of the Permanent Select Committee on Intelligence held in New York City, Mayor Giuliani pointed out that there are 600,000 sworn law enforcement in our country. We need to activate that immense local resource to work in concert with Federal law enforcement to be the on-the-street eyes and ears.

Mayor Giuliani also praised the use of joint terrorism task forces [JTTF's]. The first JTTF was implemented in New York City. Mayor Giuliani stated that the JTTF provides an avenue of information sharing. But I believe that more importantly, it allows the multiple law enforcement jurisdictions to learn how each operates and the limitations that each are faced with. We have seen by the evidence of September 11th that the individuals who intend to harm our great country and citizens are the lowest of cowards. But they are also, unfortunately, very intelligent and very persistent. The other thing we know is that their attacks are spread out, not only geographically, but spatially.

The attack in Africa occurred in August 1998. The U.S.S. Cole was attacked on October 13, 2000, and the attack on America occurred on September 11, 2001. Every event was carefully planned and carefully executed. We know that criminals and terrorists have also advanced in their use of technology using e-mail and multiple cell phone carriers.

In the recently enacted Patriot Act, we have attempted to give law enforcement the tools they need. Now I am proposing that we ask law enforcement to organize and ban together to fight terrorism. I will soon introduce legislation that would increase the number of JTTF's in the country. We currently have 56 FBI field officers with 35 JTTF's. We're almost halfway there, but we need one in almost every single field office and we need to provide the resources to local government so that they can have ample representation on the JTTF's.

One of the things that I think we should do is see if we could deputize more people at the local law enforcement to have the powers to arrest INS violations, which seems to be a tremendous problem now and to also give the INS better computer capability so that local governments could tap into the INS computers. And I

know from New York City that local law enforcement is stretched to its absolute fullest capabilities. We, the Federal Government, provide them with the needed resources. We need to give them more. We must deploy the 600,000 eyes and ears. Our country's safety must be paramount. Thank you and I yield back.

Mr. HORN. I thank the gentlewoman and Mr. Souder will not be with us. He is the other subcommittee chair that's very important with his drug and other situations.

Mr. Cummings, do you have an opening statement?

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

Mr. HORN. We're going to go pretty fast.

Mr. CUMMINGS. That's no problem but I did request this hearing and I want to thank the chairman for granting this hearing and I just will be very brief, but I do want to have a statement. Again I want to thank you, Mr. Chairman, for holding this hearing on the actions required to increase our Nation's security against terrorist attacks. The Government Reform Committee and its subcommittees have held several hearings addressing the various dimensions of the new war on terrorism, the Subcommittee on Criminal Justice, Drug Policy and Human Resources, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, and the Subcommittee on National Security, Veterans Affairs and International Relations. In the Criminal Justice, Drug Policy and Human Resources Subcommittee we have already heard from a number of Federal law enforcement agencies on the new challenges that they face both internally and in terms of working cooperatively with one another. In recent weeks we have seen the creation of an Office of Homeland Security in the Executive Office of the President. Tom Ridge, Director of that new office, has an enormous challenge on his hands as do the Federal agencies whose antiterrorism efforts his office will coordinate. I am convinced that the effectiveness of these protective efforts will depend in large part upon expanded and more effective Federal cooperation with the nearly 650,000 State and local law enforcement officers in this country. On October 5, 2001, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations held a hearing entitled, "A Silent War: Are Federal, State and Local Governments Prepared for Biological and Chemical Attacks?" Among the witnesses testifying at that hearing were the mayor of Baltimore and my friend, mayor, Martin O'Malley, and the Baltimore city police commissioner, Edward T. Norris, who will testify here today, along with many other law enforcement officers. During their October 5th testimony—and this is what why I requested this hearing—both Mayor O'Malley and Commissioner Norris discussed the challenges that law enforcement officers have faced in coordinating their anti-terrorism efforts with those of Federal law enforcement and other emergency preparedness agencies. Mayor O'Malley and Commissioner Norris to their credit emphasized the critical roles that local law enforcement can and must play in securing our Nation against terrorist attacks. However, they also alerted us to serious shortcomings in the current willingness or ability of Federal agencies to share crucial information with local law enforcement. To their credit since September 11th of this year, leading Federal and local officials have expressed their collective

determination to work together more closely and more effectively than ever before. For example, during his remarks last Thursday on the planned restructuring of the Justice Department to better address the threat of terrorism, Attorney General John Ashcroft acknowledged that the Department of Justice cannot win this battle alone. We must forge new relationships of cooperation and trust with our partners in State and local law enforcement. The Attorney General declared bureaucratic turf battles must cease when terrorists threaten the very ground beneath or feet. And so Mr. Chairman, I thank you very much for this calling this hearing. I was with Chairman Souder overseas but I got back here early because I wanted to be a part of this and I want to thank all of our witnesses for being with us today.

[The prepared statement of Hon. Elijah E. Cummings follows:]

STATEMENT OF CONGRESSMAN ELIJAH E. CUMMINGS,
RANKING MINORITY MEMBER
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY
AND HUMAN RESOURCES
COMMITTEE ON GOVERNMENT REFORM
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JOINT SUBCOMMITTEE HEARING ON INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT AGENCIES IN ADDRESSING HOMELAND SECURITY

NOVEMBER 13, 2001

Mr. Chairman,

I want to thank you for holding this hearing on the actions required to increase our nation's security against terrorist attacks.

The Government Reform Committee and its subcommittees have held several hearings addressing the various dimensions of the new war on terrorism – the Criminal Justice, Government Efficiency, and National Security subcommittees among them. In the Criminal Justice Subcommittee, we have already heard from a number of federal law enforcement agencies on the new challenges that they face – both internally and in terms of working cooperatively with one another.

In recent weeks, we have seen the creation of an Office of Homeland Security in the Executive Office of the President. Tom Ridge, the director of that new office, has an enormous challenge on his hands – as do the federal agencies whose anti-terrorism efforts his office will coordinate.

I am convinced that the effectiveness of these protective efforts will depend, in large part, upon expanded and more effective federal cooperation with the nearly 650,000 state and local law enforcement officers in this country.

On October 5, 2001, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations held a hearing entitled "A Silent War: Are Federal, State, and Local Governments Prepared for Biological and Chemical Attacks?" Among the witnesses testifying at that hearing were the Mayor of Baltimore, Maryland, Martin O'Malley, and Baltimore City Police Commissioner Edward T. Norris – who will again testify before us today, along with other leading law enforcement officials.

During their October 5 testimony, both Mayor O'Malley and Police Commissioner Norris discussed the challenges that local law enforcement officers have faced in coordinating their anti-terrorism efforts with those of federal law enforcement and other emergency-preparedness agencies.

Mayor O'Malley and Commissioner Norris emphasized the critical roles that local law enforcement can and must play in securing our nation against terrorist attacks. However, they also alerted us to serious shortcomings in the current willingness or ability of federal agencies to share crucial information with local law enforcement.

To their credit, since September 11th of this year, leading federal and local officials have expressed their collective determination to work together more closely and more effectively than ever before.

For example, during his remarks last Thursday on the planned restructuring of the Justice Department to better address the threat of terrorism, Attorney General John Ashcroft acknowledged that the Department of Justice ". . .cannot win this battle alone."

"We must forge new relationships of cooperation and trust with our partners in state and local law enforcement," the Attorney General declared. "Bureaucratic turf battles must cease when terrorists threaten the very ground beneath our feet."

In addition to refocusing the mission of the Department of Justice in response to the terrorist threat, the Attorney General specifically noted the need for significant enhancements in federal information technology. Among other initiatives, he also noted the importance of restructuring the Office of Justice Programs to make it easier for local law enforcement agencies to gain access to the federal services and information they need.

These measures are crucial, short-term objectives in what the Attorney General has termed our "new relationships of cooperation and trust with state and local law enforcement."

- We must eliminate the turf battles that have hindered the sharing of crucial anti-terrorism information with local authorities.
- We must upgrade our information technology so that federal agencies can more effectively accomplish that federal-local cooperation.
- We must increase local access to the federal funding, services and information they will need in order to remain the front line in our defense against terrorist attacks.

I am very pleased that key Justice Department officials have agreed to join us today to update us on their progress and time-tables in implementing these plans.

Equally important in our defense against terrorism will be our willingness at the federal level to listen to the Mayors of our major cities and take action on their suggestions.

Along with Baltimore's Mayor, Martin O'Malley, and Reno, Nevada's Mayor, Jeff Griffin, Mayor Scott King of Gary, Indiana, has played a major role in formulating an ambitious set of anti-terrorism initiatives for the U.S. Conference of Mayors.

We welcome their advice and counsel today.

A shared commitment by federal, state and local agencies to work more closely together is an important first step toward achieving our shared goal of protecting the American people against terrorism. Today, we will learn more about how best to advance that commitment.

First, we need to consider the practical steps that can further our protection against terrorist attacks without any need for additional federal funding or legislation.

Second, we must address those areas in which additional federal funding will be required.

Finally, we must consider the extent to which additional federal legislation is a necessary element in meeting the objectives I have outlined.

Especially relevant to our consideration of that issue will be our witnesses' viewpoints as to the importance of the "Federal-Local Information Sharing Partnership Act of 2001," proposed legislation introduced in the Senate on November 1 by New York Senators Charles Schumer and Hillary Clinton, along with Senator Patrick Leahy of Vermont and Orrin Hatch of Utah.

Consideration of that legislation will require a careful constitutional balancing of the local need for more access to federal information and our continuing desire to protect the privacy rights and other civil liberties of the American people to the maximum degree possible under these very difficult circumstances.

Local law enforcement agencies provide a direct link to local communities and represent an invaluable potential resource for federal anti-terrorism agencies in the form of manpower, material resources, and expertise.

Today, we in the Congress stand ready to listen to their advice and consider prompt action in response to their recommendations.

Thank you.

Mr. HORN. Thank you very much. You've spent a lot of time on this and we are glad to have you with us.

We are now going to swear in the witnesses. This is an investigative Committee of Government Reform; so if you will stand and raise your right hands. I might add that if your staff is going to help you on that just to have them raise their right hand and the clerk will take the note of all of you and the staff.

[Witnesses sworn.]

Mr. HORN. The clerk will note that all of the witnesses have affirmed the oath, and we will now start with a colleague that is having a wonderful time, I'm sure, in this tough environment, and that's the Honorable Asa Hutchinson, Administrator of the Drug Enforcement Agency, and he was a reformer in Congress and we expect you to be a reformer in the executive branch.

STATEMENT OF ASA HUTCHINSON, ADMINISTRATOR, U.S. DRUG ENFORCEMENT ADMINISTRATION

Mr. HUTCHINSON. Thank you Mr. Chairman, Mr. Shays, Mrs. Maloney, Mr. Cummings. It's certainly good to be back with you and I'm grateful for each of your leadership on this particular issue of cooperation. The Drug Enforcement Administration is totally dependent upon cooperation and intelligence sharing. To illustrate this point, the DEA has 4,500 agents worldwide. The Los Angeles Police Department has over two times that number to cover one city. The DEA covers the entire United States with less than one half the officers in most large cities.

So how do we do this effectively? We do it through intelligence, intelligence sharing, and cooperation. The cooperation and sharing that is the subject of this hearing is an ongoing goal in law enforcement. It's certainly not perfect in today's environment, but we have made enormous progress during the last two decades. The 1980's, when I was the U.S. attorney in a western District of Arkansas, we started, under that administration, the Law Enforcement Coordinating Committee, and for the first time, State and local law enforcement officials met with their Federal counterparts and worked on law enforcement initiatives.

Today our tools of cooperation and intelligence sharing are much more developed, much more integrated than two decades ago. I understand that the focus of this hearing is primarily counterterrorism, but I believe that our counterterrorism efforts can learn much from our cooperative experience in counternarcotics. And let me briefly cover the cooperative and intelligence sharing efforts from the DEA's perspectives. There's two primary tools that are used in this arena.

First of all would be the task forces that we participate in with our State and local counterparts; and second, the data bases that are maintained and the extent that they are shared. First of all, in reference to the task forces, we've had task forces going since the 1960's, but they really got kicked into gear in the 1980's. At that time, the Organized Crime Drug Enforcement Task Forces were started [OCDETF's] as they are referred to today, in which all the agencies, Federal, State and local, are combined to attack organized crime and drug trafficking.

So that is a task force that's operational really under the auspices of the U.S. Attorney's Office; and second you have your traditional task forces, and these have been going on since the 1960's, the first one in New York City. But today we have only over 1,300 special agents of the DEA assigned to work with 1,900 State and local law enforcement officers in over 200 task forces across the country.

Why is this important? I'll illustrate this by the fact that I went last week to Norfolk, VA, actually it was Jo Ann Davis's District, and I visited with the DEA employees. We call them all-hands meeting, and as I go in there to meet with the employees, I learned that there are numerous task force officers there, and they're there because they work alongside, shoulder to shoulder with the DEA officers. Their detective, Kevin Gavin, of the Portsmouth Police Department, Detective James Thomas of the Virginia Beach Police Department, and Captain Dorothy Banks of the Portsmouth Sheriff's office. All were present there, and they had one question for me, and that was, they just wanted to be able to participate in more training, but they consider themselves equivalent to the DEA in every respect, and the key thing is that every task force officer there has access to all the information of the DEA.

And so if the local chief needed some information on a particular issue, you contact your task force officer, who has access to all of our data bases. And so all of the data bases in the DEA are available through our task forces as well as the general intelligence information that we have. This is expanded in the HIDTA, the High Intensity Drug Traffic Areas where we have over 45 task forces that are funded through the Office of National Drug Control Policy. They work in a similar fashion, and so through those task forces, that is the primary means in which we cooperate, we work alongside our State and local counterparts in a very much of a team fashion with equal access to intelligence information. We learn from them; they learn from us. One of the key data bases that we have that is accessed through the task forces from a drug enforcement standpoint is the NADDIS, Narcotics and Dangerous Drugs Information System, and here 1,980 task force officers can access all of the information on drug offenses that the DEA has maintained and is an essential tool to anyone who is engaged in drug enforcement.

Beyond the task forces, law enforcement agencies have access in two primary ways to the data bases. The hub for sharing information to all the State and local agencies is the El Paso Intelligence Center. EPIC is the hub that is the clearinghouse for gathering the intelligence information and sharing it with our State and local counterparts. An illustration of this, if you will, is the State trooper in Maryland makes a routine traffic stop on I–95. During the encounter, there's suspicious wonderment about some answers, but not enough to create a warrant for further action, and so the driver is given a citation and he moves on, but if that same trooper had done a computer check of the vehicle and checked with the EPIC, El Paso Intelligence Center, we would learn within minutes that the driver's prior conviction—had a prior conviction in California for trafficking, and the fact that the vehicle entered the United States just 2 days before across the border in Mexico, from Mexico

to Texas, but the driver told the trooper he has been traveling cross-country from Chicago with no mention of Mexico. This alerts the trooper to the suspicious activity. Its suspicion—probable cause for the canine unit to come and this is the way that the EPIC—the information, the data base there is accessed by our local law enforcement and they're able to gain the same information that we have and to benefit from it.

Another data base that is helpful is the National Drug Pointer Index which is really a deconfliction system where that if you've got a narcotics officer for the local police department starting an investigation, he checks with this index to see if anyone else is running the same type of case, and if you find out that there's a positive hit, then you can check with another officer in another city and compare notes as to that investigation. And so the DEA works through the task force concept in which we share information, we gain information, we, to the largest extent possible, try to make our data bases available to local law enforcement to aid them in the effort.

Finally, I just would want to emphasize how essential it is, it is essential for accomplishing our mission that we have this type of shared information and it is certainly essential for the wise use of tax dollars. In reference to the future, a number of you made reference to the fact we have to have information going in a shared fashion. The local law enforcement are the ears that are trained and in counterterrorism. It very well could be a traffic stop that will give us some key information if we're attuned to what is happening. We can have better tuned ears if we have information flowing going back to the local law enforcement so they know in a larger sense what the picture is, what they're looking for, and they could be of a greater aid to the joint terrorism task forces that are being discussed today. Thank you for your leadership on this issue, and at the conclusion, I'll be happy to answer any questions.

Mr. HORN. Well, thank you very much.

[The prepared statement of Mr. Hutchinson follows:]

Remarks by

Asa Hutchinson
Administrator

Drug Enforcement Administration
United States Department of Justice

Before

The House Government Reform
Subcommittee on Criminal Justice,
Drug Policy, and Human Resources

Subcommittee on Government Efficiency,
Financial Management, and Intergovernmental Affairs

Subcommittee on National Security,
Veterans Affairs, and International Relations

Regarding

"Cooperative Efforts Among Law Enforcement"

November 13, 2001
9:30 a.m.
House of Representatives
Rayburn House Office Building Room 2154

Note: This is prepared text and may not reflect changes in actual delivery

Statement of
Asa Hutchinson
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Subcommittee on Criminal Justice, Drug Policy
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November 13, 2001

Executive Summary

The effective coordination and sharing of law enforcement intelligence among international, federal, state, and local agencies are paramount to successful counterdrug operations. Today's drug trafficking organizations work seamlessly from the cultivation fields and drug labs to the dealer on the street. The challenge for law enforcement is to develop systems and relationships that foster information sharing and cooperative efforts that go beyond borders and jurisdictional lines.

The Drug Enforcement Administration, from its inception, has been a leader in the intelligence arena. Information sharing and cooperative efforts between DEA and other law enforcement agencies are two major tenets of DEA's mission. DEA fulfills this part of its mission in three main areas: (1) cooperative endeavors in the form of the Special Operations Division (SOD), Task Forces, HIDTAs, JIATFs, and other programs designed to bring together agents and officers of a wide range of government entities; (2) through intelligence operations, in particular the El Paso Intelligence Center (EPIC), DEA manages a number of information sharing programs that give law enforcement agencies access to database information. DEA operates NDPIX and NADDIS, both offering law enforcement agencies various types of data on investigations and targets. Information sharing through EPIC includes the National Clan Lab Database and SENTRY, among 33 proprietary and 6 commercial databases; (3) finally, through a wide variety of training programs, DEA provides information to law enforcement entities on how to gather and harness a wide variety of intelligence. For instance, programs like Operation Pipeline and Jetway teach state and local officers how to effectively interdict drug traffickers in the act of transporting illegal narcotics.

DEA also works at the executive level on intelligence sharing initiatives with both federal and international counterparts. Through bi-lateral drug intelligence working groups, the Joint Information Coordinating Centers (JICC), and HIDTAs, among others, DEA is working diligently and within legal constraints to develop the relationships necessary, both domestically and abroad, to address the issue of intelligence sharing. The efforts have led to sharing agreements and the development of sharing programs that enable DEA and its counterparts to effectively combat drug trafficking from the cultivation fields to the streets.

The future holds great promise for intelligence sharing and cooperative efforts among drug law enforcement entities. However, much work remains to be done and with ever tightening resources the support of the Congress is paramount for ensuring that intelligence sharing remains a top priority for law enforcement. The General Counterdrug Intelligence Plan (GCIP) mandates a number of programs and initiatives that, while promising, remain unfunded. DEA can and will develop expanded intelligence sharing programs to enable law enforcement to more effectively fight illegal narcotics.

Good Morning Chairman Horn, Chairman Shays, Chairman Souder, Ranking Member Cummings, Ranking Member Kucinich, Ranking Member Schakowsky, and distinguished members of the Subcommittee. I am pleased to have this opportunity to appear before you today for the purpose of discussing the Drug Enforcement Administration's programs to coordinate and share law enforcement intelligence with federal, state, and local law enforcement jurisdictions, as well as the role of the El Paso Intelligence Center (EPIC) in gathering and sharing intelligence and law enforcement information. Before I address this very important and timely issue, I would first like to preface my remarks by thanking the Subcommittees for their unwavering support of the Drug Enforcement Administration (DEA) and overall support of drug law enforcement.

Over the past 40 years, DEA and its predecessor agencies have recognized the vital importance of intelligence and information sharing across the spectrum of law enforcement agencies. As Attorney General Ashcroft recently remarked regarding the war on terrorism, "Information sharing and cooperation are critical to our strategic mission." His words apply across the board to all law enforcement endeavors. Two of DEA's primary responsibilities are the management of a national drug intelligence program in cooperation with federal, state, local, and foreign officials to collect, analyze, and disseminate tactical, strategic and operational drug intelligence information; and fostering coordination and cooperation with federal, state and local law enforcement officials on mutual drug enforcement efforts and enhancement of such efforts through exploitation of potential interstate and international investigations beyond local or limited federal jurisdictions and resources.

As positive evidence of this, DEA works diligently to maintain strong relationships with all law enforcement agencies - local, state, federal, and international - through intelligence and information sharing programs and training programs and a whole host of others that I will discuss in detail. Sharing intelligence with other law enforcement agencies is a vital responsibility of DEA. Only with that sharing can we effectively combat illegal narcotics.

International drug organizations are well coordinated from the production laboratories to the dealer on the street. Trafficking organizations do not recognize borders or where one jurisdiction ends and another begins. Communications and drugs flow easily from one part of

these organizations to another. The drug law enforcement community faces these challenges every day. Efforts to meet these challenges can be hampered by an inability of agencies to share information in a timely and efficient manner. Intelligence on what the drug organizations are doing is the key to dismantling these organizations. Law enforcement must deploy just as well coordinated enforcement and intelligence efforts to meet the challenges presented by the trafficking organizations.

DEA has a number of initiatives in place to share information with our law enforcement partners. DEA works in cooperation with our international partners in the drug production countries. We work with these partners and other federal agencies to interdict drugs along the smuggling and distribution routes. We work with other law enforcement officers in this country, including local beat cops and State Task Force officers.

As an illustration of information sharing, consider the following scenario, if you will. A state trooper in Maryland makes a routine traffic stop on I-95. During the brief encounter, the trooper is suspicious of answers to various questions, but the suspicion alone does not warrant further action. The driver is given a citation for speeding and released. Without effective information sharing, that is the end of the story.

Now consider the same facts, but as part of the trooper's computer check of the vehicle, the El Paso Intelligence Center (EPIC) is contacted to run a computer database search on the driver's name. Within minutes the trooper is alerted to the driver's prior conviction in California for trafficking and the fact that the vehicle entered the United States just two days earlier at a border crossing with Mexico in Texas. The driver, however, tells the trooper he has been travelling cross-country from Chicago, with no mention of Mexico. Based on this inconsistency and other factors, the trooper brings in a K-9 unit and discovers a significant quantity of heroin in a secret compartment in the vehicle.

Two weeks later, federal law enforcement agents in California working on a major drug operation access information about the arrest and seizure in Maryland. The information, again made available through EPIC, provides agents valuable intelligence that assists the agents in bringing down a major heroin smuggling operation.

This one hypothetical example illustrates how overall success in efforts to combat illegal drugs depends in large part on the effectiveness of state and local law enforcement. There are some 17,000 federal, regional, state, local, and tribal law enforcement entities in the United States. With so many law enforcement personnel there must be an extremely high level of coordination and cooperation to make sure that information gathered by the local constable in Indiana is accessible by the Coast Guard officer boarding a suspicious vessel in the Chesapeake Bay. Coordination of drug law enforcement through information sharing not only will improve operational effectiveness, but it will reduce jurisdictional and funding competitiveness.

Allow me to review with you some of the key programs DEA – and EPIC – have in place to effectively share law enforcement intelligence with our partners, overseas and right here in the United States.

As I indicated previously, cooperative efforts between DEA and state and local agencies are vital to our success in combating illegal drugs. Towards that end, DEA has over one hundred

Task Force groups and over 1,400 task force officers nationwide. DEA Supervisory Special Agents, alongside supervisory level officers from state and locals, manage these groups where state and local law enforcement officers are assigned on a permanent basis. The Task Force groups facilitate information sharing both formally and informally through the interaction of task force officers and DEA agents and the ability of task force officers to access DEA's Narcotics and Dangerous Drugs Information System [NADDIS] for database checks.

The Special Operations Division (SOD) is a comprehensive enforcement operation designed specifically to coordinate multi-agency, multi-jurisdictional and multi-national Title III investigations against the command and control elements of major drug trafficking organizations operating domestically and abroad. The investigative resources of SOD support a variety of multi-jurisdictional drug enforcement investigations associated with the Southwest Border, Latin America, the Caribbean, Europe, and Asia.

In addition, Organized Crime Drug Enforcement Task Forces (OCDETF), in which DEA participates at the Federal level, combine resources of many agencies under one roof to provide a comprehensive approach against criminal organizations. Participating state and local agencies receive information from Federal agencies that are involved in the individual OCDETF's investigations.

DEA's Mobile Enforcement Teams (MET) are traveling teams that deploy to a specific area at the request of the law enforcement officials of that area. These teams have a significant effect on the community in which they are deployed by using the information already known to local law enforcement and building additional intelligence to bring about more narcotics arrests, drug seizures, and asset forfeitures. DEA could not have the effect we have without the assistance and information from local law enforcement.

As part of the High Intensity Drug Trafficking Area (HIDTA) program, under the general oversight of the Office of National Drug Control Policy, DEA has taken a leading roll in the Investigative Support Centers (ISC). In the 3 years since their inception, the ISCs have already proven themselves to be a primary venue of drug information and intelligence sharing.

As a leader in drug intelligence, DEA has invested a significant amount of time, funding and personnel to enhance HIDTA ISC intelligence sharing successes. In personnel alone, DEA has provided 14 supervisory intelligence analyst positions and people and put them into the most critical HIDTA ISCs. DEA plans to invest even more intelligence analyst support in the ISCs as today's extraordinary demands permit.

Through DEA as its parent agency, EPIC plays a role in supporting the ISC mission by serving as the hub for ISC intelligence coordination. The EPIC HIDTA Coordination Unit serves as the focal point for an increased support to the HIDTAs and their state and local law enforcement components. EPIC effectively serves as a clearinghouse for the ISCs, gathering state and local law enforcement drug intelligence requirements and providing drug intelligence and information back to the ISCs. EPIC also centrally receives and shares drug movement-related information developed by the ISCs and ensures that checks with the EPIC Watch Program and all the relevant databases are a standard part of ISC operational protocols.

Joint Inter-Agency Task Forces (JIATF), one in Alameda, California and the other in Key West, Florida, are focused efforts to coordinate drug interdiction operations in transit and arrival zones. Participating agencies include law enforcement, military, and Coast Guard elements. DEA has assigned four positions to JIATF East and one position to JIATF West to serve in leadership, as well as liaison, capacities. DEA's presence greatly enhances the flow of information between DEA and the JIATF and facilitates drug interdiction operations.

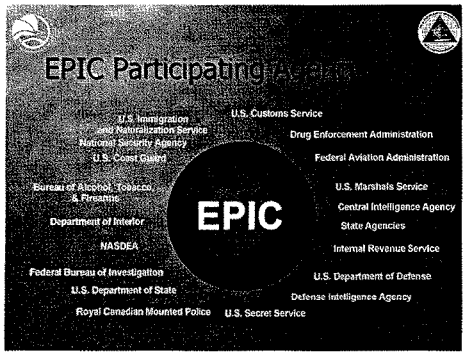
In addition to these organizational arrangements – Task Forces, SOD, HIDTA ISCs, JIATFs and the like, DEA shares information with our partners in a number of other ways. DEA publishes a number of intelligence reports that cover a wide variety of issues such as new trends in drugs of choice, trafficking routes, and country-specific drug assessments. These publications are available on the internet and upon request. DEA makes every effort to publicize the availability of these materials through a variety of channels.

The DEA Website itself is a useful source of strategic intelligence and other relevant information on the most significant drug trafficking organizations that threaten the United States. The Website also provides information and photographs of DEA fugitives.

Another of DEA's useful information sharing programs is the National Drug Pointer Index (NDPIX), a deconfliction system for participating federal, state/local law enforcement agencies (LEAs) on active drug investigative targets. NDPIX points law enforcement officers to other officers in jurisdictions throughout the country who may have the same target. For example, a Task Force officer in Baltimore conducting an investigation into a local trafficking organization can find out if any other law enforcement agencies are targeting members of the same organization. NDPIX encourages cooperative investigation efforts by allowing officers in different jurisdictions easy access to contact information to coordinate ongoing investigative efforts. To date, there are 30 states that have access to the NDPIX, with 564 law enforcement agencies having signed participation agreements. It is anticipated that within two years all law enforcement agencies in 50 states will have the capability to participate in the system.

Another component of the cross-jurisdictional information and resource sharing that DEA encourages is the Regional Information Sharing System (RISS) Program. DEA is a participant in this program, managed by the Department of Justice. RISS is composed of six regional centers that share intelligence and coordinate efforts against criminal networks that operate in many locations across jurisdictional lines. Typical targets of RISS activities are drug trafficking, violent crime and gang activity, and organized criminal activities. Each of the centers, however, selects its target crimes and determines the range of services provided to member agencies.

Let me now turn to EPIC. The El Paso Intelligence Center (EPIC) was established in 1974 in response to a Department of Justice study that detailed drug and border enforcement strategies and programs and proposed the establishment of a Southwest Border intelligence service center to be staffed by representatives of the Immigration and Naturalization Service, the U.S. Customs Service, and the Drug Enforcement Administration. This original EPIC staff was later expanded to include the United States Coast Guard (USCG), the United States Customs Service, the Federal Bureau of Investigation (FBI), the U.S. Secret Service, the Federal Aviation Administration, the U.S. Marshals Service, the U.S. Border Patrol, the National Security Agency, the Bureau of Alcohol, Tobacco and Firearms, the Internal Revenue Service, and the Department of the Interior.

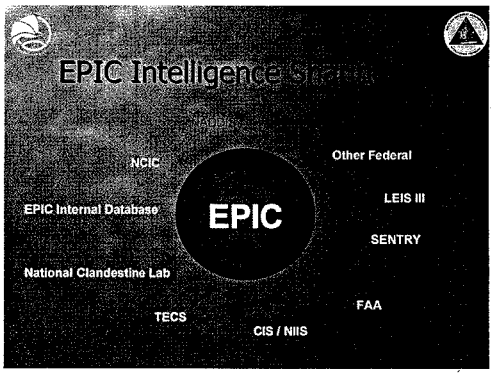


Today, EPIC serves as the principal national tactical intelligence center for drug law enforcement. The mission for EPIC, as defined by the EPIC's Principal's Accord and reaffirmed by the GCIP, is:

> The *El Paso Intelligence Center will support United States law enforcement and interdiction components through the timely analysis and dissemination of intelligence on illicit drug and alien movements, and criminal organizations responsible for these illegal activities, within the United States, on both sides of the U.S.-Mexico border, across the Caribbean, and from other points of origin within the Western Hemisphere en route to the United States.*

At its core, EPIC manages a highly effective Watch Program, a 24 by 7 operation available to every Federal, state, and local law enforcement agency nationwide and manned by Special agents, investigative assistants and intelligence analysts to provide timely tactical intelligence to the field on an on-call basis. The real value of EPIC is centered in the Watch Program's ability to bring together in one place, at any time, and virtually on demand, the databases of every one of its participating agencies. EPIC's online query capability consists of 33 federal databases and six commercial databases. Further, EPIC also created its own internal database that, combined with the other agency databases, provides the single most responsive, direct conduit available for a tactical intelligence center in support of every law enforcement agency in the nation. Additionally, EPIC also has a mandate to develop a nationwide system to capture drug seizure data from the local, state, and federal levels.

EPIC has a 27-year proven track record of facilitating cooperative relationships among federal, state, and local law enforcement and of promoting greater state and local participation. EPIC manages three premier operations that demonstrate this: Operations JETWAY, PIPELINE, and CONVOY. Through EPIC-provided training and post seizure analytical support, JETWAY targets the movement of drugs and drug-related currency across the nation via public transportation (commercial aircraft, trains, and buses), while PIPELINE and CONVOY address similar targets on the nation's highways. All three programs have been, and continue to be, extremely effective in terms of intelligence sharing and cost to benefit ratio.



EPIC is multidimensional in its approach to intelligence sharing. It has a research and analysis section and a tactical operations section to support foreign and domestic intelligence and operational needs in the field. Further, it has become a meeting place for many national level intelligence conferences including the High Intensity Drug Trafficking Area (HIDTA) Director's Conference, the Tactical Intelligence Conference, and DEA's HIDTA Investigative Centers Supervisor's Conference. In 2001, EPIC established and hosted the first meeting of the State and Local Intelligence Council, comprised of 16 state, county, and municipal law enforcement agency mid-level representatives from throughout the United States.

EPIC also has demonstrated its ability to be flexible and responsive in a crisis situation. Since the September 11 attacks on the Pentagon and World Trade Center, EPIC has been providing intelligence and analytical support to the FBI's Operation PENTBOMB, the Department of Defense's Operation NOBLE EAGLE, and the USCG's Operation COASTWATCH. To date, in support of these operations and in direct support to FBI and other member agency investigations, EPIC personnel have expended 9,128 man-hours, processed 64,064 queries and generated 1,207 cables. As a result of this surge effort, EPIC has been able to provide 10,292 leads or pieces of supplemental information to investigators.

EPIC continues to successfully maintain multiple databases in one place, for real-time access and "one stop shopping" in support of tactical law enforcement needs. This has only been possible because of the trust and spirit of cooperation that exists between the participating agencies, and their concerted effort to overcome parochial biases against intelligence sharing,

and opening their databases for the mutual benefit of all law enforcement agencies at every level of enforcement. By striving for cooperative efforts among law enforcement, the agencies involved with EPIC make EPIC the premier tactical intelligence center in the nation.

The information sharing programs discussed so far are primarily involved with domestic drug law enforcement. That is just one end of the continuum. DEA understands the importance of cooperative efforts with our international partners in the struggle against illegal drug trafficking. We have information sharing programs in place to support law enforcement over the whole range of international drug trafficking.

The first set of programs is the bilateral drug intelligence working groups. In the past two years, DEA's Assistant Administrator for Intelligence initiated bilateral drug intelligence discussions with Canada's Royal Canadian Mounted Police, Australia's Federal Police, the United Kindgom's National Criminal Intelligence Service, National Crime Squad, Her Majesty's Custom and Excise National Investigative Service, and Germany's Bundeskriminalamt. Through these meetings we established executive-level drug intelligence working groups that are designed to foster the exchange of analysts and intelligence between the Drug Enforcement Administration and these leading drug law enforcement agencies of their respective countries.

The goals of the bilateral meetings, besides fostering closer relationships with these intelligence units, are to facilitate dialog on the latest intelligence practices and techniques in drug law enforcement analysis, to enhance training and professional development of analysts, and to provide a means for information exchange and recognition of best practices relative to technology, databases, and analytical tools. The bilateral participants have agreed to meet biannually to share, exchange, and discuss drug intelligence matters of mutual interest and to work toward a multilateral relationship among the attending participating countries.

In conjunction with these bilateral meetings, we have been successful in creating the International Intelligence Exchange Program (IIEP). The goal of the IIEP is to enhance the effectiveness of the bilateral concept by providing a forum to discuss and exchange intelligence information, ideas, and expertise. The IIEP provides a means of having mid-level management and journeyman intelligence analysts work side by side on topics of mutual interest.

DEA has already detailed four intelligence analysts, one to each of the respective bilateral countries, for 60-day assignments as part of the exchange program to help learn about each country's intelligence program, their intelligence organization, and their analytical personnel, as well as to document their intelligence structure and operations. Representatives from each of the bilateral countries have also visited DEA for a similar familiarization program, including visits to DEA headquarters and various field offices. Future exchanges will foster continuing dialog and focus on specific intelligence projects or issues. Thus far the bilateral program has been extremely successful with exchanges and information sharing that is sure to be beneficial in the future.

DEA/EPIC also share valuable information with our foreign counterparts through the Joint Information Coordination Centers (JICC). JICCs are a joint DEA, EPIC, and Department of State effort responsible for the establishment and coordination of host country information-gathering centers. JICC is managed at EPIC and provides tactical drug intelligence to approximately 22 foreign country JICCs and DEA Country Attaches throughout Latin America.

Information sharing in the fullest sense of the term, is not limited to intelligence about specific targets or operations, but also includes programs to disseminate methods and information through training programs. DEA's Office of Training brings substantive programs to a wide variety of international, federal, state and local law enforcement agencies. Prime examples of these training programs are Operations Jetway and Pipeline, which I have previously discussed. In addition DEA offers programs in the following areas.

Clan Lab Training – Clandestine Lab training is given to foreign, state, and local officers, as well as DEA personnel. This training concentrates on detection and dismantling of clandestine laboratories.

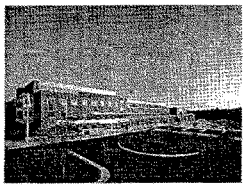
Federal Law Enforcement Analytical Training (FLEAT) – The FLEAT training seminar is designed to offer the best analytical tools that DEA utilizes, and share those tools and techniques along with our drug specific expertise, with other law enforcement agencies. By sharing what DEA has found to be our most useful analytical weapons, we can assist our counterparts in enhancing their own intelligence capabilities.

The FLEAT concept originated from inquiries by several outside Federal law enforcement agencies, requesting to participate in DEA's basic intelligence training program. Although FLEAT does not provide our complete ten-week basic course, it does contain key basic intelligence training curriculum blocks that are appropriate for intelligence analysts from any law enforcement agency. The course material is geared to enhance critical analytical skills abilities and to build awareness of the expertise and capabilities that each agency possesses. FLEAT requires interaction between participants and creates an opportunity for exchanging new ideas and intelligence concepts.

The design of the program follows a seminar format, with each participant strongly encouraged to contribute and exchange methods, ideas, and techniques unique to his or her particular agency. The emphasis of FLEAT is to offer what DEA has found to be valuable intelligence tools and techniques, which increases each agency's awareness of the capabilities and strengths within the law enforcement arena and how better to draw upon those assets.

To date, a total of 83 Federal, state, and local intelligence analysts have been trained at FLEAT. All classes are held at the DEA Justice Training Center and coordinated by the Intelligence Training Unit. The program is a huge success and, based on comments received from DEA field offices, has strengthened relationships between DEA and other law enforcement agencies. This is yet another example of DEA's efforts to create information sharing relationships.

DEA's International Training offers a one-week basic intelligence course coordinated and presented at DEA Justice Training Center at Quantico. The course, which to date has trained over 1,000 people, is designed to give our foreign counterparts a general outline of the basic concepts used in the field of intelligence. The course offers the students a methodology to use on how to best achieve positive results in their intelligence gathering and processing efforts. In the course, students are given instruction on the three types of law enforcement intelligence, the intelligence cycle and how to implement it, along with methods on how to generate a valuable, usable intelligence end product.



DEA's Justice Training Center at Quantico

Beyond sharing information and training with other agencies, DEA shares some of our best personnel. DEA maintains Liaison Officers at other federal agencies, such as the Department of State, ONDCP, CIA, and the FBI, as well as plays host to many Liaison Officers from other agencies. DEA has working level employees permanently assigned to places such as EPIC and the National Drug Intelligence Center (NDIC), where interagency cooperation is essential to the centers' missions. These individuals serve as a conduit for the free flow of information.

DEA has personnel assigned to NDIC on a permanent basis. These employees provide information and participate in writing the national drug threat assessments and strategic publications. NDIC has an employee assigned to DEA Headquarters who works in the Domestic Strategic Unit.

DEA has taken a strong leadership role in the Counterdrug Intelligence Executive Secretariat (CDX), the day-to-day coordinating staff set up by the GCIP. The CDX focuses on five discreet components and 73 action items that are critical to DEA as well as to information sharing with other law enforcement agencies:

- National Centers
- Foreign intelligence
- Domestic intelligence
- Information Technology
- Training/career development

The chair of the Counterdrug Intelligence Coordinating Group (CDICG) is DEA's Assistant Administrator for Intelligence, Steven Casteel. The CDICG provides guidance and leadership to the CDX. Furthermore, the current CDX Director is a DEA SES and we have provided four full-time positions to the CDX to respond to the recommendations in the GCIP.

All these information sharing programs demonstrate that the counter-drug interagency community looks to DEA for leadership in this areas. Because of this interest we believe it is important that DEA maintains a strong role. While current efforts regarding intelligence sharing enable law enforcement to work more effectively than ever before, much work remains. There are a number of sharing initiatives currently in the works, but because of limited resources have not been fully realized.

The GCIP mandated that the HIDTA ISCs, RISSs, and DEA develop a process to capture drug seizure data at the state and local levels and merge that data into the DEA managed Federal Drug Seizure System, so that drug seizures nationwide are reflected in a common database. We have not yet identified the funding to support this effort.

Finally, as per the GCIP, the System Policy Review Group (SPRG) was established on August 9, 2000. Co-chairs were elected from EPIC, the FBI, and the DCI/CMS. The SPRG's main assignment is to develop an unclassified, but secure e-mail system to facilitate electronic connectivity among federal, state, and local drug law enforcement agencies. We have not identified funding for this initiative.

In conclusion, I would again like to thank all the members of the Subcommittees for your questions and interest in this important topic. If any members of the subcommittees have an interest, DEA would be eager to assist in arranging a visit to EPIC to meet some of the outstanding women and men who work there, and to observe some of the programs at work that I discussed this morning.

Mr. HORN. As you know, the way we operate is all the witnesses give their presentation, and then all the Members get 5 minutes and alternate between the Democrats and the Republicans. So we now have Honorable Scott L. King, mayor, city of Gary. He's representing the U.S. Conference of Mayors.

Mr. King.

STATEMENT OF SCOTT L. KING, MAYOR, CITY OF GARY, IN

Mr. KING. Since September 11th at the request of our President, Mayor Marc Morial of New Orleans, I, along with Mayor Jeff Griffin of Reno and Mayor Martin O'Malley of Baltimore, have cochaired a task force on Federal local law enforcement. We met in New Orleans on October 15th along with several police chiefs and public safety directors. Recommendations occurring during that meeting were then carried to the Department of Justice in a meeting that Mayor O'Malley and myself had on October 17th. On October 23rd through 25th, the Conference of Mayors sponsored the Mayors Emergency Safety and Security Summit here in Washington, and it was attended by over 200 mayors, police chiefs, fire chiefs, and emergency managers.

During that summit, we presented recommendations to Homeland Security Director Ridge, Attorney General Ashcroft, FBI Director Mueller, HHS Secretary Thompson, FAA administrator Jane Garvey, and other top officials. The recommendations covered issues related to Federal/local law enforcement, emergency preparedness, transportation security, and economic security. I have attached the initial report released during the course of that summit, and the more detailed report will be released soon and forwarded to the subcommittee. In addition, last week, November 7, Mayor Morial, myself, Mayor O'Malley and several other mayors met with former Governor Ridge in the White House to discuss in some detail the recommendations that we put together during the summit. Those recommendations include the following: That mayors of the largest cities in each metropolitan area in the country should be included in the Federal District law enforcement task forces convened by the U.S. attorneys per the direction of the Attorney General, otherwise known as ATTF's or Anti-Terrorism Task Forces. Those mayors could then convene all appropriate representatives of cities within their metropolitan areas and serve as the critical link to the existing coordinated Federal response within that District. Mayors and police chiefs must be permitted to receive any security clearances needed to obtain appropriate intelligence.

Existing restrictions on local law enforcement access to the NCIC data system for criminal records checks must be modified. It should be updated with as much information as possible including photographs, visa information, driver's license information, and last known addresses. Federal and local intelligence data bases should be merged wherever possible. INS warrant information with photographs sought by Federal authorities should be provided to local law enforcement agencies. The Nation's 650,000 local police officers should be allowed to assist the FBI in tracking down and following up on at least a portion of the tips received and to be received in the future.

As provided in the recently enacted USA Patriot Act of 2001, institutional barriers to greater intelligence sharing between Federal and local law enforcement agencies should be addressed. We're happy to report that there has been some response to this. On November 1, Senators Schumer, Clinton, Leahy, and Hatch introduced the Federal-Local Information Sharing Partnership Act of 2001, Senate bill 1615. We also understand as a conference that companion legislation is expected here in the House.

The Conference of Mayors strongly supports this legislation. It is our hope that Congress will move the legislation quickly through the process and on to the President for his signature. Unlike most other industrialized countries, it is local government, not the Federal Government, which has primary responsibility for homeland defense in the United States. It is primarily our police who are responding to the continuing calls from the Attorney General for a heightened state of alert to guard our public infrastructure, places of gathering, and population centers in general. It is our police at the local level, fire and EMS personnel who are responding to the thousands of new 911 calls related to possible anthrax attacks or other terrorism-related public concerns.

Simply stated, there is no Federal fire department. 911 does not ring in either the Nation's or the State's capitals. They ring in the city halls, police stations, and fire stations of this country. It is also important to note that of the approximately $10 billion in Federal anti-terrorism dollars identified by OMB, only 4.9 percent is allocated to a combination of State and local first response activities, and of this limited amount, most is provided to the States, bypassing America's cities and major population centers. Also on this issue of funding, it is ill-advised that the conferees on the Commerce Justice State Appropriations Bill, House Resolution 2500, decided last Thursday to reduce the local law enforcement block grant program from $522 million to $400 million, a 24 percent cut.

At a time when our Nation is at war and local law enforcement is leading the home front fight, it's bad enough we're not getting enough in prospective financing, but to cut us on funds we already rely upon is, in our view, unconscionable. We urge the Congress, we urge the Congress to have impact and input and turn around that decision made last Thursday by the conference committee.

I want to thank the chairman, the ranking members, and all Members that are here on these subcommittees for this chance to testify. The Mayors of the United States are committed to the continuing fight against terrorism and we look forward to working closely with Congress on what must be the Nation's top priority, defending our homeland and maintaining public safety. Thank you.

Mr. HORN. Thank you very much. You had a very presentable situation, and I would hope that the mayors would go and talk to the conference in both the Senate and the House to solve this. We listen to mayors.

[The prepared statement of Mr. King follows:]

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Mayor of San Leandro
Executive Director:
J. THOMAS COCHRAN

Testimony of

Scott L. King
Mayor of Gary, Indiana
Co-Chair, Federal-Local Law Enforcement Task Force
The United States Conference of Mayors

Before the

Subcommittee on Criminal Justice, Drug Policy and Human Resources

Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations

Subcommittee on National Security, Veterans' Affairs and International Relations

of the

House Committee on Governmental Reform

November 13, 2001
9:30 a.m.

Good morning. I am Scott King, Mayor of Gary, Indiana. I am here this morning on behalf of The U.S. Conference of Mayors for which I co-chair, along with Mayors Jeff Griffin of Reno and Martin O'Malley of Baltimore, the Federal-Local Law Enforcement Task Force. I also previously served as an Assistant U.S. Attorney for the Northern District of Indiana.

I understand that one of the major reasons this important hearing was called was previous testimony provided by my co-chair Mayor O'Malley, along with his police chief. I want to thank Chairman Horn for your responsiveness in following up on the issue of federal-local law enforcement cooperation as raised by Mayor O'Malley, and thank Chairmen Souder and Shays, as well as the Ranking Members, for calling today's hearing.

By way of introduction, let me provide some background on the activities of The U.S. Conference of Mayors since the tragic and criminal attacks of September 11.

Following the attacks, Conference of Mayors President Marc Morial of New Orleans appointed several special task forces on issues such as Aviation Security, Federal-Local Law Enforcement and Water Safety, all of which held numerous meetings.

The Federal-Local Law Enforcement Task Force met in New Orleans on October 15 along with several police chiefs and public safety directors.

The recommendations of that meeting were then carried into the U.S. Department of Justice by myself and Mayor O'Malley during a meeting on October 17.

Then on October 23-25, The U.S. Conference of Mayors sponsored the Mayors Emergency, Safety and Security Summit here in Washington, DC attended by over 200 mayors, police chiefs, fire chiefs and emergency managers.

During our Summit, we presented recommendations to Homeland Security Director Tom Ridge, Attorney General John Ashcroft, FBI Director Robert Mueller, Health and Human Services Secretary Tommy Thompson, Federal Aviation Administrator Jane Garvey and other top officials. The recommendations covered issues related to Federal-Local Law Enforcement, Emergency Preparedness, Transportation Security, and Economic Security. I have attached the initial report released during the Summit – and the more detailed report to be released soon will be forwarded to the Subcommittees and the entire Congress.

In addition, a small group of Mayors led by Mayor Morial, including myself, met with Director Ridge in the White House on November 7 to follow up on the recommendations from the Summit.

This morning, I would like to focus primarily on the Federal-Local Law Enforcement issues raised during the Summit both in plenary discussions and a private breakout session with mayors and police chiefs.

As our President Mayor Morial stated during our Summit, the nation's mayors and police chiefs share a strong desire to strengthen the partnership between local law enforcement and federal law enforcement as it relates to fighting domestic terrorism. We showed in the 1990's in the fight against crime that a strong partnership between mayors and police at the local level, and the federal government can bring about dramatic results. We must now do the same in the 21st Century war against terrorism.

With over 650,000 local officers, our nation's police forces must be integrated into our national homeland defense planning. As it stands, our public safety personnel are already being used to respond to the terrorism in untold ways in cities across the nation. But to be most effective, we must ensure that mayors and local law enforcement have access to the best intelligence information available.

In the many meetings and discussions held on this subject since September 11, it became clear that barriers, both institutional and attitudinal, still exist at the federal level in regard to this priority. Much of what we are told has been anecdotal, such as mayors hearing about possible anthrax attacks several days after a report to the FBI, or seeing Department of Justice notices regarding a heightened state of alert on television prior to official notification. But these anecdotes are developing into a pattern, a matter of concern that was strongly reflected in the comments of the mayors and police chiefs who participated in our Summit.

This issue was also forcefully raised by New York City Mayor Rudolph Giuliani in recent Congressional testimony. In that Mayor Giuliani has been dealing most directly with federal law enforcement officials in the aftermath of September 11, his concern regarding the lack of information sharing is particularly alarming.

Our private and public discussions with FBI Director Mueller during our Summit were constructive on this issue. Clearly, Director Mueller shares our objective of ensuring increased information flow to local law enforcement. He said publicly that more must be done, and that the federal infrastructure used to share intelligence must be significantly modernized.

The nation's mayors want to strongly support the new FBI Director as he moves forward on this commitment. For example, it is our strong recommendation that the FBI be provided all the resources it needs to ensure that its communications technology is modernized to allow for greater information sharing.

I understand that under the new USA PATRIOT Act, a new communications system between the federal government and local law enforcement is authorized. Considering Director Mueller's remarks concerning the current state of communications technology at the Bureau, the full funding of the new system should be made a top priority for Congress and the Administration.

But while there are signs of progress, there is still some confusion on the part of local officials as to how we are to move forward. For example, Director Mueller stressed the need for us to work through the FBI's Joint-Terrorism Task Forces to strengthen information sharing. At the same time, Attorney General Ashcroft has directed the U.S. Attorneys to establish new Anti-Terrorism Task Forces to include representatives from the major federal law enforcement agencies. I am not clear today as to who has the lead responsibility through these task forces for intelligence dissemination to mayors and our police chiefs. The fact is that in many of the nation's cities, there have been successful ongoing federal-local law enforcement task forces attacking gangs and drug crimes, proof that these assets can work together.

What has become clear through these discussions is that together, we must develop a new protocol in order to apply this cooperative approach to terrorism, a protocol that has not previously existed across the nation.

At a time when our nation is under attack, it is inappropriate to simply be looking for problems and then addressing them as identified. What we must do is look for opportunities to increase cooperation at every level and in every way possible.

With that in mind, our Federal-Local Law Enforcement Task Force has developed some initial recommendations which we believe could serve as the basis for a new intelligence sharing protocol.

- We must seed a new system of communication between federal and local public safety officials to create a "24/7" threat assessment capability with appropriate sharing of intelligence on a need-to-know basis.

- Mayors of the largest cities in each major metropolitan area should be included in the federal district law enforcement task forces convened by the U.S. Attorneys at the direction of the Attorney General. Those mayors could then convene all appropriate representatives of cities in their metropolitan areas and serve as the link to the existing coordinated federal response within the district.

- Mayors and police chiefs should be permitted to receive any security clearances needed to obtain intelligence.

- Existing restrictions on local law enforcement access to NCIC data for criminal records checks must be modified. The NCIC system should be updated with as much information as possible, including photographs, visa information, driver's license information and last known addresses.

- Federal and local intelligence databases should be merged where possible.

- INS warrant information and photographs of persons sought by federal authorities should be provided to local law enforcement agencies.

- The Communications Assistance to Law Enforcement Act should be fully implemented.

- The nation's 650,000 local police officers should be allowed to assist the FBI in tracking down and following up on at least a portion of the tips received, particularly since some of the tips received by the FBI are more appropriately handled by the local police.

- As provided in the recently enacted USA PATRIOT Act of 2001 for law enforcement at the federal level, any institutional barriers to greater intelligence sharing between federal and local law enforcement agencies should be addressed.

On this last point, I am pleased that there has already been some Congressional response. On November 1, Senators Charles Schumer of New York, Hilary Clinton of New York, Patrick Leahy of Vermont and Orrin Hatch of Utah introduced the "Federal-Local Information Sharing Partnership Act of 2001" (S. 1615). As we know, the USA PATRIOT Act allows for the sharing among federal agencies of intelligence garnered from wire taps, grand juries and other sources. S. 1615, when enacted, will allow the federal government to share with local and state governments that same intelligence.

I also understand that companion legislation is expected in the House.

The U.S. Conference of Mayors strongly supports this legislation, and it is our hope that Congress will move the legislation quickly through the legislative process and on to President Bush for his signature.

An important point was also recently raised in a letter from Charlotte Mayor Patrick McCrory to Homeland Security Director Tom Ridge. My colleague stated that while the dissemination of security alerts is of the utmost importance, it would be prudent to establish a priority system that gauges the severity of the alert for state and local authorities. This would allow for a more efficient response by authorities since the threat could be immediately classified based on severity. The details of the alert would allow the response to be tailored to the threat; however, the initial priority classification would allow authorities to begin whatever deployment would be necessary for the proper response.

The nation's mayors look forward to working directly with the Administration including Director Ridge, Attorney General Ashcroft and FBI Director Mueller, and the United States Congress on all of the above mentioned recommendations.

As I conclude, I want to raise one more major point that emerged from our Summit. Tightening security in the aftermath of the September 11 attack has become a major expense for the nation's cities.

Many cities surveyed attributed their increased costs to the deployment of additional security personnel, increased responses to 911 calls, equipment needs, and public outreach and education efforts.

Unlike most other industrialized countries, it is local government, not the federal government, which has primary responsibility for homeland defense in the United States. It is primarily our police who are responding to the continuing calls from Attorney General Ashcroft for a heightened state of alert to guard our public infrastructure, places of gathering and population centers in general. It is our police, fire and EMS personnel who are responding to the thousands of new 911 calls related to possible anthrax attacks or other terrorism related public concerns. Simply stated, there is no federal fire department, and "911" does not ring in either the national or state capitols.

It is also important to note that of the approximately $10 billion federal anti-terrorism budget identified by the Office of Management and Budget, only 4.9 percent is allocated to state and local first response activities. And of this limited amount, most is provided to the states, bypassing America's cities and major population centers.

As said during our Summit, mayors must and will continue to do everything in our power to defend our homeland. But, we strongly believe that the federal government should be a partner in meeting the nation's security needs.

Therefore, to ensure that heightened security can be maintained, funding for all existing federal law enforcement assistance programs should be increased and made more flexible, and a new local security block grant should be established under the direction of the Office of Homeland Security. Block grant funds could be used for additional training for police, fire and EMS personnel; communications and rescue equipment needed to prevent and respond to terrorism; overtime or the hiring of additional officers; and additional security measures to protect airports, waterways, utilities, public transit, major places of gathering and other public and private infrastructure in our nation's population centers.

I want to thank the Chairmen, Ranking Members and Sub-Committee Members here today for this opportunity to testify. The nation's mayors are committed to the continuing fight against terrorism, and look forward to working closely with Congress on what must be the nation's top priority - defending our homeland and maintaining public safety.

Mr. HORN. So we will now move to Edward T. Norris, the commissioner of the Baltimore Police Department. We're glad to see you back here, Mr. Norris, and thank you very much for coming.

STATEMENT OF EDWARD T. NORRIS, COMMISSIONER, BALTIMORE POLICE DEPARTMENT

Chief NORRIS. Mr. Chairman, members of the subcommittee, thank you for giving me the opportunity to return to Washington to discuss with you progress achieved today in developing well integrated Federal, State, and local defense against future acts of terrorism in this country. As I testified on October 5th, all levels of law enforcement must do a better job, dramatically better job, of collecting and sharing intelligence, but at this time it's important to note, and as I thanked the FBI Director, Robert Mueller, for listening to what I had to say on that day and in subsequent conversations, I asked for watchlist names to be placed on a nationwide computer, and he did just that.

However, while progress has been made, the level of Federal and strategic collaboration with local law enforcement remains weak. Last month he gave me a forum to identify the problem. Today, I return with some concrete solutions that will result in a level of competent, coordinated law enforcement the American people deserve. It is addressed to the Department of Justice leadership on November 8.

Attorney General Ashcroft stated we are engaged in an aggressive arrest and detention campaign of law breakers with a single objective, to get terrorists off the street before they can harm more Americans. The 645,000 law enforcement professionals in the United States stand ready to join the campaign today. They'll offer specific strategy to utilize all available law enforcement agencies in a way that complements rather than drains resources and abilities. Because the cost of this war has been tremendous, resources must be combined in an efficient manner.

At the local level we can't wait for Federal funding programs to start the engineering of law enforcement's response. The plan I propose requires little or no additional funding, but would provide dramatic results. Since October, the FBI has taken a certain step of placing its watchlist of 230 names in NCIC. NCIC, of course, is the computer system that allows State and local law enforcement officers to conduct checks for Federal, State and local warrants. These checks are done thousands of times a day by local officers across the country. That's how we caught Timothy McVeigh.

In agreeing to include their watchlist in NCI—IC, the FBI has increased its search capacity from 11,000 agents to additional 645,000 law enforcement professionals. But this isn't enough. The Federal Government goes a step further by releasing photographs of these 230 individuals. The names can easily be changed or altered, their appearances cannot. INS must also get involved by placing all out-of-status subjects in NCIC. Currently, verification of an alien status can only be done through direct contact with the regional INS. This is extremely limiting, because there are only 24 INS agents in Maryland. I understand that 250,000 illegal aliens have been ordered deported, yet are now missing and cannot be found by INS. A new way of doing business is in order.

By placing this information in NCIC, the INS will experience the same force-multiplying effect as the FBI did when it placed its watchlist in NCIC. A natural liaison exists at the State and local level to assist the FBI and INS with the backlog of investigations. Baltimore Police Department, like most large police departments in this country, has an intelligence unit. These units existed long before September 11th, and they worked to develop intelligence on gangs, terrorists, and other criminal organizations.

If the FBI provided security clearances to the 26 detectives in my unit and the INS was willing to deputize these same detectives, they could work the informational leads with the FBI and INS. These deputized detectives would then send the appropriate information to Baltimore's 3,000 patrol officers, who in turn, will use all available technology and investigative skills to work on some of the FBI's 500,000 open tips and track down out-of-status aliens working and living in Baltimore. If this was done across the country, the Federal Government would add thousands to its investigative pool. The further value to this action is that by deputizing local law enforcement, Federal investigations would happen at the grassroots level in neighborhoods and communities in which suspected terrorists live. All this cooperative assistance is provided without additional cost to the Federal Government.

The Attorney General has instructed the Department of Justice to put an end to bureaucratic turf battles. He announced the wartime reorganization and mobilization effort and submitted to Congress a strategic plan which will assist the Department of Justice in meeting its new anti-terrorism mission.

I therefore urge four essential actions: Require the Federal Government to provide photographs for those on the watchlist; require INS to place the names of out-of-status aliens in NCIC; require the Department of Justice to engage in active substantive discussions with local and State law enforcement leaders to develop a strategy that would effectively deploy 645,000 law enforcement officers to support Federal anti-terrorism efforts. Such a strategy should include Federal deputization of local law enforcement intelligence officers and the strategy should be developed and implemented within 30 days.

I welcome the opportunity to pilot any such efforts in my city.

And last, require the Department of Justice to develop an accountability program like Philadelphia, Baltimore, New York and many other cities uses, COMPSTAT. Since New York launched this method, crime went down 70 percent and the Department of Justice, to share information on a timely basis with other law enforcement agencies through a COMPSTAT-like form and investigate accordingly.

In conducting these meetings both in New York and Baltimore, dramatic results have occurred. The first step of this method, called COMPSTAT, is a collection of accurate and timely intelligence, exactly what we're asking for today. In May, Attorney General Ashcroft testified before Congress regarding the efforts to combat terrorism to the United States. He said within our borders, the Department's counterterrorism efforts require close coordination with not only with other Federal agencies, but also with State and local agencies. Simply put, no one agency can effectively address terror-

ism on its own, pointing out, however, we can make great strides to protecting our Nation and its citizens from terrorists. These are powerful words.

Now let's put it into action. I understand the difficulties of changing the culture of an organization. I spent the first 20 years of my law enforcement career with the New York City Police Department. An agency as deeply rooted in tradition as any Federal agency and four times the size of the FBI. The culture of the NYPD changed because deeply committed men and women were willing to change the system that desperately needed it. The world events of the past 2 months have dramatically changed the way local law enforcement works. Federal law enforcement must make changes as well. Thank you.

Mr. HORN. Thank you very much, Commissioner. We now turn to John F. Timoney, commissioner of the Philadelphia Police Department. We're working our way up the coast.

STATEMENT OF JOHN F. TIMONEY, COMMISSIONER, PHILADELPHIA POLICE DEPARTMENT

Chief TIMONEY. Good morning, sir, and thank you for the opportunity to testify before your committee. I have submitted as part of the testimony, an op-ed piece I wrote for the Philadelphia Inquirer basically an open letter to Governor Ridge upon taking his new job.

Let me say, post-September 11th America has changed and the way we police America has also changed, and probably forever, but there are three areas I'd like to discuss quickly today that I think need addressing by Congress. One of them is in the area of intelligence sharing. As I said, the biggest lie in law enforcement is that we work well together and share information. We don't, under a whole variety of reasons. There's institutional reasons, cultural, traditional reasons, legal reasons.

The FBI or others will tell you we'd like to tell you, but we'll fit—and because of 6-E, if a grand jury's impaneled, but the one I found more offensive is the issue, we'd like to share it with you, but you don't have top secret clearance. I spent 29 years in New York City Police Department retiring as the No. 2, and the last 4 years as the Philadelphia police commissioner. I can guarantee you I protected more Presidents than most of the people that wrote those guidelines, and so I find them personally insulting.

The second area, as I mentioned here, the idea of mobilizing local law enforcement, and I understand there are 18,000 local law enforcement, but there is a method already established where you can get this mobilization to take effect, if you will, through an institution known as the major city chiefs, the 55 major city chiefs should be passed with the responsibility of mobilizing the smaller communities surrounding the major metropolitan areas.

Again, as was referenced here, it wasn't the FBI that locked up the most notorious terrorists tried on September 11th. It was the local law enforcement officer pulling over Timothy McVeigh for a bad license. As I said, the organization already exists. On the major city chiefs in Philadelphia, we began about a year and a half ago the idea of not just crime mapping the city of Philadelphia but regional crime mapping, and at our COMPSTAT meetings, the

chiefs from the surrounding areas come in and attend those meetings also, and so there's a perfect mechanism of instituting the sharing or the mobilizing of law enforcement officers in this fight against terrorism.

And finally the costs, they've been mentioned here but there are huge costs that have been attached already since September 11th. But my sense is listening to the Defense Department and other Federal officials who indicate that this effort will take at least a year and a half, maybe two or even longer, most big cities, I don't think, can afford the drain on our resources. I know we've spent upwards of $2 million so far just in the city of Philadelphia, and so there's a real need to get some resources to offset the direct costs and as has been mentioned, the local law enforcement block grant has already been cut 24 percent.

We've been expecting that money upwards of a year ago. There are also indirect costs that are associated with it, and that of course is the opportunity cost. If we have officers doing task A, they can't be involved in additional tasks of fighting crime and protecting the neighborhoods.

So I think there's a real need for Congress to get actively involved to pass some legislation to force the sharing of intelligence to take the leadership in mobilizing local law enforcement, and then realistically dealing with the costs that are attendant to the vast majority of local law enforcement across America. Mr. Chairman, I thank you for the opportunity for sharing my thoughts with this committee.

Mr. HORN. Thank you very much, Commissioner. We appreciate your being here.

[The prepared statement of Chief Timoney follows:]

Local police have role to play in nation's effort on terrorism

By John F. Timoney

President Bush and Congress have acted quickly and decisively to repair the physical and psychological damage caused by the terrible events of Sept. 11 and to minimize the chances of such acts of terror recurring.

I welcome and endorse these actions, particularly the appointment of Gov. Ridge to head the country's antiterrorist activity as director of the Office of Homeland Security. The full extent of Ridge's responsibilities has not yet been defined, but among them will be coordinating the efforts of the more than 40 federal agencies or elements of agencies - including the Coast Guard, FBI, INS, and Customs Service - responsible for protecting this country and its citizens against terrorists.

Putting all these separate agencies under the control of a single commander who can develop a comprehensive strategy is surely right. But it won't be easy. On the basis of over 33 years of experience in law enforcement in two of the country's largest police departments, and as a consultant to police agencies around the world, I have no hesitation in saying that probably the most difficult aspect of law enforcement is getting independent agencies to work together. Even getting separate units in a single agency to work together can be difficult.

Jack Maple, a former NYPD deputy commissioner who was probably the most innovative thinker on policing that this country has ever produced, used to say that the biggest lie in law enforcement was, "We work well together." Maple therefore developed the COMPSTAT process for managing police departments. COMPSTAT forces individual units to work together. The heads of each unit are required to meet regularly with the top management of the agency to account for their performance. An important measure of their performance is the extent of their cooperation.

If anyone can make 40 or so federal agencies pull together, Ridge can. But to succeed, he will have to introduce a COMPSTAT-like approach to ensure that it happens.

I also welcome the federal government's decision to spend significant amounts of new money on the antiterrorism effort. The State Department, for example, is to get nearly $5 million, half of it for rewards to people who provide information that leads to apprehending terrorists. The FBI is to get $36 million toward the costs of investigating the events of Sept. 11.

In addition, the Federal Aviation Administration will be getting $123 million to pay for federal law enforcement officers to serve as sky marshals and to increase airport security. This will permit the FAA to buy the latest security equipment, including body X-rays that can, employing very low dosage rates of radiation, detect weapons hidden under clothing, or walk-through "sniffers" that, simply by subjecting someone to a puff of air, can tell whether that person has been in contact with explosives by detecting minute traces of explosive adhering to clothing or hands. Such equipment must be deployed as a matter of urgency.

I am concerned, however, about what I did not hear last week. Virtually nothing was said about the role local law enforcement agencies, like the Philadelphia Police Department, can play in our country's antiterrorism effort. Local police know their communities far better than federal or state agencies do and can therefore play a vital role in the collection and analysis of antiterrorism intelligence. We are better placed to advise local businesses and schools and others on how to protect themselves. Because it is our job to deal with the first effects of terrorist activity, we have the greatest interest in preventing it.

We therefore need to be brought into Ridge's planning processes and given the resources to buy the equipment needed to thwart terrorist activity and to train our officers in its use. We cannot rely on federal agencies to lend us this equipment whenever we need it.

I am not advocating an anti-terrorism role for every local police department. Most are far too small to take on this added responsibility. But the 52 largest police departments around the country are fully capable of playing this role for their regions. And they would welcome the challenge.

Experience around the country has shown that a regional approach is essential in fighting crime of all kinds. For this reason, the Philadelphia Police Department has been working with colleagues in the rest of the Philadelphia area to establish a regional crime-mapping center that will enable all of us to share information on crime and criminals. We have already begun to have COMPSTAT meetings at which crime is mapped across jurisdictional boundaries.

I believe strongly that such regional collaboration should be an important part of our national antiterrorism program. The Philadelphia Police Department is ready to do its part. I hope that we will be asked to do so.

John F. Timoney is police commissioner of Philadelphia.

Mr. HORN. We now have Charles H. Ramsey, the chief of police in the District of Columbia, the city of Washington. Glad to have you here, Chief.

STATEMENT OF CHARLES H. RAMSEY, CHIEF, METROPOLITAN POLICE DEPARTMENT

Chief RAMSEY. Thank you, Mr. Chairman and members of the subcommittee. Thank you for the opportunity to speak with you today concerning the state of our preparedness in the wake of the September 11th attacks and the recent biochemical attacks, and any future threat that we may face here in Washington, DC.

Obviously September 11th was the ultimate example of events that never could have been anticipated, neither the acts nor the magnitude of those acts. Yet even with the depth of the events that unfolded that horrific morning, the Metropolitan Police Department was able to respond without delay. We very quickly recalled all of our officers and essential civilian personnel, canceled days off, put our sworn members on 12-hour shifts. We also put officers at critical intersections throughout the city both to enhance our visibility and to help direct traffic to the extent possible.

I think we all recognize the herculean task the District faced in trying to maneuver that many people out of the city at one time, and the fact that we did so is really a testament to our police officers and other traffic safety personnel. But even as we dealt with staffing issues, we recognize the importance of pulling together Federal, State, and local officials in a coordinated response to what was taking place. We have a brand new Joint-Operations Command Center, and even before the plane struck the Pentagon, we were able to get that center up and running with representatives from a variety of Federal and local law enforcement agencies so we could learn what was taking place and be in a better position to defend our city.

I do have a prepared text, Mr. Chairman, which obviously can be entered into the——

Mr. HORN. All of those fine papers automatically go into the hearing record——

Chief RAMSEY. Yes, sir.

Mr. HORN [continuing]. The minute we say "hi."

Chief RAMSEY. But what I would like to do, sir, is just kind of comment on a couple of things that my colleagues in Baltimore and Philadelphia said about the level of cooperation. It is essential that there be open lines of communication between all law enforcement agencies if we're going to be able to deal with this threat effectively. Here in Washington, DC, we're in a unique position because we are the Nation's Capital.

We have regular ongoing communication with all the Federal agencies, and I would describe our relations with those agencies as being good overall. I think the history that we have of working together through a variety of events has really paid off during these particular times; however, there are still some issues that need to be addressed, and that is the sharing of information critical to our knowing how to deploy our resources, especially in a city like Washington, to be effective against this threat of terrorism. I'll give you an example. Police chiefs across this country do not have secret

or top secret clearances; so there's a limit to the amount of information that can be given. I participate in the Joint Terrorism Task Force. I have officers that are assigned. They've been given these clearances, but there is even some information our own officers can't carry back to us because of the restrictions in that area, and that's something that certainly needs to be looked at. The different threat levels that are constantly coming out in public from different offices at the Federal level, whether it being the Attorney General's Office or the Office of Homeland Security, and just what that does to us as local law enforcement agencies when we're told to go on a highest state of alert, yet there's no concrete information at all that can be shared if there's some available to tell us why and what to do.

I've had conversations with Mr. Mueller. He actually stopped by my office 2 weeks ago and we spent a good hour talking about these issues, and I felt very good afterwards that he certainly was willing to do whatever it took to enhance communications between local and Federal law enforcement agencies, but it just adds to the confusion that's out there already when we're told to go to a highest state of alert, which, quite frankly, we've been on since September 11th. And I don't know how much higher we can get unless we have real specific information.

I think the danger is it can desensitize the public to the real threat if we go to these levels too often and nothing happens, and there's no real concrete information when we do have something and we need to have people pay attention to us, they may indeed not listen. Our own officers can get burned out when we constantly tell them to be at this heightened state of readiness, yet we cannot give them anything concrete to sink their teeth into.

So again, if there is information that is available at the FBI or somewhere else that's not being passed along, it would certainly go a long way if we were able to share that information. I agree with what Ed Norris said about various steps that could be taken in terms of sharing information, not only with the FBI, but INS and other law enforcement agencies. I think this is something that we can very—all of us are more than willing or able to overcome in terms of any strain that's been placed on any relationships in the past. We're all professionals. We're all looking forward to working together to keep America safe and secure, but there are some steps that are going to have to be taken in terms of information sharing to put us all on the same page, to share the information, to form the trust that's necessary if we're truly going to be law enforcement partners and work together in order to be successful.

So with that, I'd like to end my comments and thank you very much for allowing us to speak this morning.

Mr. HORN. Thank you very much, Chief.

[The prepared statement of Chief Ramsey follows:]

United States House of Representatives

Joint Subcommittee Hearing on Emergency Preparedness

Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations

Subcommittee on Criminal Justice, Drug Policy And Human Resources

Subcommittee on National Security, Veterans Affairs and International Relations

Charles H. Ramsey
Chief of Police
Metropolitan Police Department

November 13, 2001

As described in a law enforcement article recently published, law enforcement and governments for years periodically have renewed their preparations for catastrophic events – weapons of mass destruction, airline crashes, hazardous spills, fires, floods and storms. The list was limited only by our imagination. Now, we have been thrust into a world in which we are forced address a list of tragedies in which we never imagined. As a said just hours after the September 11 strikes, "nothing will ever be same."

It has been two months since the nation was riveted by the events of September 11, 2001. During this time, the Metropolitan Police Department has stepped up to the plate to prepare for any similar attacks, but we knew that any preparations could not be done in a vacuum. We have worked closely with federal and local law enforcement and governmental agencies to coordinate efforts. In addition, we have taken lessons from agencies outside of the Washington, D.C. area. Last month, I – along with Deputy Mayor Margret Kellems and members of my Command Staff – traveled to New York City to tour "ground zero" in lower Manhattan to view first-hand the extent of the damages and the challenges faced by officials there from the moment that the first call for help was broadcast to the continuing recovery operation. The visit – and one to the Pentagon just weeks earlier - coincided with our efforts to reevaluate and revamp our emergency response plans. Their stories of individual courage and organizational resolve are not only moving, but also very instructive to our efforts here in the District. As a result of the trip to New York, we recognize several areas in which we could improve as we drafted our Standard Operating Procedures. These procedures include a vast array of criteria under three levels of threat conditions. They include, but are not limited to buildings security, deployment, and operational responses to include traffic control. We are working closely with D.C. Department of Transportation and neighboring jurisdictions as we formulate evacuation plans.

The Standard Operating Procedures are based on a new General Order that updates and improves our basic Emergency Response Plan. The order establishes levels of emergency situations to include a matrix of basic decisions and activities that immediately occur within each level of threat conditions.

In addition to policy and procedures, the Metropolitan Police Department, as well as, about a dozen other city agencies evaluated what equipment would be needed to respond in the first hours of any attacks. Equipment is critical, particularly in light of the recent acts of biological attacks or potential chemical attacks. Like police departments across the country, we are seeking assistance to upgrade the clothing, masks and other protective gear issued to our officers – particularly those first responders in specialized assignments who would make initial contact in any critical incidents.

As important as equipment is training. We have beefed up our training on weapons of mass destruction. Our four-hour mandatory training on weapons of mass destruction seemed sufficient, and probably was, months ago. We know now

that there is much more to be done, so we are putting together a training plan to build on the basic "awareness" course with more specifics on how to handle "bio-chem" and related events. The acceptance of what we all hope will not be the inevitable has inspired law enforcement, government and even manufacturers to unite with a common goal: Acquire the best tools possible to respond as effectively as possible to terrorist threats.

As we visited New York, we learned much from those who were thrown into such a catastrophic event. Most importantly, we know that we must build on what we learned about communication at the onset, during and following any such unforeseen event. The lines of communication are not divided by jurisdictional boundaries. Communication is a key element to successful coordination across the region. Within a matter of hours on Tuesday, September 11, the terrorist attack in New York crippled telephone and Internet traffic on the East Coast. We have studied technology available for successful communications and are working with other government agencies to enhance our communication capabilities. Since September 11, we have distributed satellite phones that would enable Metropolitan Police Department officials to communicate should the telephone service break down and we have evaluated how to successfully link with other agencies.

But as important as the technology is the act of communication itself. As an example of the importance we place sharing information, the Metropolitan Police Department command staff on a daily basis ring into a conference call for briefings on the current status of events – information that is crucial to our on-going response to events occurring across the city, as well as, any information that would be useful should any new situations evolve or escalate. MPD also hosts a conference call each day – chaired by Arlington County Police Chief Edward Flynn – with local and state police chiefs and federal agency heads to share information. As you have recognized Chairman Horn, coordination between federal agencies and state and local responders is crucial to stopping terrorism before it happens.

But even with all the review and planning that has occurred in the past two months, we can neither predict what we next may face nor pretend that all the policies in the world will ensure success. As I have said before "major incidents such as these seldom "go by the book." Our greatest advantage will be remaining flexible and pulling together as a region to respond to any given event. We already have proven ourselves there. Fortunately, we have not faced the mass destruction as in New York. But it is important to recognize that there was no chapter in any emergency plan that would have fully recognized or addressed two planes crashing into the tallest buildings in New York or into our nation's military headquarters.

That is why it is extremely important that as we plan, we also understand we must not lock ourselves into a "chapter" of a book – ultimately limiting our flexibility. I am not suggesting, however, that emergency planning is not important. Planning, preparation and coordination are critical and of the up-most importance to any

challenges that have come our way since September 11 and any future threats. We continue to have members of our Intelligence Section working 24 hours a day and 7 days a week to gather information in our war against terrorist. This is in addition to our network of federal, state and local law enforcement and government workers who – as I previously said – are working hand in hand at our Synchronized Operations Command Complex – comprised of three separate rooms intended to gather and share information regarding events and maintain our police functions for day-to-day operations.

The federal government has taken great strides toward the nation's efforts to protect America from terrorism – the Presidential appointment of former Pennsylvania Governor Tom Ridge as director of the new Office of Homeland Security; this month's vote for the PATRIOT (Provide Appropriate Tools to Intercept and Obstruct Terrorism) Act; recognizing the federal assistance needed for law enforcement and governments to adequately address the war on terrorism.

It is important to note that we also must ensure balance in our response to daily calls for service with the needs driven by the terrorist attacks. We currently are evaluating the best way to keep an adequate number of officers in the neighborhoods during this time.

As you so eloquently said, Chairman Horn, of the firefighters and police who lost their lives last month: "Their heroism is stunning; their loss is heart-wrenching; their service is unforgettable." We must ensure that we prepare our officers for any heinous acts such as those that have been dealt to our nation in the past months. It is because of those firefighters, police officers and citizens who we continue to hear of their heroic acts that saved the lives of thousands of potential victims on September 11. To give officers anything short of what is necessary for them to do their jobs would be yet another crime this nation would face.

I appreciate the opportunity to testify here today and welcome any questions you may have.

Mr. HORN. We now have William Dwyer, the chief of the Farmington Hills Police Department in the State of Michigan, and he is representing the Police Chiefs Association of Michigan. Glad to have you here.

STATEMENT OF WILLIAM DWYER, CHIEF OF POLICE, FARMINGTON HILLS, MI

Chief DWYER. Subcommittee Chairmen Horn, Shays, and subcommittee members, good morning. I was invited to present a candid perspective on the state of relations and cooperation between local and Federal law enforcement agencies. As president of the Michigan Association of Chiefs of Police and chief of police for the Detroit suburb of Farmington Hills, I speak for local law enforcement in the State of Michigan. Previous to my current position, I served the Detroit Police Department, retiring at the rank of commander.

During my 40-year career in law enforcement, I've had extensive interaction with Federal law enforcement agencies. In September I attended conference of the International Association of Chiefs of Police in Toronto where a message was shared from U.S. Attorney General John Ashcroft. The U.S. Attorney sent a directive to 94 U.S. attorneys to form a national network on anti-terrorism task forces. His message unites local and State agencies working in partnership with representatives of the Federal Bureau of Investigation, Immigration and Naturalization Service, Federal Marshals Service, and Secret Service. At the same conference I was encouraged to see FBI Director Robert Mueller meet with law enforcement organizations to walk through issues, address misconceptions and explore ways to improve local and Federal law enforcement relationships. The personal relationships I have with Federal officials are excellent. The investigative assistance and training support my department receives is outstanding. My entire executive command staff and I are graduates of the FBI National Academy.

When it comes to investigative support, I find that relationships with Federal agencies are continuously improving. Just last week, the FBI issued Federal charges against a murder suspect who fled from Michigan through several States into Mexico and our special agent in charge of the Detroit office, Mr. John Bell, has done just an outstanding job with his ASAC, Kevin Kendrickson. They work daily with all law enforcement in the State of Michigan. We routinely turn our credit and fraud and counterfeit money complaints over to the Secret Service.

The ATF routinely assists us with explosive and firearm cases. Just recently that agency helped us convict a man who attempted to commit a workplace massacre at a local software company. The DEA recently sent the special assistant to the administrator to meet with us to address a task force management issue, and we regularly work with Federal immigration and border officials to identify suspects and deport criminals, convicted criminals. Still, the reality of law enforcement cooperation is an elusive concept. Sometimes it works. Sometimes it doesn't, which is not to say we don't all want it to work.

I firmly believe every law enforcement executive in this country would support the ideal of law enforcement cooperation. The reality, however, is different from the ideal. Today we have many impediments to sharing critical law enforcement information in real time. For example, different grand jury rules, agency competition, national security information classification rules, and the battle for scarce law enforcement dollars.

In many cases, these stumbling blocks lead to an illusion of cooperation compared with a reality of fragmentation. How do we improve the situation? I believe there needs to be a national security information clearinghouse that ensures that critical information gets to the appropriate law enforcement executive at the local, county or State level. This, perhaps, should be a logical function of the Office of Homeland Security. This clearinghouse is the only way to guarantee that the information gathered by Federal law enforcement is not only disseminated vertically in an administrative chimney, but that it is disseminated horizontally to those agencies that need it.

At the local level, the Joint Terrorism Task Forces that are being established need to be co-chaired, and I say "need to be co-chaired," by a local law enforcement executive and a Federal official.

Our country is at war. While our Armed Services fight in Afghanistan, local and Federal law enforcement officers are fighting terrorism at home. Federal officials have new powers to help local officials gather intelligence, track suspects, and subpoena evidence, but we need to go further and address the barriers to sharing critical information that I mentioned earlier. The combined resources, expertise, and ideas of U.S. law enforcement have the potential to transform our collective agencies into something far greater than the sum of their parts. To realize this potential, however, we need to break down barriers, abandon turf wars, take some courageous new steps, and keep our eyes on the greater good of our country.

Thank you for inviting me here today. May God bless you as you serve our country during these troubled times.

[The prepared statement of Chief Dwyer follows:]

Testimony of
William Dwyer, Chief of Police, Farmington Hills, MI

Washington, D.C.
November 13, 2001

To
Committee on Government Reform's
Subcommittee on Government Efficiency, Financial Management & Intergovernmental Relations
Subcommittee on National Security, Veterans' Affairs & International Relations
Subcommittee on Criminal Justice, Drug Policy & Human Resources

Subcommittee Chairmen Shays, Horn, and Souder and subcommittee members. Good morning.

I was invited to present a candid perspective on the state of relations and cooperation between local and federal law enforcement agencies.

As president of the Michigan Association of Chiefs of Police and Chief of Police for the Detroit suburb of Farmington Hills, I speak for local law enforcement in the state of Michigan. Previous to my current position, I served the Detroit Police Department, retiring at the rank of Commander. During my 40-year career in law enforcement, I have had extensive interaction with federal law enforcement agencies.

In September, I attended the conference of the International Association of Chiefs of Police in Toronto, where a message was shared from U.S. Attorney General John Ashcroft. The Attorney General sent a directive to 94 U.S. attorneys to form a national network of anti-terrorism task forces. His message unites local and state agencies working in partnership with representatives of the Federal Bureau of Investigation, Immigration and Naturalization Service, Federal Marshalls' Service, and Secret Service.

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In many cases, these stumbling blocks lead to an illusion of cooperation compared with a reality of fragmentation.

How do we improve the situation?

I believe there needs to be a national security information clearinghouse that insures the critical information gets to the appropriate law enforcement executive at the local, county or state level. This, perhaps, should be a logical function of the Office of Homeland Security.

This clearinghouse is the only way to guarantee that the information gathered by Federal law enforcement is not only disseminated vertically in an administrative chimney – but that it is disseminated horizontally to the agencies that need it.

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Our country is at war.

While our armed services fight in Afghanistan, local and federal law enforcement officers are fighting terrorism at home. Federal officials have new powers to help local officials gather intelligence, track suspects, and subpoena evidence. But we need to go further, and address the barriers to sharing critical information that I mentioned earlier.

The combined resources, expertise, and ideals of U.S. law enforcement have the potential to transform our collective agencies into something far greater than the sum of their parts. To realize this potential, however, we need to break down barriers... abandon turf wars... take some courageous new steps... and keep our eyes on the greater good of our country.

Thank you for inviting me here today. May God bless you as you serve our country during these troubled times.

Mr. HORN. Thank you very much for your testimony, and the next three witnesses are Federal officials, and we will start with the Honorable Richard R. Nedelkoff, Director, Bureau of Justice Assistance, Office of Justice Programs, Department of Justice. Glad to have you here, Mr. Nedelkoff.

STATEMENT OF RICHARD R. NEDELKOFF, DIRECTOR, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, DEPARTMENT OF JUSTICE

Mr. NEDELKOFF. Thank you very much, Mr. Chair. I'm very pleased to be here today to discuss Federal, State, local intelligence sharing in the context of the criminal justice system. Later today, the Attorney General will be announcing further efforts to improve coordination with our partners in State and local law enforcement. The Office of Justice Programs looks forward to participation in this initiative and supports the Attorney General's goal to create a seamless communication system with the State and local law enforcement entities. As Director of the Bureau of Justice Assistance in the Office of Justice Programs, I am well positioned to see how Federal funds and leadership can support the work of our State, local and tribal partners. The sharing of criminal justice information directly impacts the safety of every citizen in the United States. With the advent of the Internet and other emerging technologies, the public has every right to not only expect, but to demand that information from one part of the criminal justice system is available to the others.

We must work to ensure that we have appropriate and effective information sharing at the Federal, State, and local levels. The electronic exchange of information is one of the most powerful tools available to protect our communities from crime and terrorist activities. The Office of Justice Programs [OJP], has been supporting the development of systems to enable sharing of justice information. Our information technology initiative has been helping local, State, and tribal governments with identifying cost-effective, information technology standards and processes. Assisting our partners with sharing criminal justice information is not a new responsibility for us.

In fact, this Federal initiative began in 1974. Because of the success of our first regional center was enjoying, membership quickly expanded, and over the next several years, five other regional centers were created. By 1981, all 50 States were covered by one of six regional intelligence centers in the RISS program, which stands for Regional Information Sharing System. A decade ago, there were 3,000 participating agencies. Today, the RISS program has over 6,000 Federal, State and local agencies. Attached to my statement is a list of the centers and the States that they serve. RISS has responded to the law enforcement's need to share criminal justice intelligence around the country. Over the years, RISS has adapted to provide additional services, including criminal intelligence analysis and other activities that complement and support the communication and exchange of criminal intelligence. In this way, RISS supports multijurisdictional investigations and prosecutions. RISS is not operational. It exists solely to house and share information. RISS is governed by its local, State, and Federal law enforcement

member agencies. Each RISS intelligence center has the board of directors drawn up from its membership. The Bureau of Justice assistance provides approximately $25 million annual funding and overall program oversight and management.

Over the past decade we have been working to make the criminal justice information more accessible to RISS members. In 1997, RISS and BJA, ahead of schedule and under budget, completed RISS.NET, a Web-based nationwide secure network for communications and sharing of criminal intelligence information. The secure network links six centers and their member agencies.

The RISS Program created a private network that provides encryption software and authentication protocols using a smart card technology. Today RISS.NET is the only secure nationwide network serving law enforcement for the exchange of sensitive criminal justice intelligence information.

RISS.NET also provides secured e-mail services to agencies nationwide. During calendar year 2000, RISS centers began electronically integrating with other law enforcement information systems, such as the High-Intensity Drug Trafficking Areas [HIDTAs] and the National Drug Intelligence Center and other State and regional systems.

On September 11th, the FBI asked the RISS centers to assist in staffing a command center to serve as a link to RISS.NET for secure exchange of information on terrorism. Additionally RISS created a special section on the secure electronic bulletin board site on posting current sensitive intelligence regarding this tragedy. Following the September 11th attacks, the RISS Program also implemented a terrorism data base at one of the centers for use by the FBI Inland Northwest Regional Terrorism Task Force.

At no time in our history has the sharing of information among law enforcement agencies been more important. With RISS, we have a proven successful capability that we hope will assist law enforcement communities for years to come.

That concludes my formal statement. Thank you very much.

Mr. HORN. Thank you.

[The prepared statement of Mr. Nedelkoff follows:]

U.S. Department of Justice

Office of Justice Programs

Washington, D.C. 20531

STATEMENT

OF

THE HONORABLE RICHARD R. NEDELKOFF
DIRECTOR
BUREAU OF JUSTICE ASSISTANCE
OFFICE OF JUSTICE PROGRAMS

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY
AND HUMAN RESOURCES

AND THE

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY
FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

AND THE

SUBCOMMITTEE ON NATIONAL SECURITY, VETERANS' AFFAIRS AND
INTERNATIONAL RELATIONS

OF THE

COMMITTEE ON GOVERNMENT REFORM
U. S. HOUSE OF REPRESENTATIVES

ON

REGIONAL INFORMATION SHARING SYSTEMS

NOVEMBER 13, 2001
WASHINGTON, D.C.

Good Morning, Chairmen Souder, Horn, and Shays, Congressmen Cummings, Schakowsky, and Kucinich, and Members of the Committee on Government Reform. My name is Richard R. Nedelkoff and I am the Director of the Office of Justice Programs' Bureau of Justice Assistance (BJA). I am very pleased to be here this morning to discuss federal/state/local intelligence sharing in the context of the criminal justice system. As the Director of the BJA, I am well-positioned to see how federal funds and leadership can support the work of our state, local, and tribal partners.

The sharing of criminal justice information directly impacts the lives and safety of every United States citizen. In today's electronic age, with the advent of the Internet and other emerging technologies, the public has every right to not only expect, but demand, the integration of criminal justice information systems and the appropriate and effective sharing of information at the federal, state, and local levels. Whether it is intelligence about terrorist activity at the international level or criminal history information shared between local jurisdictions, the electronic exchange of information is one of the most powerful tools available to protect our communities.

It is in this environment that the Office of Justice Programs (OJP) has been a significant resource for supporting the development of information systems to enable the appropriate sharing of justice information. The goal of the Information Technology

Initiative is to help local, state, and tribal governments improve the safety and security of their communities through appropriate and cost-effective use of information technology, standards, and processes.

To meet the challenges of moving from a paper-based, stove-piped series of disjointed information centers to electronic systems that permit appropriate sharing, the Bureau of Justice Assistance (BJA) supports a Justice Integration and Information Sharing Initiatives. We are currently involved with:

1. Facilitating partnerships among justice-related components and the private sector to promote improved information sharing.

2. Supporting the development of governance models and policies to provide direction for local and state jurisdictions concerning privacy, security, and information quality for justice information systems.

3. Assisting with the creation of justice information system architectures that facilitate the sharing of data.

4. Facilitating the development and implementation of appropriate standards for the use of technology and justice-related information.

5. Assisting law enforcement agencies in identifying and applying appropriate principles and practices regarding the appropriate collection, processing, and sharing of intelligence information by justice information systems.

Assisting our state, local, and tribal partners with the appropriate sharing of criminal justice system information is not a new responsibility for us. In fact, our predecessor agency, the Law Enforcement Assistance Administration (LEAA), began funding the first major initiative, the Regional Organized Crime Information Center (ROCIC) in1974.

ROCIC, comprised of local, state, and federal law enforcement agencies in the Southeastern United States, was formed when law enforcement agencies at all levels of government banded together to share sensitive criminal intelligence information among the member agencies regarding criminal activity occurring in their region.

Because of the success it was enjoying, ROCIC's membership quickly expanded and, over the next several years, other regional centers were created. By 1981, all 50 states were covered by one of six regional intelligence centers in the RISS Program. A decade ago, there were 3,000 participating agencies; today, the RISS Program has over 6,000 federal, state, local, and tribal member agencies. Attached to my statement is a list of the centers and the states they serve.

RISS has responded to law enforcement's need for a network to share criminal intelligence around the country. Over the years, RISS has adapted to provide additional services including criminal intelligence analysis and related activities that complement and support the communication and exchange of criminal intelligence to support multijurisdictional investigations and prosecutions.

Because RISS is not operational and exists solely to house and share information, it is unique among intelligence sharing networks. As a result, RISS does not have jurisdictional turf issues. RISS is governed by its local, state, and federal law enforcement member agencies. Each RISS Intelligence Center has established a board of directors drawn from its membership. BJA provides overall funding oversight and program management for the RISS Program. Each center operates under BJA Guidelines and is governed by the Criminal Intelligence Systems Operating Policies (28 CFR [Code of Federal Regulations] Part 23).

In the beginning, RISS law enforcement intelligence sharing and communications activities were largely accomplished through the common means of that era: paper reports, telephonic exchanges, and personal contacts. As the program grew, and automation increasingly played a role, in 1990, the RISS Directors Association, made up of the executive director of each of the six RISS centers, began a long-range initiative called "RISS 2000."

This effort focused on establishing uniform automated databases at each of the six centers and creating an automated electronic link among the centers and their membership. Secure e-mail was also identified as an essential requirement in the development of the new automated capabilities.

In 1997, RISS and BJA, ahead of schedule and under budget, completed RISS.NET -- a Web-based, nationwide secure network for communications and sharing of criminal intelligence by local, state, tribal, and federal law enforcement member agencies. This secure network links the six centers and their member agencies using the common Internet, but in a secure mode.

The RISS Program created a private network that provides encryption software and authentication protocols using "smart card" technology. Today, RISS.NET is the only secure network serving law enforcement for the exchange of sensitive criminal intelligence information and providing secure e-mail services to agencies nationwide. RISS.NET is a proven, highly effective, law enforcement system. Law enforcement users access the public Internet from their desktop and have a secure connection over the RISS.NET Intranet to all RISS criminal intelligence databases and resources, including secure e-mail.

RISS.NET also includes the criminal intelligence databases at each RISS center (RISSIntel), a national criminal gang database (RISSGang), and an investigative leads

electronic bulletin board (RISSLeads), where members can post critical information regarding current and occurring criminal activity.

RISS member agencies receive a variety of other information sharing and support services. Each RISS center sponsors or co-sponsors meetings and conferences that build member agency expertise in investigative techniques, violent crime initiatives, computer crime, and emerging crime problems, such as terrorist activities. Each RISS center distributes timely print and electronic criminal information bulletins, flyers, and other intelligence information publications to their member agency personnel, which enhances information sharing within its region.

During CY 2000, the RISS centers began electronically integrating other law enforcement information systems, such as FBI systems and the High Intensity Drug Trafficking Areas (HIDTA), and other state and regional systems with the RISS network. State law enforcement agencies in California, Colorado, Missouri, Oregon, South Dakota, Utah, and Wyoming have electronically connected their systems to RISS.NET. Other systems will be connected if additional resources are made available.

On September 11th, the FBI asked the RISS centers for assistance in staffing a command center to serve as a link to RISS.NET for the secure exchange of information on terrorism. Additionally, RISS created special sections on the secure electronic bulletin board site on RISSLeads for posting current, sensitive intelligence regarding the tragedy.

The RISSLeads secure site is continuously updated.

Additionally, following the September 11th attacks, the RISS Program implemented a terrorism database in the Rocky Mountain Information Network (RMIN) for use by the FBI Inland Northwest Regional Terrorism Task Force. Recently, in a briefing for FBI officials and federal prosecutors, RISS officials demonstrated the database and RISS.NET capabilities for use with the newly designated terrorism task forces.

RISSLeads continues to be an invaluable resource as a means to quickly place critical information in the hands of appropriate law enforcement officials. An example of use of RISSLeads occurred immediately following the September 11 World Trade Center and Pentagon terrorist attacks. The RISS centers and their member agencies reacted quickly to post the names of the terrorist suspects wanted for questioning by the FBI on RISSLeads so that they were immediately accessible to all RISS member agencies nationwide. In addition, the FBI submitted those names and identifying data to the RISSIntel database.

The RISS centers, in conjunction with the BJA-funded State and Local Anti-Terrorism Training Program and the OJP Office of Domestic Preparedness, have scheduled additional terrorism training conferences in each region for their law enforcement member agencies. Nationally recognized terrorism experts will provide

training for member agencies on pre-incident awareness, interdiction, and prevention.

The RISS Program is currently operating at an unprecedented level of coordination in delivering criminal intelligence sharing and related services to local, state, tribal, and federal law enforcement. Security has always been and continues to be a major concern. On three separate occasions, RISS contracted with outside and independent security consulting firms to attempt unauthorized penetration of the system. None of the penetration attempts were successful. In the future, we will continue to assure the credibility of the security of the RISS.NET system.

BJA believes that the RISS Program with its RISS.NET network is ideally positioned to provide even greater services in the sharing of law enforcement intelligence information. As I noted at the outset, integrating systems at all levels of the criminal justice system is a priority, and we believe that RISS.NET will continue to be an important vehicle to integrate intelligence information with state and local criminal justice systems.

There has been no time in our history that the sharing of information among law enforcement agencies has been more important than it is now. With RISS, we have a proven successful capability that we hope will assist the law enforcement community for years to come. The new "USA PATRIOT Act", signed by President Bush on October 26th, explicitly authorizes the RISS Program to focus on terrorist conspiracies and

activities. I believe that the RISS Program, and its thousands of member agencies, will do their best to contribute to the war on terrorism.

Chairman Souder, Chairman Horn, this concludes my formal statement and I will be pleased to answer your questions.

REGIONAL INFORMATION SHARING SYSTEMS PROGRAM

Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN), Newtown, Pennsylvania, *serving* Delaware, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia, as well as Canada and England.

Mid-States Organized Crime Information Center (MOCIC), Springfield, Missouri, *serving* Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, as well as Canada.

New England State Police Information Network (NESPIN), Franklin, Massachusetts, *serving* Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, as well as Canada.

Rocky Mountain Information Network (RMIN), Phoenix, Arizona, *serving* Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, as well as Canada.

Regional Organized Crime Information Center (ROCIC), Nashville, Tennessee, *serving* Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, as well as Puerto Rico and the U.S. Virgin Islands.

Western States Information Network (WSIN), Sacramento, California, *serving* Alaska, California, Hawaii, Oregon, and Washington, as well as Canada, Australia, and Guam.

Mr. HORN. We now have Kathleen L. McChesney, Assistant Director, Training Division, Federal Bureau of Investigation of the Department of Justice. Glad to have you here.

STATEMENT OF KATHLEEN L. McCHESNEY, ASSISTANT DIRECTOR, TRAINING DIVISION, FEDERAL BUREAU OF INVESTIGATION, ACCOMPANIED BY DAVID WALCHAK, DEPUTY ASSISTANT DIRECTOR, CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, FEDERAL BUREAU OF INVESTIGATION; AND LYNNE HUNT, SPECIAL AGENT IN CHARGE, BALTIMORE FIELD OFFICE, FEDERAL BUREAU OF INVESTIGATION

Ms. MCCHESNEY. Thank you, Mr. Chairman. Good morning. Good morning, members of the committee. Also with me is Mr. David Walchak, who is Deputy Assistant Director of the Criminal Justice Information Services Division, and Special Agent in Charge Lynne Hunt of our Baltimore field office.

The FBI is aware of the concerns of law enforcement officers regarding their need for information to help them do their jobs safely, efficiently and completely. Recently Director Robert S. Mueller asked me to assist him in making improvements in the way we coordinate investigations with and communicate information to our law enforcement partners at the State and local levels. The manner in which we intend to do that is to first solicit the guidance and input of the law enforcement community as we have in the past in other endeavors.

In order to adequately respond to acts of terrorism as well as to potential threats, the law enforcement community generally works through established joint terrorism task forces, regional task forces or counterterrorism working groups. These task forces have been in existence since 1980, the first being in New York City. This has been the most successful way to address terrorism problems. The counterterrorism successes achieved by the joint terrorism task forces are due in large part to the promotion of an atmosphere of enhanced coordination—this immediate transparency between the FBI and its law enforcement partners.

There are currently 36 joint terrorism task forces in operation, to which there are more than 620 FBI special agent participants and 584 full-time and part-time officers from other Federal, State and local agencies. Our plan is to ensure that each of the FBI's 56 field offices has a joint terrorism task force and are covered through a regional terrorism task force.

Proposed fiscal year 2002 expansion includes establishing additional task forces in Baltimore, Honolulu, Milwaukee, Norfolk, Omaha, St. Louis, Kansas City and Little Rock. Our ability to establish and sustain task force operations nationwide is dependent on additional funding, however.

Director Mueller has also reached out to key law enforcement leaders throughout the United States and asked them to educate him on their issues and concerns. He held a series of meetings with representatives from the International Association of Chiefs of Police, major city chiefs and the National Sheriff's Association. These meetings have led to some new initiatives which we are following through. One initiative is to explore the feasibility of creating a permanent advisory board comprised of State and local law enforce-

ment executives to identify and address current issues that impact on our relationships. One specific goal of this group is to suggest categories of threat advisories that will assist public safety and Office of Homeland Security officials in providing the appropriate level of response to the various types of information obtained by the FBI or other sources. Our first meeting of this group is scheduled for November 16, 2001.

It is also apparent that much more needs to be done in the area of training. Hundreds of thousands of officers throughout the country can provide valuable information about criminal activity and offenders. Similarly, it is important to educate officers on how the FBI obtains information regarding potential terrorist acts, how it is evaluated, and the laws which regulate its use and transmission. The FBI is in the process of preparing training materials that will be disseminated to these officers so that we may use the force-multiplier effect in identifying wrongdoers.

Working through existing law enforcement academies, our local field offices and learning structures, we will also provide more training of the type that we have provided in the past to our joint terrorism task force members. We will utilize existing and future technologies such as Law Enforcement Online [LEO], which is the information highway for law enforcement, criminal justice and public safety information. We will also use NLETS, the National Law Enforcement Telecommunication Systems, which we have used in the past and has been very successful in getting information out to 18,000 member agencies.

These are some of the ways in which the FBI is working with its local partners. We realize there are other things that can be done, and with the new assignment that the Director has given me, I hope that I will be able to work with the members not only at this panel here, but our counterparts throughout the United States. Thank you very much.

Mr. HORN. Thank you very much. We appreciate your coming here, and you have a very distinguished career here.

[The prepared statement of Ms. McChesney follows:]

STATEMENT OF
ASSISTANT DIRECTOR KATHLEEN McCHESNEY
FEDERAL BUREAU OF INVESTIGATION
TRAINING DIVISION

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM

NOVEMBER 13, 2001

GOOD MORNING MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I HAVE SERVED IN THE FBI AS A SPECIAL AGENT SINCE 1978, AFTER HAVING SPENT SEVEN YEARS AS A POLICE OFFICER AND DETECTIVE WITH KING COUNTY POLICE IN SEATTLE, WASHINGTON. AFTER JOINING THE FBI, I INVESTIGATED CASES IN SAN FRANCISCO AND OAKLAND, CALIFORNIA, AND SERVED AS A SUPERVISORY SPECIAL AGENT AT FBI HEADQUARTERS AND IN LOS ANGELES, CALIFORNIA. I WAS THE ASSISTANT SPECIAL AGENT IN CHARGE OF THE FBI'S DETROIT FIELD OFFICE AND THE ASSOCIATE SPECIAL AGENT IN CHARGE OF THE FBI'S LOS ANGELES FIELD OFFICE. IN SEPTEMBER, 1996, I WAS ASSIGNED AS THE SPECIAL AGENT IN CHARGE OF THE FBI'S PORTLAND FIELD OFFICE AND SERVED AS THE SPECIAL AGENT IN CHARGE OF THE FBI'S CHICAGO FIELD OFFICE FROM MARCH 1999, UNTIL OCTOBER 2001. WHILE STILL IN CHICAGO, I OVERSAW CHICAGO'S INVESTIGATIVE EFFORTS IN THE INVESTIGATION OF TERRORIST ACTS AT THE WORLD TRADE TOWERS AND THE PENTAGON. I AM CURRENTLY ASSIGNED AS AN ASSISTANT DIRECTOR IN CHARGE OF THE TRAINING DIVISION AT THE FBI ACADEMY. I AM A MEMBER OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, THE INTERNATIONAL ASSOCIATION OF WOMEN POLICE AND A FORMER MEMBER OF THE ILLINOIS ASSOCIATION OF CHIEFS OF POLICE, THE ILLINOIS SHERIFF'S ASSOCIATION, THE OREGON SHERIFF'S ASSOCIATION, AND THE OREGON POLICE CHIEF'S ASSOCIATION. FOR THE PAST THIRTY YEARS, AS A POLICE OFFICER OR, AS AN FBI AGENT, I HAVE WORKED CLOSELY AS A PARTNER, WITH HUNDREDS OF LAW ENFORCEMENT OFFICERS THROUGHOUT THE

UNITED STATES.

WITH ME TODAY IS MR. DAVID G. WALCHAK, DEPUTY ASSISTANT DIRECTOR IN THE CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, OR CJIS. PRIOR TO COMMENCING HIS BUREAU EMPLOYMENT, HE SERVED AS A POLICE TRAINING SUPERVISOR FOR THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION; DIRECTOR OF THE MAINE MUNICIPAL ASSOCIATION; DIRECTOR OF THE MAINE CRIMINAL JUSTICE ACADEMY; CHIEF OF POLICE IN CONCORD, NEW HAMPSHIRE, HAVING SERVED THERE FOR MORE THAN 22 YEARS; AND ON OTHER NUMEROUS LAW ENFORCEMENT-RELATED BOARDS AND COMMITTEES. HE IS ALSO PAST PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE AND A GRADUATE OF THE FBI NATIONAL ACADEMY. IN THE 15 MONTHS IMMEDIATELY PRIOR TO HIS APPOINTMENT TO THE FBI, HE WORKED IN THE COMMUNITY ORIENTED POLICING SERVICES (COPS) OFFICE AT THE U.S. DEPARTMENT OF JUSTICE.

DAD WALCHAK HAS STRONG TIES TO THE LAW ENFORCEMENT COMMUNITY THROUGHOUT THIS COUNTRY. THESE PRIOR EXPERIENCES HAVE AND CONTINUE TO SERVE HIM WELL IN PERFORMING HIS CURRENT RESPONSIBILITIES. HIS PRIMARY RESPONSIBILITY IS TO STRENGTHEN THE PARTNERSHIP BETWEEN THE FBI AND LOCAL, STATE, OTHER FEDERAL, AND INTERNATIONAL LAW ENFORCEMENT ENTITIES BY ENHANCING COMMUNICATION, INTERACTION, AND INFORMATION SHARING CAPABILITIES.

ALSO JOINING ME TODAY IS SPECIAL AGENT IN CHARGE (SAC) LYNNE HUNT OF OUR BALTIMORE FIELD DIVISION. SAC HUNT OBTAINED HER LAW DEGREE IN 1978 AND ENTERED ON DUTY WITH THE FBI IN JUNE 1979. SHE HAS WORKED AND SUPERVISED A VARIETY OF CASES IN HER ASSIGNMENTS AT OUR CHICAGO, PHOENIX, AND WASHINGTON, D.C. FIELD DIVISIONS, AS WELL AS AT FBI HEADQUARTERS. IN 1996, MS. HUNT WAS APPOINTED AS THE ASSISTANT SPECIAL AGENT IN CHARGE IN BALTIMORE. SHE THEN RETURNED TO FBI HEADQUARTERS IN 1998 AS THE CHIEF OF THE FINANCIAL CRIMES SECTION. IN JUNE 2000, LYNNE WAS APPOINTED AS THE SAC OF THE BALTIMORE DIVISION.

UNDER HER DIRECTION, THE BALTIMORE FIELD DIVISION HAS PLAYED AN INSTRUMENTAL ROLE IN THE INVESTIGATIONS SURROUNDING THE TRAGIC EVENTS OF SEPTEMBER 11 AND THE ANTHRAX ATTACKS. THROUGH THEIR EFFORTS, THE FBI HAS DETERMINED THAT SEVEN OF THE 19 HIJACKERS STAYED IN MARYLAND PRIOR TO THEIR TERRORIST ATTACKS. MARYLAND IS ALSO THE LOCATION FOR SEVERAL FEDERAL MAIL FACILITIES WHICH HAVE BEEN FOUND TO BE CONTAMINATED WITH ANTHRAX. IT HAS BEEN DETERMINED THAT MAIL RECEIVED AT THESE FACILITIES FIRST PASSED THROUGH THE CONTAMINATED BRENTWOOD FACILITY. THEREFORE, IT IS POSSIBLE THAT THE CONTAMINATION OF THESE FEDERAL MAIL FACILITIES CAN BE TRACED BACK TO THE BRENTWOOD SITE. IN ADDITION, SEVERAL U.S. POSTAL WORKERS FROM THE BRENTWOOD FACILITY HAVE DEVELOPED ANTHRAX. MANY OF THESE INDIVIDUALS LIVE IN MARYLAND AND HAVE BEEN

INTERVIEWED BY THE FBI IN CONNECTION WITH THIS ONGOING INVESTIGATION.

I AM KEENLY AWARE OF THE CONCERNS OF LAW ENFORCEMENT OFFICERS REGARDING THEIR NEED FOR INFORMATION TO HELP THEM DO THEIR JOBS SAFELY, EFFICIENTLY AND COMPLETELY. RECENTLY, FBI DIRECTOR ROBERT S. MUELLER ASKED ME TO ASSIST HIM IN MAKING IMPROVEMENTS IN THE WAY THAT THE FBI COORDINATES INVESTIGATIONS WITH, AND COMMUNICATES INFORMATION TO, OUR LAW ENFORCEMENT PARTNERS AT THE STATE AND LOCAL LEVELS. THE MANNER IN WHICH I INTEND TO DO THAT IS TO SOLICIT THE GUIDANCE AND INPUT OF THE LAW ENFORCEMENT COMMUNITY, AS THE FBI HAS IN THE PAST THROUGH SUCCESSFUL ENDEAVORS SUCH AS INTERAGENCY TERRORISM WORKING GROUPS, JOINT TERRORISM TASK FORCES, NCIC AND IAFIS. OUR FUTURE COMMUNICATIVE EFFORTS WILL INCLUDE A SHARED WEB BASED TERRORISM DATABASE AND BULLETIN BOARD. WE WILL ALSO CONTINUE EXISTING EFFORTS TO COMMUNICATE INFORMATION THROUGH LAW ENFORCEMENT ON LINE (LEO), CONFERENCE CALLS, CITIZEN ACADEMIES, AND MEETINGS BETWEEN FBI SPECIAL AGENTS IN CHARGE (SACs) AND THEIR STATE AND LOCAL COUNTERPARTS. FURTHERMORE THE FBI WILL CONTINUE TO HONOR REQUESTS BY MEMBERS OF CONGRESS TO PARTICIPATE IN TOWN HALL MEETINGS.

PRESIDENTIAL DECISION DIRECTIVE (PDD) 39 MANDATES THAT THE FBI COORDINATE THE EFFORTS OF LAW ENFORCEMENT AGENCIES TO ENSURE

A COORDINATED AND VIGOROUS RESPONSE TO TERRORIST ACTS. PDD-62 REAFFIRMS THE FBI AS THE LEAD FEDERAL AGENCY IN BOTH PREVENTING TERRORIST ATTACKS AND INVESTIGATING THOSE ATTACKS WHEN THEY OCCUR WITHIN THE UNITED STATES, IN INTERNATIONAL WATERS (NOT INVOLVING THE FLAG VESSEL OF A FOREIGN COUNTRY), OR AGAINST U.S. PERSONS AND ESTABLISHMENTS OVERSEAS.

IN ORDER TO ADEQUATELY RESPOND TO THE POTENTIAL TERRORIST THREAT, THE FBI AND OTHER MEMBERS OF THE LAW ENFORCEMENT COMMUNITY COORDINATE MANY TERRORIST-RELATED MATTERS VIA ESTABLISHED COUNTERTERRORISM WORKING GROUPS, JOINT TERRORISM TASK FORCES (JTTFs) AND REGIONAL TERRORISM TASK FORCES (RTTFs).

THE FBI HAS HAD TERRORISM TASK FORCES IN PLACE FOR OVER 20 YEARS. THE FIRST FORMAL JTTF WAS ESTABLISHED IN NEW YORK CITY, IN 1980. BECAUSE OF THE SIGNIFICANT THREAT OF TERRORISM IN THE UNITED STATES THE FBI MANDATED THAT ALL FIELD OFFICES ESTABLISH AN INTERAGENCY COUNTERTERORISM WORKING GROUP AND/OR JTTF. THE JTTF CONCEPT HAS PROVEN TO BE THE MOST SUCCESSFUL WAY TO ADDRESS TERRORISM INVESTIGATIONS THROUGH AN INTERAGENCY APPROACH INVOLVING THE LAW ENFORCEMENT AND PUBLIC SAFETY COMMUNITY. THESE TASK FORCES BROADEN INTERAGENCY LIAISON AND COMMUNICATIONS, ELIMINATING A DUPLICATION OF EFFORT AND COMBINES FEDERAL STATE AND LOCAL LAW ENFORCEMENT RESOURCES IN THE FIGHT AGAINST TERRORISM.

THE COUNTERTERRORISM SUCCESSES ACHIEVED, THUS FAR, BY THE JTTFS ARE DUE, IN PART, TO THE PROMOTION OF AN ATMOSPHERE OF ENHANCED COORDINATION OR "IMMEDIATE TRANSPARENCY" BETWEEN THE FBI AND OTHER LAW ENFORCEMENT MEMBERS. THE PRESENCE OF FBI AND OTHER INVESTIGATORS REPRESENTING VARIOUS LOCAL, STATE AND FEDERAL AGENCIES ON THESE TASK FORCES BOTH ENCOURAGES AND ENSURES THE TIMELY AND CONTINUED SHARING OF VALUABLE INTELLIGENCE-RELATED INFORMATION BETWEEN THE PARTICIPATING AGENCIES. ALL JTTF MEMBERS ARE REQUIRED TO HAVE TOP SECRET CLEARANCES AFFORDING THEM ACCESS TO INFORMATION WHICH IS DEVELOPED THROUGHOUT THE COURSE OF AN INVESTIGATION.

THERE ARE CURRENTLY 36 JTTFS IN OPERATION, WHICH REFLECTS AN INCREASE OF 25 TASK FORCES SINCE 1996, TO WHICH MORE THAN 620 FBI SPECIAL AGENTS ARE ASSIGNED, AND APPROXIMATELY 584 FULL-TIME AND PART-TIME OFFICERS FROM OTHER FEDERAL, STATE AND LOCAL AGENCIES ARE ASSIGNED. FULL-TIME FEDERAL PARTICIPANTS IN THE JTTF PROGRAM INCLUDE THE IMMIGRATION AND NATURALIZATION SERVICE; U.S. SECRET SERVICE; NAVAL CRIMINAL INVESTIGATIVE SERVICE; U.S. MARSHALS SERVICE; U.S. CUSTOMS SERVICE; BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS; U.S. BORDER PATROL; U.S. DEPARTMENT OF STATE/DIPLOMATIC SECURITY SERVICE; POSTAL INSPECTION SERVICE; INTERNAL REVENUE SERVICE; DEPARTMENT OF INTERIOR'S BUREAU OF LAND MANAGEMENT; AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS; U.S. PARK POLICE; FEDERAL

PROTECTIVE SERVICE; TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION; AND THE DEFENSE CRIMINAL INVESTIGATIVE SERVICE.

IN ADDITION TO THE JTTFS, THE RTTF INITIATIVE SERVES AS A VIABLE MEANS OF ACCOMPLISHING THE BENEFITS ASSOCIATED WITH INFORMATION SHARING AND TRAINING FOR LAW ENFORCEMENT OFFICIALS IN A PARTICULAR REGION. FBI SPECIAL AGENTS ASSIGNED TO COUNTERTERRORISM MATTERS MEET WITH THEIR FEDERAL, STATE AND LOCAL COUNTERPARTS IN THE REGION ON A SEMIANNUAL BASIS FOR TRAINING, DISCUSSION OF INVESTIGATIONS, AND TO SHARE INTELLIGENCE. THE DESIGN OF THIS NON-TRADITIONAL TERRORISM TASK FORCE PROVIDES THE NECESSARY MECHANISM AND STRUCTURE TO DIRECT COUNTERTERRORISM RESOURCES TOWARD LOCALIZED TERRORISM PROBLEMS WITHIN THE UNITED STATES. THERE ARE CURRENTLY SIX RTTFS IN EXISTENCE: THE INLAND NORTHWEST RTTF, THE SOUTH CENTRAL RTTF, THE SOUTHEASTERN RTTF, AND THE NORTHEAST BORDER RTTF, THE DEEP SOUTH RTTF, AND THE SOUTHWEST RTTF. THE FBI'S JTTFS AND RTTFS ALSO COORDINATE WITH THE ANTI-TERRORISM TASK FORCE RECENTLY CREATED BY THE ATTORNEY GENERAL WORKING TOGETHER THE ATTF, JTTF, AND RTTFS ENSURE ALL RELEVANT AGENCIES' COORDINATION AND INFORMATION SHARING IS EFFICIENT AND COMPREHENSIVE.

THROUGH THE FBI'S COMMAND CENTER, KNOWN AS THE STRATEGIC INFORMATION AND OPERATIONS CENTER, OR SIOC, THE FBI IS COORDINATING EVERY ASPECT OF THE INVESTIGATION INTO THE TERRORIST

ATTACKS OF SEPTEMBER 11. THE SIOC IS THE NERVE CENTER FOR THE COOPERATION AND COORDINATION OF THIS INVESTIGATION BY AND BETWEEN FBI HEADQUARTERS, OUR 56 FIELD OFFICES, AND 32 OTHER GOVERNMENT AGENCIES PRESENT IN THE COMMAND CENTER.

THE SIOC CURRENTLY OPERATES WITH MORE THAN 500 PERSONNEL REPRESENTING THESE 32 DIFFERENT AGENCIES AND THEIR COMPONENTS. CRIMINAL DIVISION LAWYERS FROM THE DEPARTMENT OF JUSTICE ARE ALSO WORKING IN SIOC BOTH TO FACILITATE OBTAINING WARRANTS AND TO CONTINUOUSLY EVALUATE EVIDENCE.

THE FBI RECOGNIZES THAT EACH AGENCY REPRESENTED IN SIOC PLAYS A CRITICAL ROLE IN THIS INVESTIGATION. WE ARE ALL WORKING SIDE BY SIDE IN THE COMMAND CENTER SETTING INVESTIGATIVE LEADS, RESPONDING TO INQUIRIES, AND TRACKING THE HIJACKERS' ACTIVITIES AND CONTACTS PRIOR TO SEPTEMBER 11TH. WE HAVE ENLISTED THE PROFESSIONAL ASSISTANCE OF OUR STATE AND LOCAL LAW ENFORCEMENT PARTNERS ACROSS THE NATION IN TWO WAYS: FIRST, THROUGH OUR 35 JOINT TERRORISM TASK FORCES AND REGIONAL TASK FORCES WHERE FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AGENCIES PARTNER TOGETHER ON TERRORISM MATTERS; AND, SECOND, THROUGH THE ELECTRONIC DISSEMINATION OF THREAT WARNINGS AND LAW ENFORCEMENT INTELLIGENCE TO POLICE AGENCIES ACROSS THE NATION. IN THIS WAY, WE REACH APPROXIMATELY 18,000 LAW ENFORCEMENT AGENCIES INSTANTLY.

ON SEPTEMBER 1, 2001, THE FBI ESTABLISHED A WEB BASED

TERRORISM DATABASE TO PROVIDE A COMMUNICATIVE NETWORK FOR LAW ENFORCEMENT COMPONENTS LOCATED IN UTAH, IDAHO, MONTANA, AND WASHINGTON STATES TO SHARE TERRORISM INFORMATION IN ANTICIPATION OF THE 2002 WINTER OLYMPIC GAMES. THE SUCCESS OF THE FBI'S COUNTERTERRORISM PROGRAM RESTS IN ITS ABILITY TO SHARE INVESTIGATIVE AND INTELLIGENCE INFORMATION WITH LAW ENFORCEMENT NATIONWIDE. THE SYSTEM BEING UTILIZED BY THE INLAND NORTHWEST RTTF IS THE REGIONAL INFORMATION SHARING SYSTEM (RISS).

RISS IS AN INNOVATIVE NETWORK, SIMILAR TO LAW ENFORCEMENT ONLINE (LEO), FUNDED BY THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE. RISS HAS SIX REGIONAL NETWORKS WHICH LINK FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES FROM NEIGHBORING STATES INTO A REGIONAL COLLABORATIVE NETWORK. THE REGIONAL NETWORK SERVICING THE INLAND NORTHWEST RTTF IS CALLED THE ROCKY MOUNTAIN INFORMATION NETWORK (RMIN). RMIN IS HEADQUARTERED IN PHOENIX, ARIZONA, AND COVERS ARIZONA, COLORADO, IDAHO, MONTANA, NEVADA, NEW MEXICO, UTAH, WYOMING, AND CANADA. THE OTHER FIVE ESTABLISHED REGIONS OF THE UNITED STATES, CAN BE ACCESSED BY RMIN USERS THROUGH RISS. FUTURE EFFORTS WILL INVOLVE ESTABLISHING A WEB BASED BULLETIN BOARD FOR ALL TASK FORCES NATIONWIDE. THIS WILL ALLOW EACH TASK FORCE TO PUBLISH TERRORISM INFORMATION RELEVANT TO THEIR TERRITORY. THE SYSTEM IS STILL IN THE DEVELOPMENTAL STAGE.

THE FBI'S STRATEGIC PLAN FOR THE JTTF PROGRAM IS TO ENSURE THAT EACH OF THE FBI'S 56 FIELD OFFICES EITHER HAS A JTTF AND/OR COVERAGE THROUGH AN RTTF. THE CREATION OF THESE NEW JTTFS WILL RESULT IN AN EXPANDED LEVEL OF INTERACTION AND COOPERATION BETWEEN THE FBI AND THE LAW ENFORCEMENT AND PUBLIC SAFETY COMMUNITY THROUGHOUT THE NATION, ENHANCING THE FLOW OF INFORMATION BETWEEN THE PARTICIPATING AGENCIES. ADDITIONALLY, FIELD OFFICES WILL HAVE AN ENHANCED CAPACITY TO ENGAGE IN MORE FOCUSED, INTEGRATED APPROACHES TO COMBATING TERRORISM.

PROPOSED FY 2002 EXPANSION INCLUDES ESTABLISHING JTTFS IN EIGHT FIELD OFFICES. PROPOSALS ARE CURRENTLY BEING DRAFTED FOR ESTABLISHING JTTFS IN BALTIMORE, HONOLULU, MILWAUKEE, NORFOLK, OMAHA, ST. LOUIS, KANSAS CITY, AND LITTLE ROCK.

THE FBI IS FACED WITH A FORMIDABLE TASK THAT EXPERIENCE HAS SHOWN IS BEST ACHIEVED THROUGH THE UTILIZATION OF THE VAST RESOURCES AND PERSONNEL DEDICATED TO TASK FORCES. MOREOVER, GIVEN THE PERSISTENT AND GROWING THREAT POSED BY INTERNATIONAL TERRORISTS, THE U.S. GOVERNMENT'S COUNTERTERRORISM INTERESTS WILL BEST BE SERVED BY THE CONTINUED AND, AS APPROPRIATE, ENHANCED PRESENCE OF OTHER LAW ENFORCEMENT AND INTELLIGENCE ENTITIES, ON THESE TASK FORCES.

I NOW WANT TO COMMENT ON HOW DEEPLY COMMITTED THE FBI IS TO WORKING WITH ALL LEVELS OF LAW ENFORCEMENT TO ENSURE THE SAFETY

AND SECURITY OF OUR NATION, NOW AND IN THE FUTURE. ON OCTOBER 24, 2001, IN HIS REMARKS BEFORE THE UNITED STATES CONFERENCE OF MAYORS, AND AGAIN ON OCTOBER 29, BEFORE THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP) CONFERENCE IN TORONTO, CANADA, DIRECTOR MUELLER SPOKE OF THIS COMMITMENT. A COPY OF DIRECTOR MUELLER'S REMARKS TO THE IACP IS ATTACHED AT THE CONCLUSION OF MY PREPARED STATEMENT. SPEAKING SPECIFICALLY ON THE FBI'S RESPONSE IN REGARD TO THE TERRORIST ATTACKS OF SEPTEMBER 11TH, DIRECTOR MUELLER MENTIONED THAT THE FBI ESTABLISHED A TERRORIST PREVENTION TASK FORCE AT FBI HEADQUARTERS MADE UP OF REPRESENTATIVES OF A DOZEN DIFFERENT AGENCIES. ITS GOAL IS TO IDENTIFY AND STOP FUTURE TERRORIST ACTS WITH PROACTIVE INVESTIGATIONS AND TO PREDICT AND PREVENT FUTURE SCENARIOS. PRIOR TO SEPTEMBER 11th, THE FBI WAS, AND CONTINUES TO WORK WITH OUR COLLEAGUES AT THE LOCAL, STATE AND FEDERAL LEVELS TO EVALUATE SECURITY AT CRITICAL PUBLIC EVENTS AND TO PROTECT CRITICAL INFRASTRUCTURES LIKE WATER AND TRANSPORTATION SYSTEMS. OUR WORK IN THESE AREAS HAS BEEN SUPPORTED AT EVERY TURN BY LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES FROM ACROSS THE NATION. ONE OF DIRECTOR MUELLER'S HIGHEST PRIORITIES IS TO IMPROVE OUR WORKING RELATIONSHIP WITH OUR LAW ENFORCEMENT PARTNERS AROUND THE WORLD. HE STATED THAT HE IS CONVINCED THAT NO ONE INSTITUTION IS STRONG ENOUGH TO TACKLE THE CHALLENGE OF TERRORISM ALONE. NO ONE

AGENCY OR ENTITY AT ANY LEVEL, WHETHER IT BE FEDERAL, STATE, OR LOCAL, HAS THE RESOURCES TO DO IT ALONE. WE MUST WORK TOGETHER. LAW ENFORCEMENT, QUITE SIMPLY, IS ONLY AS GOOD AS ITS RELATIONSHIPS.

DIRECTOR MUELLER HAS REACHED OUT TO KEY LAW ENFORCEMENT LEADERS THROUGHOUT THE UNITED STATES AND ASKED THEM TO EDUCATE HIM ON THEIR ISSUES AND CONCERNS. HE HELD A SERIES OF MEETINGS WITH REPRESENTATIVES OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, THE MAJOR CITY CHIEFS AND THE NATIONAL SHERIFF'S ASSOCIATION. THE DIRECTOR AND THE ATTORNEY GENERAL HAVE SAT ACROSS THE TABLE FROM THE PHILADELPHIA POLICE COMMISSIONER, JOHN TIMONEY, AND THE BALTIMORE POLICE COMMISSIONER, EDWARD NORRIS, AND THE MAYOR OF GARY, INDIANA, SCOTT KING, AND OTHER KEY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS. THE MEETINGS WERE CANDID, OPEN AND PRODUCTIVE AND LED TO NEW INITIATIVES. ONE INITIATIVE IS TO EXPLORE THE FEASIBILITY OF CREATING A PERMANENT ADVISORY BOARD COMPRISED OF STATE AND LOCAL LAW ENFORCEMENT EXECUTIVES TO ADDRESS CURRENT AND FUTURE ISSUES THAT IMPACT ON OUR ESSENTIAL WORKING RELATIONSHIPS. A FIRST MEETING IS SCHEDULED FOR NOVEMBER 16th, 2001. DURING THIS MEETING IT IS ANTICIPATED THAT SHORT TERM SOLUTIONS FOR INFORMATION SHARING WILL BE DISCUSSED.

ANOTHER ISSUE THAT AROSE WAS THAT OF SHARING INFORMATION. IN THAT REGARD, THE DIRECTOR ENCOURAGED THE LAW ENFORCEMENT

LEADERS TO PARTICIPATE IN THE JOINT TERRORISM TASK FORCES (JTTFS) WHICH EXIST IN 36 CITIES OR TO BECOME PART OF COUNTERTERRORISM WORKING GROUPS, AND HE TASKED FBI SPECIAL AGENTS IN CHARGE WITH INITIATING TASK FORCES IN CITIES WHERE THEY DO NOT CURRENTLY EXIST.

IT IS ALSO APPARENT THAT MUCH MORE NEEDS TO BE DONE IN TERMS OF TRAINING. HUNDREDS OF THOUSANDS OF LAW ENFORCEMENT OFFICERS THROUGHOUT THE COUNTRY CAN PROVIDE VALUABLE INFORMATION ABOUT CRIMINAL ACTIVITY AND OFFENDERS. THE FBI IS IN THE PROCESS OF PREPARING TRAINING MATERIALS THAT CAN BE DISSEMINATED TO THESE OFFICERS SO THAT WE USE THE FORCE-MULTIPLIER EFFECT IN IDENTIFYING WRONGDOERS. SIMILARLY, IT IS IMPORTANT TO EDUCATE OFFICERS ON HOW THE FBI OBTAINS INFORMATION REGARDING POTENTIAL TERRORIST ACTS, HOW IT IS EVALUATED, AND THE LAWS WHICH REGULATE ITS USE AND TRANSMISSION.

WHILE THERE ARE AREAS FOR IMPROVEMENT, I WOULD BE REMISS IF I DID NOT ADVISE THE COMMITTEE OF OUR LONG-TERM PROVISION OF CRITICAL INFORMATION SERVICES TO STATE AND LOCAL LAW ENFORCEMENT. OUR CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, OR CJIS, HAS WORKED WITH THE CRIMINAL JUSTICE COMMUNITY FOR MANY YEARS UNDER A SHARED MANAGEMENT CONCEPT IN THE MANAGEMENT AND OPERATION OF THE FBI'S THREE NATIONAL CRIMINAL JUSTICE INFORMATION SYSTEMS: (1) THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM OR

IAFIS, (2) THE NATIONAL CRIME INFORMATION CENTER OR NCIC, AND (3) LAW ENFORCEMENT ON-LINE OR LEO. UNDER THIS SHARED MANAGEMENT CONCEPT, REPRESENTATIVES FROM LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT FROM ACROSS THE NATION AND THE FBI ARE PARTNERS AND STAKEHOLDERS. THROUGH THIS MECHANISM, ALL LEVELS OF CRIMINAL JUSTICE PARTICIPATE IN DECISIONS REGARDING THE POLICY, TECHNICAL, AND PROCEDURAL ASPECTS OF THE SYSTEMS. PARTICIPATION IN ALL THREE SYSTEMS IS VOLUNTARY, YET OVER 100,000 CRIMINAL JUSTICE AGENCIES CONTRIBUTE TO AND/OR HAVE ACCESS TO THE INFORMATION MAINTAINED AT CJIS. ELECTRONIC CONNECTION IS ACHIEVED THROUGH A NATIONWIDE NETWORK OPERATED AND FUNDED BY THE FBI, EMANATING FROM CLARKSBURG, WEST VIRGINIA. THE CJIS DIVISION MAINTAINS A SINGLE POINT OF CONTACT IN EACH STATE AND FEDERAL AGENCY. ACCESS FOR LOCAL AGENCIES, TO THE POINT OF CONTACT IN EACH STATE, IS PROVIDED THROUGH STATE OPERATED AND FUNDED NETWORKS.

AT THIS TIME, I WANT TO PROVIDE THE COMMITTEE WITH AN OVERVIEW OF THESE SYSTEMS AND THE PARTNERSHIP WE HAVE WITH LAW ENFORCEMENT IN OPERATING THESE SYSTEMS. THE IAFIS IS THE NATIONAL FINGERPRINT AND CRIMINAL HISTORY RECORD REPOSITORY AND IS ACCESSIBLE BY ALL CRIMINAL JUSTICE AGENCIES 24 HOURS A DAY, SEVEN DAYS PER WEEK, 365 DAYS A YEAR. THE IAFIS RELIES UPON INFORMATION SUBMITTED BY LOCAL, STATE, AND FEDERAL CRIMINAL JUSTICE AGENCIES. THESE SAME AGENCIES ALSO HAVE ACCESS TO THE

REPOSITORY TO RETRIEVE DATA. ALL INFORMATION ENTERED INTO THE SYSTEM IS FINGERPRINT-BASED. INFORMATION RETRIEVED IS VERY RELIABLE BECAUSE FINGERPRINT COMPARISON INSURES A POSITIVE IDENTIFICATION. FINGERPRINT SUBMISSION FOR CRIMINAL IDENTIFICATIONS ARE TYPICALLY COMPLETED IN LESS THAN TWO HOURS AND NON-CRIMINAL, OR APPLICANT FINGERPRINTS ARE PROCESSED IN LESS THAN 24 HOURS.

TO ILLUSTRATE IAFIS USAGE, THE FBI RECEIVED MORE THAN 15.4 MILLION FINGERPRINT SUBMISSIONS DURING FISCAL YEAR 2001. THIS EQUATES TO APPROXIMATELY 1.3 MILLION RECEIPTS PER MONTH AND REFLECTS A SIX PERCENT INCREASE IN RECEIPTS FROM FISCAL YEAR 2000. IN ADDITION, WE ADD APPROXIMATELY 5,000 TO 7,000 NEW ENTRIES DAILY FOR OFFENDERS WHO WERE NOT PREVIOUSLY INCLUDED IN THE DATA FILE.

A MUCH FASTER, BUT FAR LESS ACCURATE, MEANS OF ACCESS TO THE CRIMINAL HISTORY REPOSITORY PROVIDES FOR RETRIEVAL BY NAME, DATE OF BIRTH, SOCIAL SECURITY NUMBER, AND OTHER DEMOGRAPHIC IDENTIFIERS. THE INTERSTATE IDENTIFICATION INDEX, OR TRIPLE I, AS THIS NAME-BASED SYSTEM IS KNOWN, PROVIDES A RESPONSE WITHIN SECONDS TO INQUIRIES FROM REMOTE USERS.

FINGERPRINTS CAN STILL BE SUBMITTED IN HARD COPY AND ARE CONVERTED TO ELECTRONIC FORM BY CJIS. ELECTRONIC FINGERPRINT SUBMISSIONS ARE, HOWEVER, MUCH MORE EFFICIENT; AND, AT THIS TIME

57 PERCENT OF THE AVERAGE DAILY SUBMISSIONS (40,000) ARE IN ELECTRONIC FORM. FAILURE OF AGENCIES TO CONVERT TO ELECTRONIC FORM IS VIRTUALLY ALWAYS DUE TO LACK OF FUNDS TO PROCURE THE NEEDED EQUIPMENT OR PERSONNEL SHORTAGES PREVENTING PROPER STAFFING OF THE ELECTRONIC CAPTURE OPERATION. ONCE AN AGENCY CONVERTS TO ELECTRONIC FINGERPRINT SUBMISSIONS THE BENEFITS ARE MANY. NOT ONLY IS THE TRANSMISSION FASTER, ELECTRONICALLY SENT IN SECONDS RATHER THAN DAYS THROUGH THE MAIL, BUT THE PROCESS OF TAKING THE PRINTS IS FASTER. PRINTS TAKEN MANUALLY MUST BE DONE THREE TIMES, ONE COPY FOR LOCAL FILES, ONE FOR THE STATE REPOSITORY, AND ONE FOR THE NATIONAL REPOSITORY. TAKEN ONCE ELECTRONICALLY, ADDITIONAL COPIES MAY BE SENT EASILY. ALSO, THE FASTER A PRINT REACHES THE FBI, THE SOONER IT IS AVAILABLE TO THE REST OF THE NATION, EXTENDING THE BENEFIT OF ONE AGENCY SUBMITTING ELECTRONICALLY TO ALL AGENCIES.

ONE EXAMPLE OF THE VALUE OF ELECTRONIC ACCESS TO TRIPLE I INFORMATION IS ITS USE IN A PILOT PROJECT WITH THE IMMIGRATION AND NATURALIZATION SERVICE (INS) AT JOHN F. KENNEDY (JFK) INTERNATIONAL AIRPORT IN NEW YORK CITY AND AT THE NEWARK, NEW JERSEY, INTERNATIONAL AIRPORT. THE INS REQUESTED TRIPLE I ACCESS TO IDENTIFY CRIMINAL ALIEN PASSENGERS ON THE AIRLINES' ADVANCE PASSENGER MANIFEST WITH THE INTENT TO PROSECUTE ALL WHO VIOLATED THE IMMIGRATION AND NATURALIZATION ACT. AS THIS IS DEEMED AN

APPROPRIATE CRIMINAL JUSTICE FUNCTION, THE INS STARTED UTILIZING THIS CAPABILITY IN LATE 1999.

THE INS IS CURRENTLY SEEKING TO EXPAND THIS PROGRAM TO OTHER INTERNATIONAL AIRPORTS. A SERIES OF MEETINGS HAS BEEN HELD WITH THE INS, THE FBI, AND U.S. CUSTOMS SERVICE TO PLAN FOR THE ORDERLY EXPANSION OF THIS PROGRAM. THE U.S. CUSTOMS SERVICE IS INVOLVED BECAUSE IT PROVIDES THE INS WITH TRIPLE I ACCESS THROUGH THEIR TREASURY ENFORCEMENT COMMUNICATIONS SYSTEM, OR TECS. SYSTEM UPGRADES WILL BE REQUIRED IN ORDER TO HANDLE THE INCREASED VOLUME THIS WOULD IMPOSE ON THE TECS. THE CUSTOMS SERVICE HAS ADVISED THAT IT WILL TAKE APPROXIMATELY NINE MONTHS TO ACCOMPLISH ITS SYSTEMS UPGRADE. THEREAFTER, AN INCREMENTAL TRANSITION TO OTHER INTERNATIONAL AIRPORTS CAN BEGIN.

THE NEXT SYSTEM I WILL ADDRESS IS NCIC. NCIC IS A COMPUTERIZED INDEX OF DOCUMENTED CRIMINAL JUSTICE INFORMATION, AGAIN AVAILABLE TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK, 365 DAYS A YEAR.

THE OVER 40 MILLION RECORDS STORED IN NCIC ARE ENTERED BY, AND AVAILABLE TO LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT AGENCIES WHICH GENERATE APPROXIMATELY 3 MILLION TRANSACTIONS PER DAY, MOSTLY TO RETRIEVE INFORMATION FROM THE DATABASE. ACCESS TO THE DATA STORED IN NCIC IS RESTRICTED TO DULY-AUTHORIZED CRIMINAL JUSTICE AGENCIES. IN ADDITION TO LAW ENFORCEMENT, CRIMINAL

JUSTICE AGENCIES INCLUDE CRIMINAL COURTS, PROSECUTING ATTORNEYS, AND PROBATION AND PAROLE OFFICES.

THE NCIC DATABASE CONSISTS OF INFORMATION CONCERNING PERSONS OF INTEREST TO LAW ENFORCEMENT AND STOLEN PROPERTY. IN ADDITION TO THE CRIMINAL HISTORY INFORMATION AVAILABLE IN TRIPLE I, WHICH CAN BE ACCESSED THROUGH NCIC, DATA INCLUDES FUGITIVES, MISSING PERSONS, INDIVIDUALS ON PROBATION OR PAROLE, SUBJECTS INCARCERATED IN FEDERAL PRISONS (ENTERED BY THE FEDERAL BUREAU OF PRISONS), INDIVIDUALS AGAINST WHOM RESTRAINING ORDERS HAVE BEEN ISSUED, CONVICTED SEXUAL OFFENDERS, DEPORTED FELONS (ENTERED BY THE INS), AND PERSONS WHO HAVE THREATENED HIGH RANKING GOVERNMENT OFFICIALS (ENTERED BY THE U.S. SECRET SERVICE). STOLEN PROPERTY INCLUDES VIRTUALLY ANYTHING WITH A UNIQUE IDENTIFYING NUMBER SUCH AS VEHICLES, BOATS, LICENSE PLATES, GUNS, AIRPLANES, FINANCIAL INSTRUMENTS, APPLIANCES, AND PERSONAL ITEMS.

IN OCTOBER 1995, THE DATABASE WAS EXPANDED TO INCLUDE A CATEGORY OF INDIVIDUALS WHO ARE MEMBERS OF VIOLENT GANGS OR TERRORIST ORGANIZATIONS. SHORTLY AFTER THE EVENTS OF SEPTEMBER 11, INDIVIDUALS ON THE TERRORIST WATCH LIST WERE ENTERED INTO THIS DATABASE, WHICH CAN BE ACCESSED BY LAW ENFORCEMENT THROUGHOUT THE UNITED STATES. WHEN AVAILABLE, FACIAL IMAGES HAVE BEEN APPENDED TO THESE ENTRIES.

LAW ENFORCEMENT ON-LINE (LEO) IS THE LAW ENFORCEMENT,

CRIMINAL JUSTICE, AND PUBLIC SAFETY INFORMATION HIGHWAY OF THE 21st CENTURY. IT PROVIDES ALL LEVELS OF CRIMINAL JUSTICE A NATIONAL FOCAL POINT FOR ELECTRONIC COMMUNICATION, EDUCATION, AND INFORMATION SHARING. LEO CAN BE ACCESSED BY ANY APPROVED EMPLOYEE OF A DULY CONSTITUTED LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT, CRIMINAL JUSTICE, OR PUBLIC SAFETY AGENCY. IT PROVIDES A STATE-OF-THE-ART COMMON COMMUNICATIONS LINK TO ALL LEVELS OF THESE AGENCIES BY SUPPORTING BROAD, IMMEDIATE DISSEMINATION AND EXCHANGE OF INFORMATION. SOME OF THE SPECIAL FEATURES OF LEO INCLUDE: A SPECIAL TOPICS INDEX, WHICH PROVIDES A SECURE COMMUNITY AREA FOR INFORMATION RELATED TO LAW ENFORCEMENT; LEO ON-LINE SPECIAL INTEREST GROUPS, WHICH PROVIDES PUBLIC AND PRIVATE CONTROLLED MULTI-LEVEL ACCESS FOR MEMBERS OF SPECIALIZED ORGANIZATIONS AND DISCIPLINES IN PUBLIC SAFETY; NEWS GROUPS, WHICH PROVIDES BULLETIN BOARD CAPABILITY BETWEEN USERS AND POSTING OF TOPICAL INFORMATION; A MULTIMEDIA LIBRARY, WHICH PROVIDES AN EASILY ACCESSED MULTIMEDIA REPOSITORY ON A BROAD RANGE OF PUBLICATIONS, DOCUMENTS, STUDIES, RESEARCH, TECHNICAL BULLETINS, AND REPORTS OF INTEREST TO LEO USERS; DISTANCE LEARNING, WHICH PROVIDES ON-LINE TOPICAL LEARNING MODULES; AND E-MAIL CAPABILITY BETWEEN USERS. WITH THESE CAPABILITIES, IT IS EASY TO SEE THAT LEO IS AN IMPORTANT TOOL IN EQUIPPING OFFICERS TO COUNTER CRIMES THAT INVOLVE A COORDINATED EFFORT ACROSS THE

UNITED STATES, SUCH AS VIOLENT CRIME, MONEY LAUNDERING, ORGANIZED CRIME, AND COUNTERTERRORISM.

IN ADDITION TO THE THREE FBI SYSTEMS I JUST MENTIONED, THERE IS ANOTHER MEANS, ALREADY IN PLACE, BY WHICH THE CRIMINAL JUSTICE COMMUNITY CAN SHARE INFORMATION. THIS IS THE NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM, OR NLETS. NLETS IS A COMPUTERIZED, HIGH-SPEED MESSAGE SWITCHING SYSTEM. ITS SOLE PURPOSE IS TO PROVIDE FOR THE INTERSTATE AND/OR INTERAGENCY EXCHANGE OF CRIMINAL JUSTICE AND CRIMINAL JUSTICE-RELATED INFORMATION. A LOG OF ALL TRANSACTIONS IS KEPT TO PROVIDE SYSTEM STATISTICAL REPORTS AND MANAGEMENT INFORMATION.

NLETS IS SUPPORTED BY A COMPUTER SYSTEM LOCATED AT THE ARIZONA DEPARTMENT OF PUBLIC SAFETY IN PHOENIX, ARIZONA. THE SYSTEM CAN RECEIVE, STORE, AND FORWARD MESSAGE TRAFFIC FROM AND TO ALL ITS USER AGENCIES. ADMINISTRATIVE MESSAGE TRAFFIC ON THE SYSTEM INCLUDES ALL TYPES OF FREE FORM CRIMINAL JUSTICE DATA FROM ONE POINT TO ONE OR MORE POINTS. NLETS ALSO SUPPORTS INQUIRY INTO STATE MOTOR VEHICLE, DRIVER'S LICENSE, CRIMINAL HISTORY, AND OTHER STATE DATA BASES.

NLETS USERS ARE PRIMARILY CRIMINAL JUSTICE AGENCIES NATIONWIDE. COMMUNICATIONS SERVICE IS PROVIDED TO THE CAPITOL CITY FOR EACH STATE, THE DISTRICT OF COLUMBIA, PUERTO RICO, NUMEROUS FEDERAL AGENCIES, AND THE NATIONAL INSURANCE CRIME

BUREAU. THE SOLE INTERNATIONAL MEMBER IS THE ROYAL CANADIAN MOUNTED POLICE.

IN CLOSING, I AM CONFIDENT THAT THE FBI WILL CONTINUE TO BUILD STRONGER, MORE SUPPORTIVE RELATIONSHIPS WITH ALL LEVELS OF LAW ENFORCEMENT AND EMERGENCY RESPONDERS NATIONWIDE. I BELIEVE WE WILL GET THROUGH THESE DIFFICULT AND TRYING TIMES BY SUPPORTING EACH OTHER, BY UPHOLDING OUR VALUES, AND BY TAPPING INTO THE DEEP RESERVOIR OF DETERMINATION, STRENGTH, AND COURAGE THAT EXISTS THROUGHOUT AMERICA.

I THANK YOU FOR THE PRIVILEGE OF ADDRESSING THIS COMMITTEE TODAY. DAD WALCHAK, SAC HUNT AND I ARE AVAILABLE TO ANSWER ANY QUESTIONS THE COMMITTEE MAY HAVE OF US.

Mr. HORN. And our last Federal speaker is Joseph R. Greene, the Acting Deputy Executive Associate Commissioner for Field Operations, Immigration and Naturalization Service. You have a few million clients here and there at borders and in ships. So, Mr. Greene, we are glad to have you here.

STATEMENT OF JOSEPH R. GREENE, ACTING DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER FOR FIELD OPERATIONS, IMMIGRATION AND NATURALIZATION SERVICE

Mr. GREENE. Thank you, Mr. Chairman. And, Mr. Chairman and members of the subcommittee, I thank you for the opportunity today to testify concerning the Immigration and Naturalization Service's work with local and State law enforcement agencies.

The INS has always maintained a close working partnership of local law enforcement officials, and a number of initiatives have greatly enhanced these partnerships and have strengthened our mutual effectiveness in protecting public safety and security.

The first initiative I would like to highlight is section 287(g) of the Immigration and Nationality Act, which authorizes the Attorney General to delegate immigration enforcement functions to State and local law enforcement officials. Although the INS has in the past encountered problems in attempts to implement this authority, we stand ready to work with any local political jurisdiction on this issue. Since September 11th, we have received two such requests.

Meanwhile, we have worked with our State and local partners in law enforcement to better coordinate our respective law enforcement authorities to improve public service, and in this regard, we at the INS look forward to participating in the Attorney General's initiative to be announced later today. We fully support his goal for the Department to have a seamless relationship between State and local law enforcement agencies.

A major initiative to better improve the coordination between State and local law enforcement agencies and the INS is our Law Enforcement Support Center. This was established in 1994 as a pilot project and currently is deployed in 46 States. The LESC allows local law enforcement officials to make online inquiries regarding foreign-born persons under arrest during the time that the law enforcement agent processes them. These queries are checked at our support center against eight separate INS data bases, and if it is determined that the subject is in the United States illegally, the support center will lodge a detainer.

During fiscal year 2001, the LESC handled almost a quarter million inquiries, including 221,507 from State and local law enforcement agencies. In addition, in 1998, the Congress established the Quick Response Teams in 46 locations across the United States. These are teams of special agents designed to respond to local law enforcement officials in locations that have had little INS coverage in the past. By means of these teams, INS has been able to improve its response to local law enforcement. During the first three quarters of fiscal year 2001, QRTs responded to 7,608 requests for assistance, resulting in almost 11,000 arrests. In addition, 847 cases were presented to U.S. Attorney's Offices for prosecution, mostly for smuggling charges.

INS also participates with State and local law enforcement partners in major task force operations across the United States. Some of them we have talked about here at the table today. The Organized Crime Drug Enforcement Task Force, the OCDETF task force, which our colleagues from the DEA have mentioned, represent a significant contribution from the INS. We are involved in the High-Intensity Drug Trafficking Area effort, the Violent Gang Task Force in a number of major cities, and we are proud to play an important role in the Joint Terrorism Task Force. By the end of this fiscal year, INS will have more than 70 full-time agents assigned to JTTF; however, since September 11th, easily half of all of our special agent personnel have been dedicated to supporting the FBI counterterrorism investigations.

In addition, INS agents participate in at least 50 local task forces covering such broad areas as border safety, document and practitioner fraud. These are task forces that involve INS and other Federal agencies as well as State and local law enforcement officials.

Let me close with a word about training. During fiscal year 2001, INS trained over 8,000 State and local law enforcement officials in such areas as immigration law, policy and record systems, as well as joint efforts to address mutual law enforcement problems. For the second year in a row, INS has partnered with the International Association of Chiefs of Police to present its Responding to Alien Crimes seminar to as many local agencies as can participate.

INS recognizes the crucial role played by State and local law enforcement officials in establishing our mutual responsibilities to ensure public safety and security. We remain open and committed to doing whatever we can to improve our efforts in this regard.

Thank you for the opportunity, and I will be happy to take any questions.

Mr. HORN. Thank you very much.

[The prepared statement of Mr. Greene follows:]

TESTIMONY OF

JOSEPH R. GREENE

ACTING DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER

FOR FIELD OPERATIONS

IMMIGRATION AND NATURALIZATION SERVICE

BEFORE THE

HOUSE COMMITTEE ON GOVERNMENT REFORM

SUBCOMMITTEES ON GOVERNMENT EFFICIENCY,

FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS;

CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES; AND

NATIONAL SECURITY, VETERANS AFFAIRS AND INTERNATIONAL RELATIONS

ON

INS' RELATIONSHIP WITH STATE AND LOCAL LAW ENFORCEMENT

NOVEMBER 13, 2001
RAYBURN HOUSE OFFICE BUILDING

Mr. Chairmen and Members of the Subcommittees, I am pleased to have this opportunity to testify before you on the Immigration and Naturalization Service's (INS) relationship with state and local law enforcement. State and local law enforcement officials play a critical role in the total INS mission. In the normal course of events, state and local law enforcement officials encounter foreign born criminals who may not be citizens of the United States. INS has consistently worked with these officials to identify the immigration status of the individuals and begin appropriate actions as warranted. In addition to the many Border Patrol Agents, Immigration Inspectors, and Special Agents who work daily with other federal, state and local law enforcement agencies, INS has several components whose primary mission is to work with state and local law enforcement, including the Law Enforcement Support Center (LESC) and Quick Response Teams (QRTs). Both the INS and the state and local law enforcement organizations multiply the effectiveness of their forces through partnership arrangements such as task forces. INS encourages its officers at all levels to engage in joint law enforcement operations and task force efforts directed at uncovering significant criminal activities that involve aliens. While the Attorney General does have the authority under section 287(g) of the Immigration and Nationality Act (INA) to enter into formal written agreements with state and local political jurisdictions to delegate immigration enforcement functions to state and local enforcement officers, we have encountered problems in past attempts to implement this authority. Until this authority is exercised, the INS is always looking for ways in which INS and other enforcement agencies can use their own authorities, but in a coordinated manner. In fact, the partnerships that the INS has formed with state and local law enforcement officers are in large part responsible for the more than 86,000 criminal aliens INS located in Fiscal Year (FY) 2001.

In addition, officers in many of INS' programs conduct training for state and local law enforcement officers on subjects such as criminal aliens, and the detection of fraudulent documents. INS officers are also regularly asked to assist other law enforcement officers in tracking, locating and apprehending criminal fugitives or lost persons. The INS will continue to assist in these cooperative investigations.

While there are statutory limitations on the authorities of each agency, we are surely more effective working together than by working independently. Today I will discuss the many ways in which INS and state and local law enforcement work together effectively, both along the border and in the interior of the United States.

INTERIOR ENFORCEMENT

The INS has approximately 1,977 Special Agents to conduct investigations on suspected violations of the INA, including terrorism, smuggling, trafficking, apprehension of criminal aliens and numerous other criminal violations. The principles guiding the work of the INS investigations program are embodied in the INS' Interior Enforcement Strategy. This strategy envisions a seamless web of enforcement from the border to the Nation's interior. One of the key elements of the strategy is to facilitate coordination with other Federal, state and local law enforcement agencies to combat organized crime and individuals involved in criminal activity. Implementation of the strategy strengthens the INS' capabilities to enforce immigration laws and ensures that INS' enforcement activities are carried out in a consistent manner nationwide. This integrated law enforcement effort promotes national security, public safety, economic security and the preservation of constitutional rights by focusing first on those criminal aliens who pose

the greatest possible harm. The INS recognizes the vital role that other law enforcement agencies play in the overall success of its interior enforcement strategy.

One of the primary ways INS assists state and local law enforcement is through the INS Law Enforcement Support Center (LESC) located in Burlington, Vermont. The primary mission of the LESC is to support other law enforcement agencies by helping them determine if a person they have contact with, or have in custody, is an illegal, criminal, or fugitive alien. The LESC provides a 24/7 link between Federal, state, and local officers and the databases maintained by the INS. Forty-six states currently take advantage of this link with the LESC. The four remaining states, Idaho, Indiana, New Jersey and Rhode Island, as well as the Commonwealth of Puerto Rico will be able to access the LESC as soon as the National Law Enforcement Telecommunication System (NLETS) is programmed to link to the LESC. The databases maintained by the INS and used routinely by the LESC are the:

- Central Index System (CIS)
- Non-Immigrant Information System (NIIS)
- Student and Schools System (STSC)
- Deportable Alien Control System (DACS)
- Computer Linked Application Information Management System (CLAIMS)
- National Automated Immigration Lookout System (NAILS)
- Re-Designed Naturalization Application Casework System (RNACS)
- Refugee, Asylum and Parole System (RAPS)

The LESC also serves as a link between the police officer in the field and the National

Crime Information Center (NCIC) and the Interstate Identification Index (III). In FY 2001, the LESC received 221,507 state and local law enforcement inquiries, 10,155 investigative inquiries, 10,338 inquiries regarding foreign nationals seeking to purchase firearms, and lodged 1,465 detainers.

The LESC gives every law enforcement officer in the "on-line" states direct access to INS. When a police officer arrests an alien, the INS personnel at the LESC can provide that officer with vital information and guidance, and if necessary, they can put the police officer in contact with an INS officer in the field. On a daily basis, these interactions result in INS taking into custody individuals who are in the U.S. unlawfully and who may have committed a crime. The partnerships fostered by the LESC increase public safety by identifying criminal aliens whom otherwise might pose a threat to the local community.

Additionally, the LESC provides training to local and state law enforcement officers on how to access its information and on INS roles and responsibilities. The LESC uses staff officers to provide training to law enforcement officers. The LESC is currently developing a training division, which will have full-time personnel to conduct the training. During Fiscal Year 2001, LESC employees traveled to 34 cities in the United States to train Federal, state and local law enforcement officers. The LESC seminars typically trained 50 to 75 officers. The training seminars, conducted in concert with local INS District offices, instructed the officers in the mission of the LESC, the services provided by the LESC, and the national and local INS enforcement policies and procedures.

Another way in which INS has responded to the needs of the law enforcement community is through the strategic deployment of 45 Quick Response Teams (QRTs) across the United

States. QRTs, which are comprised of 200 INS Special Agents and Detention and Removal Officers, are generally deployed to locations where there has been little other INS presence. The primary duty of the QRTs is to work directly with state and local law enforcement officers to take into custody and remove illegal aliens who have been encountered by state and local law enforcement officers for violations of state or local laws. Through the third quarter of FY 2001, QRT officers responded to 7,608 requests for assistance from state and local law enforcement officers. The responses resulted in 10,998 arrests by the QRTs and 847 individuals were presented for criminal prosecutions. By way of example, QRT officers from the Atlanta and New Orleans Districts recently coordinated a joint investigation with local law enforcement agencies to dismantle an alien prostitution ring operating in multiple locations in Georgia and Tennessee.

The QRTs also provide briefings for state and local law enforcement officers on the INS' authority and law enforcement mission, the functions of the QRTs, and the QRT response policy. In FY 2001, the QRT officers briefed police officers from 408 agencies. The quality of the information shared by INS is reflected in the fact that certain law enforcement agencies are now including it in their academy training programs.

Recognizing that combating terrorism is best accomplished from a multi-agency approach, the Justice Department has established the Joint Terrorist Task Forces (JTTF) in key locations across the country. INS Special Agents assigned to the JTTF work closely with officers from the FBI and other Federal, state and local law enforcement agencies. Drawing on the investigative expertise and authority of the participating agencies, the JTTFs investigate suspected and known terrorists, terrorist organizations, and terrorist support mechanisms. State

and local law enforcement officers perform vital functions in the investigative efforts of the JTTFs, as evidence by the fact they are deputized as Federal officers and granted security clearances.

The INS Forensic Documentary Laboratory (FDL) also serves the needs of Federal, state and local law enforcement. The FDL provides a wide variety of forensic and intelligence services in support of the INS mission to enforce the immigration laws and combat document fraud. The FDL is unique among Federal crime laboratories both in its sole dedication to the forensic examination of documents, and its integration of an operational intelligence and training capability. In addition to directly supporting INS field officers, it also offers its services to other Federal, foreign, and state and local governmental entities. For example, the FDL has performed forensic document and fingerprint examinations for numerous state and local police agencies, Departments of Motor Vehicles (DMV), and local prosecutors offices. The FDL has also provided training in fraudulent document recognition to the International Association of Chiefs of Police (IACP), State and local police agencies, and DMVs. The FDL publishes the *Guide to Selected U.S. Travel and Identity Documents* (M-396), a highly instructive pocket guide for state and local law enforcement and other governmental personnel who encounter immigration and other U.S. documents.

Since 1986, the INS has had in place the Alien Criminal Apprehension Program (ACAP), which has one objective - to locate, apprehend, and remove criminal aliens from the community, and ultimately, from the United States, in as expeditious a manner as possible. Critical to the success of the ACAP is the assistance of state and local law enforcement officers in the identification and location of aliens arrested and/or convicted of serious local, state, or federal

criminal offenses. Every domestic INS district has a ACAP through which they have established partnerships with local, state, and Federal law enforcement, detention, and court officers to provide mutual assistance in ensuring public safety by identifying and removing criminal aliens from the United States.

For years, a primary focus of ACAP has been local jail initiatives where INS officers, working with local and county jail personnel, identify illegal and criminal or potential criminal aliens in pre-arraignment or pre-release situations. Once identified, an alien may be released to INS immediately and placed in removal proceedings or the recipient of an INS detainer. The detainer follows the alien through the judicial process and serves as a notification to a jail or detention facility that the INS will take custody of the alien upon the alien's release from custody.

For decades, the INS has actively participated in Federal, state, and local task forces that target criminal activities and enterprises with criminal alien involvement. One such task force is the Violent Gang Task Force (VGTF). INS agents assigned to the VGTF units in major cities throughout the United States assist local and Federal agencies in investigations and operations involving alien-based gangs and organized crime groups. The INS also has 127 Special Agents assigned to the Organized Crime Drug Enforcement Task Force (OCDETF) in nearly 60 cities across the United States. OCDETF is a multi-agency federal task force operating under the direction of the Department of Justice, which has as its primary mission the identification, investigation, prosecution, and dismantling of sophisticated organizations involved in narcotics trafficking.

Additionally, the INS Baltimore District recently established a protocol with the

Baltimore Police Department that provides 24-hour support to police officers who request INS assistance. This district-level initiative will foster a seamless law enforcement relationship and could be a model for similar protocols in other INS districts.

INS officers speak before local law enforcement groups about aliens and alien-related criminal activity. The primary purpose for these presentations is to develop and maintain liaison programs, establish channels of communication by which law enforcement officers can assist the INS in identifying criminal aliens, and to inform participants as to how the INS can assist them in their law enforcement efforts. Since 1990, INS officers have worked with the International Association of Chiefs of Police (IACP) by presenting at their "Responding to Alien Crimes" seminar for criminal justice personnel, including state and local law enforcement officers. To date, this Federally funded program has trained over 2,000 law enforcement personnel in 38 cities across the United States. The attendees are instructed on how to:

- identify aliens involved in crime
- identify fraudulent documents used by criminal aliens
- identify convictions that render an alien removable
- report criminal aliens to the INS
- establish liaison with INS

BORDER ENFORCEMENT

Border enforcement within the INS is comprised of many initiatives carried out by Border Patrol Agents and Immigration Inspectors. In addition to being the frontline for enforcement of U.S. immigration laws, the Border Patrol commits resources to multi-agency law enforcement operations on a continual basis. Over 80 agents participate in 38 task forces nationwide. These task forces are initiated in response to multi-jurisdictional problems which no single law

enforcement agency can completely solve. Issues dealt with include alien smuggling, drug trafficking, gang violence, and auto theft. Agents engage in activities such as surveillance, public investigative contacts, execution of warrants, prisoner transport and other support operations as necessary.

For the Border Patrol, task force operations serve as a secondary enforcement "tier" in efforts focusing on control of the immediate border area, such as Operation Gatekeeper. Task forces made up of Border Patrol agents, as well as other Federal, local and state law enforcement agencies, frustrate organized alien smuggling organizations by apprehending and removing or incarcerating the criminal aliens who tend to be mainstays of those enterprises. This is consistent with the current Department of Justice and INS emphasis on criminal alien apprehension and removal as a primary enforcement objective.

Task force operations also serve as a valuable force multiplier for the Border Patrol. To strengthen control of the Northern border, the Border Patrol is involved in teaming initiatives with Canada, such as Project NorthStar (an international task force) and the Interagency Border Enforcement Team which is comprised of Federal, state and local law enforcement as well as Canadian law enforcement agencies. The Border Patrol works closely with the U.S. Coast Guard in a joint mission to patrol water boundaries in the Great Lakes and Florida. The Border Patrol also works with the Bureau of Indian Affairs and local tribal police to strengthen those areas along the Northern and Southwest border that lie on Indian land.

To strengthen control of the Southwest border, the Border Patrol established a Mexican Liaison program with local, state, and federal Mexican law enforcement (including consulate officials). This program facilitates dialogue between the governments of the United States and

Mexico when border incidents occur such as shootings/assaults and deaths caused by inclement weather or arduous terrain.

Many Border Patrol sectors are located at remote border locations where they are the primary law enforcement presence. The Border Patrol works closely with state and local law enforcement to provide assistance in emergencies.

Within 36 hours of the events of September 11, the INS conducted Operation Safe Passage, deploying 317 Border Patrol Agents to 9 airports to ensure the safety of air travelers and the security of the nation's air transportation system. This operation involved coordinating efforts with the Federal Aviation Administration, U.S. Marshals Service, U.S. Secret Service, and many state and local law enforcement agencies. It was the ongoing liaison work with these agencies that made this operation possible.

Additionally, the INS began the Border Coordination Initiative (BCI) with the U.S. Customs Service in the fall of 1998. BCI is a comprehensive, coordinated border management strategy involving various Federal, State, and local law enforcement agencies on the southwest border. The BCI is committed to the creation of a seamless process at and between the land border ports-of-entry (POE) by building a comprehensive, integrated border management system that effectively achieves the mission of participating agencies. Each of the 24 BCI reporting areas that correspond to the major POEs and the Border Patrol stations in between are encouraged and asked to consider community wide approaches to conducting business. Law Enforcement issues are shared with state and local police agencies. By utilizing this common sense approach the agencies become force multipliers for each other resulting in numerous success stories that serve to reinforce the goals of BCI.

Working with Federal, state and local law enforcement entities is also critical POEs and pre-inspection sites around the country. At the land POEs, Immigration Inspectors query applicants and vehicle license plates through the Interagency Border Inspection System (IBIS), an automated lookout system. IBIS includes lookouts from all branches of the INS, the U.S. Customs Service, the Department of State, the Federal Bureau of Investigation, the Drug Enforcement Administration, and other Federal and non-Federal law enforcement agencies. In instances where an Immigration Inspector encounters an applicant with an outstanding warrant or a lookout for a missing, runaway, or endangered child, the Inspector must coordinate with the agency responsible for the lookout entry to confirm the warrant or lookout and determine the appropriate next steps.

Airport police routinely request assistance from Immigration Inspectors at the POEs to verify the status of entry and identity documents. Immigration Inspectors conduct document training for local law enforcement. At sea POEs, Immigration Inspectors routinely coordinate with the U.S. Coast Guard, port authority, and local law enforcement when dealing with stowaways, crew deserters, and to answer various crew-related questions.

In addition, Immigration Inspectors, like other INS enforcement personnel, cooperate with local and state law enforcement, as well as other Federal agencies for non-routine events. Some examples illustrate this point. Immigration Inspectors assisted with security at the Olympic Games in Atlanta and plan to do so early next year for the Salt Lake City Winter Olympics. In another instance, Inspectors coordinated with local law enforcement during the planning stages of the "2000 Tall Ship" events in Baltimore, New York, and various harbors along the east coast. In April of 2001, Canada hosted the Summit of the Americas. Political

activists organized protests at or near POEs along the northern and at some areas along the southern border. Immigration Inspectors and Border Patrol Agents cooperated with other law enforcement to ensure that these protests remained non-violent. To do so, Inspections and Border Patrol at the regional, district and local levels drafted contingency plans in anticipation of disturbances at and around the POEs. Many of the protests against the Summit of the Americas were very well organized. The demonstrations remained peaceful in large part due to detailed planning, cooperation, and information sharing between all law enforcement agencies involved on both sides of the border.

CONCLUSION

In closing, I would like to state that effective partnerships with state and local law enforcement agencies are essential to carrying out the INS' mission of deterring illegal migration and criminal alien activity in the United States. We are very grateful for the work of the many state and local law enforcement officers who assist INS daily in its mission and we are pleased to have the opportunity to assist them through our activities. Thank you for this opportunity to appear, Mr. Chairman. I look forward to your questions.

Mr. HORN. And I am now going to lead the Chair to Mr. Shays, the gentleman from Connecticut, who is one of the key people in the major subcommittee of the Government Reform, and we will go at 10 minutes each as we alternate between the majority and the minority. So, Mr. Shays, 10.

Mr. SHAYS. Thank you, Mr. Chairman.

Mr. Chairman, I want to thank you and Mr. Souder and the ranking members for agreeing to this tripart hearing here, and I want to thank our witnesses. I think I counted nine, and it is kind of tough to be at one end or the other and listen to all your colleagues speak. And so that is why we are leaving 10 minutes a side so some of you can jump in when you choose to.

I think this is a very important hearing, and I appreciate the fact that our Federal folks are agreeing to participate in the same panel because we want the interaction between Federal and our State and local. It seems to me we all pretty much agree. The local folks want the information, and the Federal folks think they should have it, but it is not happening. So my questions are going to be to try to figure out why.

I am going to state for the record what I choose to state whenever I have the opportunity. I believe we are in a race with the terrorists to shut them down before they have a better delivery system for bio and chemical weapons, before they get nuclear waste material and explode it in a conventional bomb, and before, heaven forbid, they get a nuclear device, which I have to say is a possibility. If there was a nuclear explosion in the United States, I would have to say to anyone who asked, I am not surprised. That is kind of scary to think of, but that is a fact. So that's why it's a war, that is why we are in a race, and that is why there is no excuse for not having this system work where you all on the local level get this information.

And I also would say to you I wouldn't be surprised if six or more planes in one event in one morning are exploded because we don't check for explosives in the belly of an aircraft. That's the truth. That's the reality. You know it, I know it, and the public should be aware of it. And, certainly, the terrorists know it.

My theory is this: Whatever the terrorists know, we should be willing to have the public understand. So some of this stuff that we basically say is such privileged information is not, because the people we don't want to have it know it. The only people who don't know it are the public.

Sorry for the long explanation. Let me get right to it. I want to first have the FBI explain to me—and this is not meant in an accusatory way—but have me understand why information on certain individuals was not shared with the INS and the State Department when we talked about visas, and why was it necessary in the Patriot Act to pass legislation to require this information to be shared?

Ms. MCCHESNEY. I want to make sure I understand your question correctly. You are talking about two specific individuals or individuals in general?

Mr. SHAYS. About individuals in general. There is data that the FBI had that the INS was not able to access and the State Department was not able to access, and because they weren't able to ac-

cess it, we let people come to this country we shouldn't have. In the Patriot Act, we require that information to be shared.

Ms. MCCHESNEY. There still is not—I don't want to overuse this word—seamless technology between all the Federal agencies. I think a lot of people are under the impression that State Department and INS and Customs can talk to each other technically. We can't do that. So the way we have tried to go around that is through our working groups and task forces so you have people who sit in the same room and have access to the same computers.

That is not the total answer. It would be a lot more effective if everybody had the appropriate technology, and hopefully I think that is where we are going.

Mr. SHAYS. But the bottom line is this information hasn't been shared, and why was Congress required to step in and solve this or mandate this information be shared? That is what I am having a hard time understanding.

Ms. MCCHESNEY. I think there was a need for more probably accountability with regard to the information-sharing, which may have motivated that. And I am not familiar with all the background with regard to legislation, so I don't want to say something I am not aware of.

Mr. SHAYS. With DOJ, in your testimony, Mr. Nedelkoff, you stated there were 6,000 Federal, State and local and tribal agencies or—that are members of RISS Program. There are 17,000 potential participants. What explains why we are still 11,000 short, not that everyone would have to, but why wouldn't we have more?

Mr. NEDELKOFF. I think there are a couple different reasons. Each governing board of a RISS center wants to ensure that law enforcement agencies who are partners are credible agencies and have a certain level of confidence in these agencies sharing information. So the process is somewhat selective. Also, I think over the last decade, particularly the last 5 years, there has been somewhat of a growth in the member of Federal agencies that are partners. Right now there are about 12 percent, which represents about 600 different Federal entities that are partners. The RISS centers sort of began years ago as entities who were concerned with maybe focuses like organized crime or drug trafficking and the means for information-sharing. There has been growth. There is room for more growth, particularly at the Federal level, and we want to encourage other Federal partners to become members.

Mr. SHAYS. I would like to ask my former colleague Asa Hutchinson, you clearly have the advantage of being on this side and now where you are now. If you were to list the biggest impediments to the sharing of information, is it first the need to—a security need, or is it a technology challenge like with the FBI saying to us, we don't have the capabilities to share?

Mr. HUTCHINSON. Congressman Shays——

Mr. SHAYS. I mean, we all want it, so why don't we just see it happen?

Mr. HUTCHINSON. I think there is a couple of reasons that we are not in an ideal world there. We've made enormous progress, but we have further to go, and I think part of it, as our FBI colleague indicated, was technology, that there could be better systems where we can speak to each other.

But I think it goes beyond that, that there has historically been a culture in law enforcement that we, you know, have a case we are operating. It is our responsibility to get it done. You have to overcome that inherent sense of a case, and I believe we've done this in our organized crime, our drug enforcement task forces and our narcotics effort. I believe we, to a very, very large extent, are sharing information, depending upon each other, but I don't think we moved that into other arenas.

And finally, I think there are some legal impediments. I mean, I look at the classified material that comes across my desk, you know, the Secret, and I'm thinking this is something that would be appropriate to share perhaps, but you can't do that, you know, and follow the law. And I appreciate—I believe, as Mr. Dwyer was talking about, how Homeland Security—in maybe having a role in having a clearinghouse to make sure information gets to where it belongs. But there are some of those legal impediments that perhaps Congress should look at as well.

Mr. SHAYS. Let me ask our local folks, we can't—there is clearly information that the more people who know, the less likely it is to be secure. In fact, that is the reason why some of us sometimes choose not to be briefed because we don't need to know it. And I don't want to take the chance of having the opportunity to communicate with my constituents and then telling a Member that part of the information I learned at a classified briefing, and this part I can share.

But how can we—I guess it would lead to this. Should the local police chiefs be given the same kind of clearance that I would have—the difference is that I get elected, and I have the clearance. But in other words, should there be a right of every chief of police to be given sensitive Federal data, or should there be someone else designated within the police force, for instance, to receive that? Obviously, it couldn't be everyone. It strikes me it couldn't be everyone. How can we get sensitive information shared on the local level?

Chief TIMONEY. I think I pointed out, it is pretty insulting. I have membership on the terrorist task force. My detectives get information that work on the terrorist task force, get information that they can't share with me that is top secret. I mean, that is ridiculous on the face of it. And I'm running the Philadelphia Police Department. I should know about all things that are going to affect Philadelphia.

Mr. SHAYS. You are saying your own people can't share information with you?

Chief TIMONEY. Certainly there is some information that comes across, but if it's top clearance, it's going to be shared with those folks that have top clearance. And also insulting part is the hurdles you must go through. In 1997, I was a member of the Defense Science Board for the Defense Department over the summer. I actually quit after 8 weeks because I had to leave the various meetings where you had to have super duper clearance. I didn't want to be. I was invited down, but it took weeks and weeks to get this clearance through.

Mr. SHAYS. I'm sorry I missed this part when you were testifying. Your basic point is people that within—is my turn up?

Mr. HORN. You have about 30 seconds. We can go back to it.

Mr. SHAYS. I will just come back. Thank you.

Mr. HORN. We now yield to the ranking member, Ms. Schakowsky from Illinois, and we are glad to have you here.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman. I appreciate all of the testimony today, but I want to give a special welcome to Chief Ramsey. I am from Chicago. I know that you spent about 30 years almost in the Chicago Police Department. And also Mayor King, a neighbor of ours in Chicago.

These are really difficult questions when you get down to the issue of sharing, it seems to me, and one of the tools that we put in the hands of law enforcement, and whose hands exactly are they in. It seems to me that one of the things that we have been struggling with since September 11th is that balance between giving law enforcement the tools it needs and still protecting what are so precious about the United States, and that is our civil liberties.

Chief Ramsey—I guess you were in Chicago when we had the Red Squad. In the 1970's, I was part housewife, part of a community organization that it turns out was spied upon secretly by a unit of the Chicago Police Department. So I come to this with a kind of heightened sensitivity to the potentials for overreaching.

Now, on the other hand, I am really aware—was it the mayor who said there is no national 911? And so clearly, you, at the local level, need to have more tools. To the extent that it's organizational systems that are failing, we have to improve that. To the extent that it's technology that doesn't allow for information-sharing, we have to fix it. To the extent that it's cultural issues, where we just don't want to share, that may happen, or a sense of disdain or disrespect that some of you seem to be saying at the local level that you feel.

But I am trying to understand, is there ever a reason that information that is held by the DEA, the FBI, the Justice Department, the INS, is there a reason why it should not be shared, or, if it is shared, that we make—is it with everybody? And I think Representative Shays was trying to get at that. Who shares? Who can plug into a RISS system or a LEO system and still make sure that this information is treated in the sensitive way that it should be?

So like as Mr. Shays, help me out here. There's got to be a balance somewhere. Let me ask maybe first the FBI in terms of this information. I think a lot of what we have been hearing is that the FBI isn't sharing.

Ms. MCCHESNEY. Thank you. One of your questions is who can plug into the RISS system, who can plug into LEO. All of law enforcement throughout the country can do that. Members of duly constituted law enforcement agencies can do that.

With regard to is there some information that should not be shared, the information that is so classified that you have to have the appropriate clearance, it does need to be shared only with people who have the clearance, and the chief is correct. In some cities where there are joint terrorism task forces, the task force members have the clearances, but their chiefs and superintendents do not necessarily have the clearances. They can ask for the clearances, and we can provide them. This is an onerous process, no doubt

about that, because those are the things—standards set forth by the executive branch for that.

Ms. SCHAKOWSKY. You can see on the face of that would create difficulties at the local level. I mean, it would seem to me, as Mr. Timoney said, how do you run a police department if people who work for you have information that they can't tell you?

Ms. MCCHESNEY. I think it would be a very good thing for the chiefs to have that—chiefs or someone they would designate, whether it be a commander of the detectives' division or somebody besides those members within their task forces who tend to be patrolmen, detectives and sometimes sergeants and lieutenants. But they are not the chief, because that person does not have time to participate in the task force.

Ms. SCHAKOWSKY. Yes, Mr. Dwyer?

Chief DWYER. I just wanted to add that any chief that has someone assigned to any type of a task force should have—be able to receive that information. I mean, how can you assign personnel from your department and not be aware of what they are working on? I mean, it comes right down to trust. Is there so much mistrust—and as I indicate in my testimony, our relationships continuously improve, but the perception is if a chief cannot receive information when he has some people or personnel assigned to that task force, then it is a real concern and a problem, and that's why some chiefs may pull out of some of these task forces for that reason. And that's why I indicated on the anti-terrorism task forces that they should be chaired by both the Federal and local law enforcement executive, and I think there would be great improvement that way as far as the perception of mistrust.

But I still have to say that the relationships between the Federal and the State and the local authorities are really improving at a very rapid pace in the last several months, in particular since September 11th.

Yes, Mayor.

Mr. KING. I have had the experience while mayor and before becoming mayor, I headed—you heard reference to the Organized Crime Drug Enforcement Task Force. I headed that from the U.S. Attorney's Office in the Northern District of Indiana 15 years ago. So I have seen task forces work effectively, and I have also seen them fail. That was one at the time. It may have improved since I was there, but I was in a room of adults arguing which Federal agency would get their initials first on a form to start a prosecution. So you have at its essence in my view, you have a management problem.

You have a circumstance today where—and I heard Congressperson Maloney talk about working off this JTTF model. Well, that's what the FBI wants. Your Attorney General wants ATTF. And they are distinctions with differences. The Justice Department is not yet together on what the form is going to be. Before we even get to the integration of these local resources, you have before you, in my view—and this has been expressed to the Attorney General by the U.S. Conference of Mayors, and been expressed to Governor Ridge—you have a classic management problem. You have a problem for which you never had a structure. Beginning in the 20th century, we didn't have standardized time.

Why did we get it? Because trains kept running into each other. Noon was wherever it was above your head wherever you happened to be. And then it finally dawned on us, gee, a lot of people dying. We better fix this. We better get a system.

And that's where the problem is. I think first federally, choose, pick. You want an ATTF model, you want a JTTF model. Personally the mayors support the ATTF. We think it is better jurisdictionally. But whatever it is, pick it. Then get rid some of these rule 6(e)s and other encumbrances that are addressed in the Schumer-Clinton Senate bill. Remove those obstacles in terms of the information-sharing. At the end of the day, these police chiefs are every bit as trustworthy, and that is at its root—every bit as trustworthy. And that is at its root. They're every bit as trustworthy as any Federal law enforcement official.

You have to add to that mix mayors and Governors. We're the many commanders in chief, and we may rely on law enforcement information and know it implicates a public health, a fire safety or other.

Ms. SCHAKOWSKY. Let me just ask you there, so do you think those security clearances are automatic—should be automatic with the job?

Mr. KING. I think the language in the Senate bill 1615 is if you are chief law enforcement official within a particular area, metropolitan area, if you are the chief elected official with appointing authority—some mayors do, some mayors don't—I do, for example, appoint my police chief—and a Governor who appoints the chief law enforcement authority for the State, which would also be the case, I think, in Indiana, automatically under the language of that Senate bill, yes, they are authorized to receive where necessary rule 6(e) and other information. It doesn't mean you get everything happening in a Federal grand jury. It's where it's necessary to address a particularized problem or threat.

I think that language works, but the structure—we don't have the structure, and that's why a lot of well-intentioned people at every level of government are kind of running around here. I don't think it is because there's animosity. I think everybody wants to fix this. We have never had this before, and we need a protocol that we replicate throughout the country. We have a classic management problem that lacks a system.

Ms. SCHAKOWSKY. Thank you.

Mr. HORN. I am going to start some time and then give the rest to Mr. Shays, but I want to know the release on photographs by the FBI watch list, what are the standards on that, and what happens, because it's clear that, let's say, our friends in Canada, they are helping us a lot in terms of the borders, the friends in some parts of the border, the Southwest, Southeast. So I'd be curious what releases there are, Ms. McChesney?

Ms. MCCHESNEY. If I understand your question correctly, can we be releasing the photographs of individuals on the watch list? Certainly, we can where we have them. Some of the individuals that have shown up on the watch list are name only information, and we can't verify that. What we found is in some cases stolen identity. So we might be putting up the photograph with the wrong person.

So we need to be very, very careful about that sort of thing, but it is an excellent idea. And the technology has come along to where we can do some of that through NCIC.

Mr. HORN. What about it, Mr. Greene, in terms of the Immigration and Naturalization Service?

Mr. GREENE. Thank you, Mr. Chairman. We experience this same problem that the FBI does in terms of having named and identifying biographical information, but on many occasions not having a photograph. Recently, we are getting some assistance in that regard by working with the Department of State. Of course, when they do non-immigrant visa applications at consular offices overseas, a photograph is part of that package, and we are working with the Department of State to deploy data bases to our ports of entry so that we will be able to access photos in addition to the biographical information that we currently have.

Mr. HORN. What do you have with the containers that come in—I've got two of the major ports in my constituency, and they only do about 1 percent, maybe 2 percent of the containers to take a look at it. And what are you planning to do? And Customs has the same thing here.

Mr. GREENE. Yes, sir. Customs, of course, has primary jurisdiction over cargo and containers as they come in.

Mr. HORN. Some come in, you know, and some of them have died in the containers at sea.

Mr. GREENE. I will tell you since the 11th, we have been working very closely with Customs to, first of all, to significantly augment our staff along the borders, especially at land ports and at airports. Along the land borders specifically, we have—and we thank the Governors of a number of States who have given us National Guard support. We've deployed additional Border Patrol assets to the Northern border to free up our inspectors to do the more thorough investigation in primary and secondary at the land ports in order to avoid precisely those kinds of problems with smuggling as we have seen in the past.

Mr. HORN. What I would like to know is how difficult would it be to deputize local police detectives, give top officers security clearances, because the FBI certainly would do the search, I would think. And the joint task forces cochaired, chaired by local law enforcement representatives seems to me to be absolutely needed if they are going to do this on either in the drug field or the smuggling and all the rest. Believe me, it's a lot of it.

Mr. GREENE. Yes, sir. The delegational authority is a very complex issue, as we found out on the two occasions when we worked with local jurisdictions to try to bring it to pass. There is a wide range of authorities that—law enforcement authorities that immigration officials, special agents and Border Patrol agents have from making simple arrests based on warrants to multiple arrests without warrant, from determining whether a person is a derivative citizen, to the particular kind of visa that they have.

Local jurisdictions have been daunted sometimes with complexities of the immigration law, but most specifically, local law enforcement officials have been concerned about the impact that their officers having immigration law enforcement authority might have on their other duties. As you might imagine, the Immigration Serv-

ice doesn't have the greatest representation in some of the communities where detectives and uniformed officers have to work, and some jurisdictions have been concerned about the chilling effect that having delegated immigration authority might have on people from the community coming forward to complain about other crimes.

Nevertheless, we are open to working with any jurisdiction that is asking for it. We are open to identifying the specific kinds of authority that they can have. The law allows us great flexibility with respect to the sorts of authority that can be delegated, the kinds of training we can provide, and the specific language of the formal agreement.

So I think it's a work in progress. It is one that we are certainly not closed to, and we intend to move forward with the two requests that we have already received since September 11th.

Mr. HORN. Now, on the deputizing of the local police, when did that go where they can't do it, it's got to be turned over automatically to the Border Patrol or what? Was that a legal ruling or what, if we get rid of it or put a law on it?

Mr. GREENE. It goes back, sir, to interpretations by the courts as to control of immigration being an exclusive Federal responsibility, and it was only in the amendment to 287(g) that the Congress acted to delegate that authority or have the potential to delegate that authority to local law enforcement officials.

Mr. HORN. We need to pursue that.

And, Mr. Shays, gentleman from Connecticut, take the rest of my time here.

Mr. SHAYS. Thank you.

Mr. Chairman, I would like to ask our chief from Baltimore, just as an example—first I want to say—actually I want to ask Chief Ramsey a question. Do you feel you received total cooperation from the Federal Government in sharing information, given that this is the Nation's Capital?

Chief RAMSEY. I believe I'm getting the information they're allowed to give me. That doesn't mean I'm getting all the information I need, and there is a difference, and I think that has been the basis of this discussion. There is some limits on the information.

And in response to a question asked earlier, is there some information that perhaps we don't need, I would say yes. I don't need to know the source, for example, the name of an informant. I don't need to know that. I just need to know if it's credible. But I need to know the information.

So there are some things that need to be worked out, and I am confident if we sat down and really talked through these issues, that we'd be able to do that. But there's always some information that is being withheld simply because of this issue of clearances, and that simply can't be allowed to continue.

Mr. SHAYS. You have a very unique problem given that you are in charge of the Nation's Capital, and it seems to me we should be working overtime to try to solve in the short run that problem. I'd be happy to have some of my committee staff sit down with you. If you had specific suggestions to make to the staff, I'd be happy to——

Chief RAMSEY. The other part of this for our local police chiefs, I am willing to do anything that I need to do to keep our city and Nation safe and secure, but I have another responsibility for patrolling the neighborhoods, and when I have to take resources to protect certain areas of the city, there is blowback from that in our neighborhoods. And if I don't even have the information to justify why it's being done—I'm doing it because I'm asked to do it—that just creates another problem where it makes it very, very difficult to justify the use of resources to protect some Federal parts of the city as opposed to using all of my resources out in the neighborhoods of D.C.

Mr. SHAYS. Commissioner Norris, we have used as an example that you don't need weapons of mass destruction in the typical biological sense or a nuclear device. You could simply explode, detonate, a chemical agent, say, through the Baltimore tunnel. What kind of cooperation do you need from the Federal Government to make that less likely?

Chief NORRIS. If you are referring to the train wreck, that still has not been determined if that was an accident or a terrorist act this summer, and this is our concern. And the cooperation we need—besides, I think we need fencing. Philadelphia is in the same boat. Many East companies have a lot of chemicals stored right in the urban center, and there needs to fencing and some security done by the railroad that would help us.

But more than anything, if there is a going to be a nuclear attack, biological or bombs and bullets, it is still going to be delivered by people, and what we need and what we are asking for is human intelligence. That is the only way we are going to deter this. If they are going to hijack a plane, detonate a nuclear device, it's still going to be done by human beings. And this is what is so important to the police of America. When we have these discussions, you are looking at the homeland defense. It's us. It's not the military. We, the police of America, are the ones that are going to protect this country from the next terrorist attack. And the fact that—Commissioner Timoney said that is insulting. It usually is just insulting. Now it's dangerous. We need this information. We need it now. We can't wait any longer. We can't have discussions 2 years from now. The police chiefs of America need to have this. We can't have detectives who have classified information, who can't tell their chiefs—I think he has 7,000 cops in Philly. He doesn't know where to put them.

You know, this is what we are talking about, and I am trying to stress this at every hearing. More than anything we need—all this other stuff is great. Technology, when it comes, will be just wonderful. Right now we are taking on a sheet of paper. I will take any pictures they have on Polaroids. This is all we need. We just need the information. The technology will catch up. We are in a race with the terrorists, and if we don't act now, we are going to be in deep trouble. We need human intelligence. The only thing I would like to come out of this hearing with more than anything else is we need to get going on exactly what all of us have spoken about, is a much more free information flow back and forth.

Mr. SHAYS. I would like before this hearing ends—and I will come back to it—but I would like you to give me your top two

things that you would want to see come out of this hearing. But I would like to, when I have my next turn, just literally go down the row here. But I think what you would agree with, and perhaps maybe not, and I need to have you tell me, if we have so many chiefs around the country, there are some that don't need information, there are some that do. How do we determine which chiefs need information?

Chief NORRIS. You are never going to know who needs it, sir. If you're looking at some big cities here—but the chief of Portland, ME, had them in his town. We're not going to know where it's going to come from. So police chiefs around America need to be cleared. If they don't pass their background check, they don't pass their background check, and then you deal with it that way. But right now, we all need the potential to be told. And the example I can give—my counterpart is here from the FBI. We got information—it is not a secret, it was on the news—but she was able to relay information to me that we acted upon. I didn't need to know the source. I didn't need to know where she got it from, but there was going to be an anthrax attack in Baltimore on a certain day and time. By getting me this information, we were able to act upon it and protect our city. I didn't ask her where it came from. I didn't ask what the CI's name was. I don't care. I don't care today. But by doing this, she protected the people of my city, and this is what we are asking for nationwide.

The problem is we don't know what is going to happen next. It could be in one of the major cities you're looking at, but it could be in some small town, and this is the problem.

Mr. SHAYS. What I would love to have explained to me, which I'm still uncertain about—how much time do I have left—I am unclear as to how some parts of your department are clear and some parts aren't. And I guess, Chief, you were——

Chief TIMONEY. Well, whether it's Philadelphia or New York, we would assign a detective or detectives, but it would take anywhere from 6 weeks to 10 weeks for them to get their clearance. They would be assigned over there, but they would be given routine work until that clearance came through.

Mr. SHAYS. So the people that have clearance are actually assigned to details and operations done by the Federal Government?

Chief TIMONEY. They work over at the terrorist task force which is situated within the local FBI office.

Mr. SHAYS. But they are in a sense basically working in conjunction with the FBI, and the FBI is basically enabling them to have that information, but it stops just with the people who are working with them?

Chief TIMONEY. Correct. To be fair, you do get—there's certain information that you do get that can be shared that doesn't come back with the tag "top classification." But if it comes back with the tag "top classification," then by law it can't be shared, or if it comes from the CIA to the FBI terrorist task force and says, you can't discuss it, it's only top clearance, then they can't discuss it. And if you have private conversations off the record with the FBI agents or the ASACs, they will tell you the exact same thing.

Mr. SHAYS. It is easy for me to visualize why you as a chief—if your people are involved, why you as a chief should be involved.

But the terrorists are basically operating with an intent to get this information as well. It would strike me that they could basically infiltrate a very small community, be in a position of sensitivity, just as organized crime does the same thing, and then gain access to information that can be very destructive. So you can be incensed, Commissioner, that this isn't fair, but I could also say it would be pretty stupid to share it with the enemy. I am trying to know where we kind of draw the line.

Chief NORRIS. Maybe we misunderstand each other. We deal with this information every day in a different way. I mean, we all deal with confidential informants, life-and-death situations, and we have to weigh decisions every single day. And we act on information we get to prevent a murder perhaps; is that going to blow the informant's cover. But the fact is by withholding information, is that solving the problem?

No matter who—Hansen had a clearance, Ames had a clearance—they leaked information. Everyone has got their problems. There are a millions reasons to say no. We have to find a reason to say yes and start moving this forward. I have 3,500 police officers. They don't all need this information, but I certainly need it. I mean, just the top people in the agencies need it, with a select few others, and that's all we are asking for.

Mr. SHAYS. I would agree that the chiefs would need it. And does every chief in the entire country get it, or do we draw a line somewhere with those departments that are actually working with Justice?

Chief NORRIS. I would say no. The problem is there are 18,000 police agencies in America. Some have seven police officers. But I think Commissioner Timoney's recommendation was you start with the 52 largest law enforcement agencies in America. That compromises 60 percent. We could help the smaller agencies. But there are 52 American agencies that you may want to start with.

Mr. SHAYS. My time is running out. I'll be happy to work on legislation and try to put this on a fast track with my colleagues on both sides of the aisle.

Chief TIMONEY. If I could give you one example. Both in 1993, when I was up there when the first bomb went in the World Trade Center, and the last one, 14 or 15 of those 19 guys lived in and around the New York City area. A local cop could have very easily pulled them over and stopped them for a variety of reasons, a missing license plate or something like that. There's a need to get that information out there.

Mr. SHAYS. Thank you, Mr. Chairman.

Mr. HORN. I yield 10 minutes to the gentlewoman from New York Mrs. Maloney.

Mrs. MALONEY. Thank you, Mr. Chairman. And I want to tell you on behalf of my constituents in the city that I represent, we all appreciate very much what you have done, what your counterparts have done. I tell you what you said earlier, the 911 goes into the police department, the fire department, the emergency medical responders, and they perform brilliantly. And there's really a limited amount that you can do in the Federal Government but support the localities in their efforts in fighting crime.

I believe Mr. Norris spoke about, or Mr. King, my comments on trying to support the JTTFs, which basically is an antiterrorism unit, both domestic and international, that right now gives security clearance to the members of that organization, and it is supposed to be working with the local groups to share the information that we are talking about. And I am not wedded to any particular form, but it's just one that's been—I believe the first one was in New York City, and it seems to be working well.

Ashcroft came out with another antiterrorism task force, but it's my understanding that it is just Federal, but we don't need to have two. You should decide which is the one you are going to support, and I personally believe that the Federal Government should pay the salaries of people who participate in it. Every time you take a police officer off the streets in New York, that's a cost to our people in protecting our people, and they need protection. And we are constantly having crises. And I think INS should be—their staffs should be paid, and resources should go into—whether it's the Ashcroft model or JTTF model, we have to get down to the local governments sharing the information on a local level.

I would like to put in the record an article that was in the New York Times yesterday in which local officials accused the FBI of not cooperating.

Earlier, Mr. Norris, you were given examples of how they gave you information, and you were able to respond. Our own Mayor Giuliani was particularly disturbed about he believed the FBI knew about anthrax attacks—that he learned about it in the press. And I would like to ask Ms. McChesney to respond and give your point of view. And you are quoted in the article, and you said, we are fighting the terrorists, not each other, and you are talking about how they are cooperating. But we have the example of the mayor of Reno saying that he learned from local television that there was an anthrax attack on a Microsoft office, and he claims the FBI knew about it.

And then the classic example at the end is one that was referred to earlier where they were out in—the Afghan man was under FBI surveillance for weeks, and the chief said, I don't have to know what's going on in L.A., but I think I am entitled to know what's going on in Portland. And I would like her to respond that.

Very briefly, I had an experience of my own when I was a member of the city council, probably when I felt the most ineffective in my life. There was a drug den on West 107th Street. I complained to the police over and over and over again, wrote letters, called them, and they didn't do anything. I was furious. I felt very ineffective, and my constituents were extremely upset. And I couldn't even go near the street that people didn't run up and try to sell drugs to me as a member of the city council.

And about 6 months later the police commissioner called me about 12 midnight and said, Maloney, we are busting them tonight. We had a 6-month undercover operation, and we are going to go in there and clean up the street. And they went in, and they had filmed everybody, put them all in jail, and we turned the street into a playground. And it was a great community story, but I felt very much like the police officers feel right now in why didn't you tell me. I was so furious. I was so angry. And he said, we had no

need to tell you, and you may have told a constituent as they were pressuring you, don't worry, the police are doing an undercover, and it might have gotten out. And I just give that as an example of the very delicate balance.

I believe Mr. Norris mentioned Mr. Ames and Mr. Hansen. Probably the most important asset we have is human intelligence and the need to protect it. We in Congress have doubled our budget for human intelligence. We are weakening it, and I think that we do need a balance. But our heroes, which are police officers, our mayors and people on the front lines really need to know this information.

So I would like to give Ms. McChesney the opportunity to respond to this article that is highly critical of the FBI withholding photographs, withholding information on anthrax. I am wondering did you even know about it? Maybe they think you are smarter than you are. But it is a serious allegation that valuable information could be withheld from people that could get out there and help people.

Ms. MCCHESNEY. Just to step back a minute to your suggestion relative to the salaries for task force members of those representatives from local law enforcement, right now what we do with regard to the joint terrorism task forces is there is overtime payment made by the Federal Government. Their automobiles are provided. The computers are provided. The space is provided. The cell phones and the communications devices are provided to those members. Now, that doesn't take care of their salaries.

One of the things that we have seen is that some police departments have been reluctant to provide members to task forces because they have their own resource problems, and because sometimes a task force—I will use Chicago as an example—the members of our task force there would be working on things that occurred in the city of Chicago. And some of the suburban police departments did not feel it was cost-effective to send an officer even on a part-time basis into the city limits of Chicago to work with the joint terrorism task force because they didn't see a direct connection between a particular suburb and Chicago. So I did want to mention that.

With regard to the article, local law enforcement should not learn from television something that's going on, nor should we in the FBI. There are times we don't have the information that people think we do have. There are times that we do have information relative to sources, and where the sources are protected or that come from foreign governments, we can't provide that information. However, we can and always have provided information that relates to planned criminal activity that we are aware of. We find ways to do that under 6(e) that's been allowed; that if information has come forward to a grand jury about other criminal activity, that can be provided, and it has been provided.

Now, I can't guarantee you that each and every case that it has. That's a training issue. We need to make certain that we train our agents and our analysts that protecting information first—that's what we teach them on day 1—but when it is appropriate to share and how you do that.

And the other point is making sure that the right officials and the major city chiefs—and our Director has met with them as recently as 2 weeks ago—have the appropriate clearances; that it's not an easy thing to do, but it's not a difficult thing to do in the sense that we can do that. And I think it's an excellent idea.

Mrs. MALONEY. OK. I would like if you could comment on the recent press conference on an incident in the Chicago airport regarding an individual who was discovered to be carrying several knives. And it's my understanding that the local law enforcement released the individual prior to contacting the Federal law enforcement. And could you explain to me the procedure which is in place and what, in fact, occurred in that incident?

Ms. MCCHESNEY. I am not aware of all the details of that incident, and I can get them for you if you would like. The procedures and my knowledge of that particular incident, having talked to the FBI agent involved, the FBI agent involved was with the local police, so I am not certain as to the accuracy of the article that you're seeing.

Mrs. MALONEY. And it's my understanding that some of the information the FBI has is not necessarily their information, and therefore they do not control the ability to pass the information. And could you explain how, in fact, it works?

Ms. MCCHESNEY. That's correct. There is information that we do receive from other sources, some information that we've received from FISA sources, Foreign Intelligence Surveillance Act, from technical means, that because we didn't generate the information, because the source wasn't ours, the person who originates the information or actually gathers it has control over how it's disseminated. They may give it to us, but they may not allow us to further provide it. But as I said, if it pertains to criminal activity that's planned that we can specifically provide to our law enforcement partners, that's what we are to do.

Mrs. MALONEY. There's been some reference before to this legislation that will, quote, allow the sharing of information, but many people talk about turf. If the turf is there, the sharing is not going to take place. And I'd like all of the officials to respond to that legislation. Will it in fact make a difference? Right now, cannot the FBI declassify information or you can sensitize the information? So how in the world is that changing the situation? That's what I'm saying, you know.

Ms. MCCHESNEY. We can—if we are the originator of this, the information, we can change its classification. But what we have often done through our national threat warning system, which has been work being quite effectively for the last 5 or 6 years, is to provide communications through telecommunications networks which actually have a terror line and the information which is provided below that can be disseminated to any law enforcement source.

Mrs. MALONEY. Very briefly, I'd like to ask Asa Hutchinson, we've all heard about the opium trade in Afghanistan. First of all, are you a member of the JTTFs, the DEA, and are you sharing the information that you're finding out about Afghanistan and the drug trade.

Mr. HUTCHINSON. Thank you, Congresswoman Maloney.

The answer is that the Attorney General set up the task force within the U.S. Attorney's Office, and the DEA is a part of that and participating in it.

Mrs. MALONEY. So you are in the Ashcroft task force but not the JTTF on the local level?

Mr. HUTCHINSON. I believe that is a correct statement. If the FBI——

Ms. MCCHESNEY. Let me explain that. The antiterrorism task force was a directive of the Attorney General, and I believe it was dated September 13th or 14th. Prior to that, the JTTF's been in existence for a number of years. What the questions were from all the agents in charge of the field—FBI field offices, and I was one at that particular time—was how are—how do you marry these two terrorism task forces? Are you creating a duplicative effort in some cities?

So we went back to the Department of Justice for guidance on that, and that was that the antiterrorism task forces where there are JTTFs would be an overlay to those, but where there are not task forces around the country, that the U.S. Attorney makes certain that all the players have a seat at the table and have access to the issues and discussion and information that they would need.

Mr. HUTCHINSON. Could I——

Mrs. MALONEY. OK. So you're not with the JTTFs but you're with Ashcroft and the Ashcroft task forces? I'm trying to understand the structure.

Mr. HUTCHINSON. That's correct, Mrs. Maloney.

Mrs. MALONEY. Does the Ashcroft structure include the local police?

Mr. HUTCHINSON. I believe that is available to the U.S. Attorneys to bring in the local police. I think that it was set up with that kind of flexibility, and that's my understanding.

But let me come back, if I might, to the larger point that you're making. I do believe that the DEA has a very important role to play in any counterterrorism task force because of the human intelligence that we're able to bring to the table when we're working with drug informants. Whenever we see cells that operate—that engage in drug trafficking but also send money to terrorist organizations, that is information that can tie into a counterterrorism task force. So I'm delighted that the Attorney General did include us in that, and I think it would be mistaken if we didn't recognize the nexus that exists between the narcotics trafficking and many terrorist groups that are operating out there.

Mrs. MALONEY. Are you sharing your information from the Afghanistan investigation?

Mr. HUTCHINSON. Absolutely. And that's another point that you were addressing, is the sharing of intelligence information, and historically we've been able—any information that we get in terms of terrorist activity to pass along immediately to the FBI. We have passed along scores if not hundreds of leads to them both in foreign arenas as well as here in the United States, and we'll continue to do that.

I think the legislation that's passed will continue to break down those barriers and allow us not just to get information from the intelligence sources that might relate to law enforcement activities

but any information we get, even if it's protected 6(e) that pertains to terrorist activities, we'll be able to pass along; and that is a very, very important part of the effort that we all want to engage in.

Mrs. MALONEY. Thank you very much. My time has expired.

Mr. HORN. The gentleman from Connecticut and then Mr. Cummings. OK. Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman, and thank you, Mr. Shays.

You know, as I'm sitting here listening to all of you—first of all, I want to thank you all for being here, all of you. I believe with all my heart that everybody, all of us, are in a situation that we've never been in before and it's very unique. September 11th set a whole new tone for law enforcement and the things that law enforcement—that we have to deal with. I think just the mere fact that September 11th happened has caused us to kind of have to look differently at how law enforcement is done in this country, and I think that's part of the problem.

One of the things that a reporter asked me a few minutes ago, he says, well, what effect will this hearing have? Will it make a difference? And I had to tell him that I think that it's already making a difference. I think that the October 5th hearing where our Commissioner Norris testified and Mayor O'Malley testified, it's already making a difference. But I'm not sure, and let me tell you why I say that, say that I think it's making a difference.

It sounds like the Attorney General is, according to Mr. Nedelkoff, supposed to be making some announcements this afternoon. I don't know what they'll be, but it's something, as he said, will help the Federal Government work more effectively with law enforcement.

Ms. McChesney, I don't know when you were appointed, but the idea that you're in the position that you're in, that says something. Somebody's listening. And the fact that the Mayors—National Conference of Mayors did what they did, that's had some effect.

So I guess the question becomes, are we moving fast enough and are we moving in a way—and one of the things that we talk about in the Congress is that we want taxpayers' dollars to be spent effectively and efficiently. So it seems to me that we will want to maximize cooperation so we can have the most effectiveness.

Now, you all haven't talked about this a lot, but one of the things that I'll tell you—to our mayors and police chiefs, I'll tell you one of the things that worries me as an elected official and as a citizen and a resident of Baltimore is I see our commissioner—I see what he has been effectively been able to do, done a great job, stretching resources to the nth degree before September 11th. Now we find ourselves in a situation where we've got policemen that have to work overtime, we've got all kinds of extra things that we would not normally have to deal with, and so what I'm moving toward is this.

When I listened to you, Ms. McChesney, talk about the Joint Task Force on Terrorism, I was wondering what Commissioner Norris's reaction would be to that and does that really help, for example, the city of Baltimore? I mean, our resources are already being stretched and how does that help us or does it?

Chief NORRIS. I believe it would help us because if we're—if we were going to ask for intelligence if we create this task force, what it would allow us to do is have better access to the very information we would need to protect the city. So it might be—if I gave a couple of police officers a task force, it would be a good investment as far as I'm concerned.

But I think what we're not asking for, because we don't want to come in with a big—you know, down on the table with a big wish list, but, when we do, it was very expensive. I mean, the first pay period after the attack was $2 million—not for the city of Baltimore, just in overtime. And that's—our usual expenditure is about $400,000. And Philadelphia had the same thing.

So I mean this is a very, very expensive proposition for us; and, as I said before, we are the homeland defense; and I think the people in the government have to start thinking that way and providing funding for the police of America in every city. And mayors and police chiefs in this country aren't going to be able to do it without some additional funding.

Mr. CUMMINGS. One of the things that I remember when we had the hearing on October 5th, a local elected official who had dealt a lot with the FBI called me and said, you know, the problem probably is that the FBI doesn't necessarily trust the local police, and that's been said here. Commissioner Timoney, you know, I think I've got to get a feeling of what happens a lot of time. I don't know whether it's distrust—and this doesn't even apply to just law enforcement. I think a lot of times what people do is they have their own turf and anybody else that sort of treads on that turf, they feel a little bit uncomfortable.

Then I think an extra element is added in law enforcement in that you're dealing with such sensitive issues. And, like you said, Commissioner Norris and Commissioner Ramsey, Chief Ramsey, you're dealing with things that are really life and death. So I'm trying to figure out—I mean, you've heard from Ms. McChesney to our mayors and police commissioners, I mean, do you feel, first of all, that we're moving fast enough? And, second of all, do you think that we can truly get past that turf trust problem? Commissioner Timoney.

Chief TIMONEY. Yes. There are obstacles, and that's clearly one of—the whole idea of turf based, and we've dealt with that. I dealt with that my entire career in New York and Philadelphia, and it's understandable. You know, you want to make the pinch, you want to lock up the drug dealer, the organized crime figure, and that's all well and good, but this is different. This is war, and it's not who gets the headlines, you know, who gets to march the guy out in handcuffs. This is war. And so we need to put aside our egos and, you know—and really cooperate and coordinate for the better good, and that includes sharing intelligence.

So they'll say yes to that, but then they'll look under our legal obstacles, and there are these high security obstacles, and there are far too many obstacles and far too many excuses.

To get to the crux of the matter, no, we're not dealing—moving fast enough. Here we are now. It's more than 2 months—and I'm dead serious about this. The next piece of information I get will be the first piece.

Mr. CUMMINGS. Commissioner Norris.

Chief NORRIS. I agree. I mean, again, and I want to stress when people—as we've gone forward and testified in the media, people try to make this that, you know, it's a local—you don't get along with your particular count—that's nonsense. I get along with my particular—the Baltimore ASAC. We get information that she's allowed to give us. We speak almost every day. Our relationship is fine.

The problem is, as Commissioner Timoney just said, the rules have got to change for this. You know, we are at war. Things are different. And the impediments that are before us now, be they legal, be they security clearance, whatever, these rules are made by people that can change these. These rules can be changed tomorrow.

What kind of frightened me, as I was hearing before, is a lot of stuff is, well, we work well together, we have this in place. We had all of these things in place before September 11th. Obviously, they didn't work. We need to change radically and rapidly. We need this information now, and the few things we're asking for need to be done quickly.

So, in short, no, we're not moving fast enough, but again it's from the very top. It's got to be changed at the agency head level, Attorney General, Congress. This is where the decisions have to be made to change this for us.

Mr. CUMMINGS. Anybody else? Mayor King.

Mr. KING. I think something else has to be factored in pretty quickly. Information is a two-way street. We keep thinking about everything, you know, emanating from the Feds to the locals. Part of the problem is we don't have a protocol in place for the locals to, in a systematic way, get information they develop at the street level to factor into decisions being made more globally in law enforcement as well. That's why having a protocol in the system is important.

The problem so far has been what they're not getting, what have we lost in terms of information being generated on America's street corners and getting that factored into a national system. Again, against this backdrop, it's ridiculous to be cutting local law enforcement block grant dollars. That's one of the Federal programs we can use as mayors, police commissioners to pay overtime to these police officers.

Mr. CUMMINGS. Now that information flow going from the locals to Feds that you just talked about, would that—do you think these Joint Terrorism Task Forces, would that solve that problem?

Mr. KING. Well, again, pick one or the other. I mean, the fact that the DEA is not even at the table in a Joint Terrorism Task Force is frightening to me. I mean, I don't get it. I really don't get it. But pick one, whatever it is, so you have the table set for the local, the Federal, the State people that need to be there, whatever geographic division you use.

One of the problems with the JTTF is you have fewer FBI field offices than you do judicial districts and so—in my circumstance, the northern half of the State of Indiana is a judicial district, but the field office for the State of Indiana is the entire State, and it just—you start running into some, you know, geographic, times,

etc., difficulties. But the mayor's position is pick one, have local at it, and ATTF was modified. The first version, no local. A letter came out about 10 days thereafter—I'm going to say September 28th and there was reference made to local, but I talked to my U.S. attorney who was sworn in I think September 24th, and he—you know, he's saying well, my goodness, what am I going to do? Have every local law enforcement person in the northern half of Indiana in a meeting with me? How do I do this?

And that's some of my—in my testimony some of the suggestions—that's all it is—suggestions to solve this management problem.

Mr. CUMMINGS. Thank you very much.

Mr. HORN. I thank the gentleman; and now I'm delighted to give 10 minutes to our new Member in the House, Diane Watson, the gentlewoman from Los Angeles, CA. Glad to have you here.

Ms. WATSON. Thank you, Mr. Chairman.

I'm hearing and listening and learning from all of you who are on the front line of the first responders. What is troubling me now is it looks like we're duplicating assignments. We're talking here about a Joint Task Force on Terrorism, and we have Tom Ridge, the Chief of Homeland Security, and I take it it's very meaningful, the fact that you're homeland security.

What's really troubling is that here's a person who was—who left the Governorship to come here, and apparently his assignment is not that clear. He is without resources and without the authority. Would not a joint task force be duplicating what he should be doing? So what I'd like to hear from you is what you think the duties are and how you would relate to the Chief of Homeland Security.

I've got to tell you an anecdote, because I'm sitting here saying why is it we're so troubled over sharing information? Because as I went through my Ambassador training, I remember they took us in a C–130 out to a huge, desolate area. There was one building there, and it looked like something from Galactica 3000. We went into the building, and there were two guards standing by a door that was very thick. We were to go in that room with no windows, and the commander was in there, and each one of us had a red folder saying "highly classified." We went into that room, we read the information in that folder, we gave it back to the commander, and when we got back the spouses wanted to know what was said. We can tell you, but we'll have to kill you. So we never related the information there because we knew how sensitive it was.

And I cannot understand why we couldn't share highly sensitive undercover information with those of you who are responsible for enforcing our laws and tell you, if you tell, we'll have to kill you. You know, in jest I say that, but have we lost confidence in each other along the way? Have we protected our turf in such a way that we are isolationist and those of you who could really help us in the field have no clue?

So could you respond to how you see yourselves relating to the Chief of Homeland Security and what you think about that position?

Chief NORRIS. The one thing we did bring up to the FBI Director, because this came up in our major cities conference in Toronto re-

garding homeland security, the way we think we should relate to homeland security is, much discussion has gone on to create the office, kind of unclear what he's going to be responsible for, but what we haven't seen as a group is any talk of local police chiefs being hired, either current or retired, as part of the cabinet for homeland defense. And, once again, local police in America are the homeland defense. So how are they going to structure whatever's going to come without the input of people who know how it operates?

It seems like they have gone back to the same drawer and taken out Federal people for military people and not had police people at the front end, which is part of what our concern was; and that was put forth by the FBI Director to bring up to the Vice President and the Homeland Defense Director. But we share the same concerns because maybe—we hope it's not another office that's just been created.

You know, I'd like to see Governor Ridge be given real authority to question and to push, much the same way we do in our own police departments between bureaus. Because, believe me, this culture of not sharing goes on within agencies where detectives and police departments don't talk to the uniformed people who don't talk to narcotics people unless you force them. You make them talk to each other, and you ask them pointed questions because you're their boss, and that's much what we are looking for from the Office of Homeland Defense.

If he were able to ask all of us, including the police, the FBI, DEA, ATF, INS, whoever sits at that table, what are you doing? What happened with this lead? What did you do with this? When was the last time you went out on this lead? What were your results? You question this person? What was the followup? What do you know about this to the other agencies. That's what we envision. Whether it happens or not is another story, but the people don't know and the public doesn't know that's how we run our police departments now.

There's been a sea change in law enforcement in the last 8 years, and we've broken down cultural barriers within our own departments, and we'd very much like to see this happen at the Federal level and certainly be willing to help Governor Ridge in his new job.

Mr. KING. Congresswoman, the U.S. Conference of Mayors' position has been articulated in writing and is recommending that Governor Ridge be given budget and budget authority in order to have what we have believed to be the wherewithal necessary to perform his function which I think is a tad broader. As essential as the law enforcement piece is of homeland security, homeland security in our view is a tad broader than law enforcement. It incorporates public health response, it incorporates, of course, the fire and the EMT, which is not a law enforcement piece. So we do see some value in it.

I would also like to state, at our meeting of November 7 last week, Mayor O'Malley, myself, McCory from North Carolina, Bost from New Jersey, and our president, Marc Morial from New Orleans, we met for about an hour and 15 minutes. We discussed the same agenda as presented here today by the conference, and we were very gratified at the response, and he's made public state-

ments the same. So I think we need to be supportive, but he does, in our view, need budgetary authority to get it done to accomplish his objective of coordination.

Mr. HUTCHINSON. Congresswoman Watson, if I might add, I think these comments are very, very appropriate under the circumstances. I do believe that Governor Ridge has an extraordinarily important role in coordinating the Federal functions, and many of the issues that are raised here I think he'll have to grab ahold of and sort through, but I don't believe it's any substitute for the Joint Terrorism Task Forces and the operational task forces that are out there. And even though we have Governor Ridge and his huge responsibilities, we certainly need those task forces to put the things into place at the local level, because that's more operational, similar to the drug enforcement task forces that are existing in so many different jurisdictions. They do not substitute for what even our drug czar will be doing at the national level.

So the task forces are very important, even though Governor Ridge is doing very, very important work in the national coordination.

Ms. WATSON. How would you suggest the relationship be between the task force and Governor Ridge's office?

Mr. HUTCHINSON. Well, I mean I think that the task forces again are operational in the sense that you have all the participating agencies that are working a particular case. You've got them, what, in 30—36 different areas of the country, and so they're doing the nitty-gritty work. I see Governor Ridge's responsibility as to making sure that we've got the Coast Guard doing what it's supposed to be doing, the DEA, FBI, all the intelligence-gathering agencies doing what they're supposed to be doing, making sure we're investing adequate budget resources as well as making sure—and the point that everybody's made here is that the local law enforcement of the States is a very important part of this homeland defense.

Ms. WATSON. Would the task force in your opinion work under the aegis of Governor Ridge or would they be a separate entity? Who would they report to? Would Governor Ridge be on the team?

Mr. HUTCHINSON. Well—and the FBI might want to jump in on this since they take the lead in counterterrorism—but certainly I think in terms of policy Governor Ridge and his office would have a significant amount to say as to the jurisdiction, the implementation, the work of the task forces. But at an operational level again they would be handled by the separate agencies and the agencies that participate in that task force.

Ms. WATSON. Every day something occurs, and we really are moving by the seat of our pants. We're creating, you know, the process as we go along, the legislation. We've never done this before. So your input would be very valuable to all of us. Those of you who have been out there as first responders can really help us as we, I would hope, have a Cabinet position assigned to the Chief of Homeland Security. You know, we need to continue this forever. It ought to be part of our structure. So this will be very, very helpful as we try to design and as we all learn how to do this. Chief.

Chief RAMSEY. Ma'am, I think part of the problem is that there's not a clear definition of roles and responsibilities for all these different agencies now. Things have changed and changed dramati-

cally, but I don't know if we've really thought through exactly what it is we want these various agencies to do.

I agree with Director Hutchinson that a large part of homeland security would be coordinative in nature, but that not only means law enforcement. Because we've learned from our recent experiences that first responders are sometimes health care professionals, and we need to be able to coordinate public safety in the broadest sense to know exactly what it is we're doing, why we're doing it, what we need—all those kinds of things need to come together.

Right now, there is no one single place that really coordinates all these various aspects of this terrorist threat that we're facing, and that in itself is an awesome responsibility to carry out and—but I think it would be appropriate for an office like the Office of Homeland Security to be able to do it, but if they're going to be charged with that responsibility then he needs to have the authority that goes along with it.

Because there are turf battles that are fought every single day. Someone's got to be the referee in those turf battles and make the decisions so that the best interest of this country is always foremost in everyone's mind. And if he is not given the authority to be able to actually force agencies to do what it is that needs to be done, then, quite frankly, the office will be fairly useless and just add another layer of complexity and confusion that we already have, and I don't think we need that. That's like adding another task force to task forces that we already have.

I mean, if—whether you call it JTTF or ATTF, call it something, but it ought to be one of them, and it ought to cover everything that needs to be covered. I need another meeting to go to like I need a hole in the head. So, I mean, we just don't need this. So someone needs to sit down and talk this through and really decide what is it we need to do, what resources do we need, and let's just do it.

Ms. WATSON. In light of bioterrorism and the potential of germ warfare, certainly public health has to be part of the team, and, as I said, you know, by the seat our pants these things are being created. It's you who I think have an obligation to help us as we create. We don't want to create a monster that has to be destroyed by us later on. What we want to do is create a position that can be effective and can be far-reaching and comprehensive and as secretive as it needs to be, as confidential as it needs to be, with all of you on the team understanding what classified information is.

You know, I remember—I was a little baby—but a slip of the lip can sink a ship. And you know, we've got to understand what this war arena is that we're in now. So I think everyone takes an oath, you know, to be able to hold back information, not make it public if we're going to fight this war and succeed.

So I think this kind of discussion to me is very healthy, Mr. Chair, and I think as a result of this hearing we might want to suggest to the President and to the Governor these are some ideas that came out of this hearing and from the people who are on the first line.

I thank you very much, and anyone who has any more to say, you can get in on someone else's time if you can, but thank you. This has been very informative to me.

Mr. HORN. Thank you.

Let me just clarify some of the administrative side of this.

Governor Ridge, one, was a Governor. No. 2, he's a very close friend of the President and was a possibility for Vice President of the United States. When the President announced his appointment in the Chamber of the House of Representatives, it was the greatest applause I have ever seen here, whether it be Presidents or Prime Ministers or what. He got a standing ovation.

So he comes there with knowledge of the House, he's been a chief executive, and he's in the Cabinet because the President put him there, and I think that's a very useful operation. And woe betide to other people in the Cabinet, Ridge will have the ear of the President.

So I would hope that the Attorney General, that the Secretary of State—because they've got a major problem here in terms of photos and all the rest. So I would think Mr. Ridge doesn't have to have a lot of people running around, but all he has to do as chief—this is what we need to do, bang, sign it. And that's what he'll do, and I think he's an outstanding person, and now is the time to be helpful and to get on his wagon, and I think that's one of the things.

I'm going to ask my colleague, who's a very able questioner, to give most of the questions, and we might have one or two, but let's see the gentleman from Connecticut.

Mr. SHAYS. I thank the gentleman for yielding.

I'd just like to start with you, Commissioner Timoney, and just give me your two things that you would like to come out of this hearing, and if there's duplication, that's fine. That just reinforces what we need to do.

Chief TIMONEY. Yeah. I would think the two things, one, the whole issue of commit to a system where there is better sharing of intelligence, that's No. 1, and breaking down some of the barriers that are much more I think excuses than anything else. That's No. 1.

No. 2, I think there's a real need to recognize and acknowledge that we are, in fact, the homeland defense and that there's an obligation on the part of the Federal Government, specifically the Department of Defense, to allocate some kind of funding to help offset the enormous costs so far. And it's the sense I get from Washington that this is going to be a long-term project, 2, 3 or 4 years. I don't think most major cities can sustain themselves.

Mr. SHAYS. Thank you.

Mr. KING. A structure that facilitates an ongoing two-way sharing of information between Federal and local law enforcement and, second, a funding source directed to local government in order to pay for doing what we have to do in order to be, in fact, the front line of homeland defense.

Chief NORRIS. Security clearances for the major city chiefs and designated detectives within their intelligence divisions so we can share information from both FBI and INS, and again the funding. If this is going to be several years, there's no way our city or other cities can sustain this level of policing without help from the Federal Government.

Mr. SHAYS. Thank you.

Chief RAMSEY. Clearly defining roles and responsibilities of all those charged with some responsibility in dealing with this terrorist threat I think is the single thing that, if that's done, would solve many of the other problems that we've been talking about. Because with that comes a clearer understanding as to what information needs to be shared, who needs to be a part of that, and all the things that go along with it. That includes the kind of equipment and the budget issues. All those things would begin to kind of fall in line if someone were able to kind of oversee the big picture and clearly coordinate everyone's efforts in that regard.

Mr. SHAYS. Is that one?

Chief RAMSEY. That's actually—that's a big one.

Mr. SHAYS. So you're going to go for a big one that has many parts?

Chief RAMSEY. One that has many parts. Because I think that without that the rest of this is done in a very fragmented way that really is not real helpful.

Mr. SHAYS. I'm just going to pursue this a second. If we define roles, you think a lot of good things will happen. But then give me your list of two things that you want once a role is defined.

Chief RAMSEY. The necessary clearances so that information can be shared, dissemination of information, and the equipment that we need in order to be able to be—we'll carry out whatever mission we're given.

Mr. SHAYS. So equipment I'll put down——

Chief RAMSEY. Yeah.

Mr. SHAYS. Asa.

Mr. HUTCHINSON. Thank you, Congressman.

Two things I would mention out of this hearing is, one, I hope we do not forget the drug nexus to terrorism. I think that we're rightfully focused on preventing terrorism and obtaining all the information we can in that arena, but I think there will be a growing picture of drugs funding part of the terrorism that takes place, has taken place around the world.

Second, we certainly need to expand the opportunity to bring in the hundreds of thousands of law enforcement at the State and local level into our counterterrorism effort. That's been expressed here. Obviously, information needs to be provided at different levels to help them do their job.

Please remember that, as we do more background checks, we have to have more resources. Right now, it takes a significant number of months—I won't tell you how many because it would depress you—to bring on an agent or a secretary in the DEA.

Mr. SHAYS. We've had hearings on this. It's one of the crucial elements of this. It can take years, literally.

Mr. HUTCHINSON. And if we're going to, and rightfully so, expand the number of people that have access to information, please don't forget we have to have resources to do those background checks.

Mr. SHAYS. I'm going to basically put down as one that you want the clearances to be done more quickly.

Mr. HUTCHINSON. Well, I—no. I'd like you to put down two. The first one is the drug nexus.

Mr. SHAYS. I have that. I have that. Very clearly, the terrorists are using drugs to fund their activities to the Taliban and so on. Is that your point?

Mr. HUTCHINSON. Yes.

Mr. SHAYS. OK.

Mr. HUTCHINSON. Thank you.

Chief DWYER. Congressman, as I indicated earlier in my testimony, I firmly believe that the anti-terrorism task forces should be co-chaired by the Federal authorities and also a local executive. I feel strongly that there should be a clearinghouse to guarantee that information that's scattered by the Federal authorities, that does not continue to be fragmented, that this clearinghouse is set up, the information is then horizontally disseminated to local authorities.

I'm just outside Detroit. I was with the Detroit Police Department for 23 years. It's important to me, being the largest suburb in Oakland County, MI, that I receive information that relates to my city quickly and not several days later. And I think that if we set up a system of clearinghouse and we disseminate that information quickly to the local cities that need that information, that would be a great improvement.

Mr. SHAYS. Thank you.

Mr. NEDELKOFF. I would say first is to identify the acceptable vehicles and/or mechanisms for the exchange of intelligence information, particularly——

Mr. SHAYS. Say that again? I'm sorry. Do what?

Mr. NEDELKOFF. Actually identifying the vehicle to communicate, especially locally. We've talked about task forces and different technology and so forth. Even if it varies among community perhaps, but identifying that vehicle for the sharing of information.

Second, as someone who's spent the vast majority of his career at the local level, I understand the local needs, and I have heard the officials representing local government talk about that they've received all the information that they're allowed to receive. So I would say to reevaluate the rules that are prohibiting the sharing of information between Federal and State and local.

Mr. SHAYS. OK.

Ms. MCCHESNEY. Trust, technology, and training. I know that's three. But trust, we talked about that before. That was one of the questions.

Having been a police officer for 7 years before I joined the FBI, I know what the perception is among many law enforcement officers out there that the FBI is withholding information. Being able to see it from both sides, I was able to see that the FBI probably didn't know quite as much as local law enforcement thought that we knew.

That being said, we do know some things that we're sworn to protect, but, as I said before, where it relates to important issues regarding criminal activity it would provide that.

The second part is technology. Some of you may not be aware that, as agent in charge of a field office as I was, I could not communicate with the U.S. Attorney's Office via e-mail or with DEA or with my other Federal counterparts. We just didn't have those capabilities, and we still don't. Likewise, I couldn't send an e-mail

to the chief of police in various locations. It just—that technology didn't exist.

We do have law enforcement on line that does need to be funded, continually funded. I think in order to at least stay state-of-the-art that's a $7.5 million bill for the next year.

Finally, training, which is something that we recognized early on, is we have this forced multiplier effect of 600,000, 700,000 officers throughout the country, but do they know what it is that you're looking for relative to some of these terrorists? Is it the same sort of suspect as a drug dealer or bank robber? Not necessarily. And so I think it's incumbent on us, the FBI, to make sure that we get that training out there through whatever vehicles we have, whether it's e-based learning, satellite training, actually holding classes and having interactive learning.

Thank you.

Mr. SHAYS. Thank you.

Mr. GREENE. Thank you, Mr. Chairman.

I think it's important, No. 1, in any system that we set up for information and intelligence sharing to ensure that the loop is circular, that it's not going one way from the Federal Government to the local law enforcement agencies but that we do establish a system that feeds on itself and that builds on the joint expertise and the intelligence of the two components.

I think I'll yield my——

Mr. SHAYS. Can I just ask you, is it possible to have that kind of system and feel confident and secure?

Mr. GREENE. I think we have some good examples of that within the framework already with HIDTA and OCDETF.

Mr. SHAYS. HIDTA and OCDETF?

Mr. GREENE. Yes, sir.

Mr. SHAYS. Those sound like Middle East names to me here.

Mr. GREENE. Those are the drug task forces that Director Hutchinson referred to earlier. There are some good lessons there in terms of how it can be—how we can build on the flow of information.

I would say that my second number is one that I would like to yield to my colleague from the FBI since she took three.

Mr. SHAYS. Very good. Thank you. I like that cooperation and coordination. Thank you.

Thank you, Mr. Chairman.

Mr. HORN. I don't want you to name the ones that I'm going to ask, but I am hopeful that the FBI and related agencies have good linkage with our various number of allies, especially in this situation of western civilization making a proper way to deal this work together or it won't be successful, like Canada, Scotland Yard and so forth. So give us a little hope here that you're doing the best you can to do that because, as I remember, you have people in every Embassy.

Ms. MCCHESNEY. We do. We have people in about 40 different locations around the world, including those places that you've just mentioned. Our legal attache program—and we kind of followed on the heels of DEA with regard to that because they have people in various foreign countries as well—has been absolutely essential since September 11th. We've had people in various countries

who've not had a day off, who've been working 12-hour days over there because we only have small numbers of people there. So any support that we could have with regard to enhancing those numbers would be greatly appreciated.

Mr. HORN. Have you got the computer work that would get those—either photos or age or whatever—so that's going I hope across the Atlantic and the Pacific and everything else in order to get that fast? Because we're in a time where it's going to be very fast. If that nut over there is talking about a nuclear weapon, all of us ought to be alert.

Ms. MCCHESNEY. We've been able to use some technologies to be able to transmit photographs very quickly. Some of it's very basic technology facsimiles, but we're getting there.

Mr. HORN. Now, do you feel—and you don't have to name the names now, but we could get them privately. Do you feel that agencies in the rest of the executive branch, either military or civilian, are they sharing properly with the FBI? Because we've heard a lot about, well, gee, the FBI doesn't agree with it. Well, what about the other ones? Do they put into the FBI data base?

Ms. MCCHESNEY. I haven't become aware of any particular issues or complaints with regard to that. As I indicated before, as agent in charge of the FBI Chicago field office and with regard to our Joint Terrorism Task Force, we had input from other Federal agencies. They were part of the task force as well. So the information flowed there. But where it disconnected with higher level police executives, as the issue was pointed out, that needs to be corrected.

Mr. HORN. I'm going to yield 1 minute for Mrs. Maloney. She has a last question.

Mrs. MALONEY. A lot of the problems were the INS. A lot of the terrorists were in violation of the immigrant status. I'd like to ask Mr. Greene, what you think is the INS's weakest point, and I'd like to ask the law enforcement people to respond also to this question. I'm considering dropping a bill later this week which would address deputizing local law enforcement via a memorandum of understanding, and it would allow the local law enforcement to be granted the arrest powers to take an individual into custody who has an outstanding INS violation, and I'd like everyone to respond to that.

Also, I understand that the INS computer system of those in violation is not available to local law enforcement, and I'd like to know if you think having access to that would help you.

Then, last, to Mr. Hutchinson who talked so eloquently about being part of this joint task force on the local level, I understand that DEA has been invited to join every joint task force but often turns it down because they don't have the resources. So how do we get over that? Should we fund the joint task forces and have them pay the salary of the police officers and the people who participate to guarantee their participation?

Finally, a very important point that Mr. Dwyer has raised eloquently throughout this hearing is having a co-chair. You obviously need a Federal co-chair, or chair at least, to guarantee the Federal communication but then to honor the importance of the 670,000 police officers who are the eyes and ears who are really the effective arm of making this work.

I'd like to ask Ms. McChesney, what you think of Mr. Dwyer's idea, but I'd like first to start with the INS because that appears to me to be the weakest link in this whole deal and how do we address it?

I open it up to everyone to throw in their comments and to particularly respond to the computer access and the ability to make arrests with the local people for INS violations.

Mr. GREENE. Thank you, Congresswoman Maloney. I really appreciate the opportunity to deal with these issues.

Of the 19 hijackers we have identified, only 2 who are in illegal status in the United States, and so all of them—our records also reflect that all of them entered the United States legally with visas that they had obtained legally from U.S. consulates overseas. So in terms of the vulnerabilities the obvious point to be drawn or the obvious conclusion to be drawn is that front loading the screening process is important. It starts overseas with the information that is available to consular officers when they do the examinations and make the determinations as to who's going to get visas into this country.

The question of the data systems and the number of people who are outside of—who are in violation of immigration law that have access to State and local law enforcement officials, we feel that the law enforcement support center does a very good job in terms of allowing local law enforcement officials access to the INS data bases. That is simply a matter of using a screen that already exists and is available to local law enforcement officials in 46 of the 50 States, by means of technical adjustments to the screens in the remaining four States. Those States can have access to that data base as well. That checks a variety of INS systems, and it has proven itself to be successful in terms of identifying criminal aliens or identifying people who are here in illegal status.

We also have assisted in the National Crime Information Computer System of all of the prior deported felons, which also allow local law enforcement official access to that data.

The training issue is important, and we believe that before we embark on a process of identifying and delegating immigration authorities we need to dialog with local law enforcement as to specifically the types of authorities that are involved. Because training requirements are important. It is—the amount of training that's required to pick up someone, identify and arrest someone who already has an outstanding order of deportation as compared to the amount of training involved to determine whether a person is illegally in the United States—and let me give you an example.

A person who comes to the United States on a tourist visa, who then marries a U.S. citizen, who then applies for a permanent residence status in the United States, who may have U.S. citizen children already here, these are training situations that need to be gone over with officers to whom we delegate authority, and those are in some ways some of the simplest of the problems that we face.

So as we embark down the road—and the INS, as I said, is open to dealing with and enforcing the provisions of the law that would allow the Attorney General to delegate such authority. As we go down that road, we need to be very methodical about the kinds of

authorities that we're talking about and the kinds of training that will be involved.

Mrs. MALONEY. Anyone else in law enforcement would like to comment on that idea?

Mr. HORN. Are you done——

Mrs. MALONEY. No. I want him—OK. Let him.

Chief TIMONEY. Just on your suggestion, your second question——

Mr. HORN. Yes and no to Mrs. Maloney. Because you say you're putting in a bill in——

Mrs. MALONEY. I want to know what they think about it, what they think about INS——

Mr. HORN. Yes or no. Go down the line.

Chief TIMONEY. I had a separate comment.

Mrs. MALONEY. OK.

Chief NORRIS. We would be in favor of it in Baltimore. Just by deputizing our intelligence division, you more than double the INS agents in the State of Maryland. So we would very much like to help.

Chief RAMSEY. I couldn't give a yes or no. I'd have to see the bill. I would have some reservations. Many of my communities, it would be very sensitive for us if we served in that capacity, particularly our Latino community, Asian community and others. So I would argue that we need to be very careful in terms of what we really do as local law enforcement officers in just checking—randomly checking status of individuals which is different from having access to information of people who perhaps are wanted. So if you ran a name check, you could determine it.

Chief DWYER. I would be in favor, I believe, with the stipulation that you specialize the training. I think the training is necessary. You wouldn't have to train every officer. You'd train a cadre of officers from various departments to be able to specialize in that area.

Mr. HUTCHINSON. In response to your question—did I interrupt somebody—Mrs. Maloney, on the DEA and the terrorism task force, I'm not aware of any instance where we've turned our participation down. Certainly I don't think that's appropriate. We're spread thin, as you mentioned, but we'll make the commitment necessary in this great national effort. And I do think it's important to recognize the role again that I spoke of. Thank you.

Mr. HORN. Some have wanted for years to separate the INS, to have services versus enforcement. What is the feeling within the organization itself?

Mr. GREENE. Thank you, Mr. Chairman.

The Commissioner has a proposal that he is reviewing with the Department that we believe reflects the concerns that many, many Members on the Hill have had about the confusion sometimes that results from the current structure; and I think it is the intention of the administration to present that soon.

Mr. HORN. Thank you.

Mrs. MALONEY. Could Mrs. McChesney answer my question about the co-chair——

Ms. MCCHESNEY. Yes. The recommendation was that there be a co-chair of the Joint Terrorism Task Forces. The task forces really aren't boards per se. They're investigative entities that are gov-

erned, if you will, by memorandum of understanding between the participating agencies; and, because of that, the heads of the agencies that sign into that all have a say on what goes on. That exists currently.

Another thing that exists in the larger terrorism task forces such as New York and Los Angeles is that executive level or management officers participate with management responsibilities depending on the size of the task force. So you do have some oversight there that's already in place.

Mrs. MALONEY. And you also have the question of resources. In a city like New York anytime you take anyone off the street, it's a resource drain.

Commissioner Dwyer——

Chief DWYER. I'm not sure if I would was support it or not by the response. I'm still looking for a response in a positive sense as far as a co-chairing of the Federal authority and a local executive.

Mr. HORN. Any last word from anybody? If not, I will return to the gentleman from Connecticut, and then I want to read out the staff we have from the three subcommittees who spent a lot of time and will be spending a lot more time when they write the report from all the help.

I was really impressed by each of you where you really—Mr. Norris in particular, where you've gone through it very wonderfully, I think, and we need more of that to get things running.

So let me just thank the staff: J. Russell George, staff director and chief counsel for Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations; Chris Donesa, staff director, Subcommittee on Criminal Justice, Drug Policy and Human Resources; Lawrence Halloran, staff director and counsel for Subcommittee on National Security, Veterans Affairs and International Relations, Mr. Shays' subcommittee; Bonnie Heald to my left, deputy staff director for the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations; Amy Horton, professional staff member for Subcommittee on Criminal Justice, Drug Policy and Human Resources, Mr. Souder's; Mark Johnson, clerk for Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations; Conn Carroll, clerk, Subcommittee on Criminal Justice, Drug Policy and Human Resources; Jason Chung, clerk, Subcommittee on National Security, Veterans Affairs and International Relations; Jim Holmes, intern, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations.

On the minority staff, for Ms. Schakowsky and Mrs. Maloney, David McMillen, professional staff member; Jean Gosa, minority clerk; and the two court reporters, Lori Chetakian and Nancy O'Rourke.

With that, we thank you all for coming.

[Whereupon, at 12:27 p.m., the subcommittees were adjourned.]

[The prepared statement of Mr. Mueller and additional information submitted for the hearing record follow:]

Remarks prepared for delivery by
Robert S. Mueller III
Director, Federal Bureau of Investigation
at the
108th Annual Conference of the
International Association of Chiefs of Police
Toronto, Canada
October 29, 2001

Thank you and good morning. I can't tell you how happy I am to be here -- to be among friends and partners, from America and around the world.

We in the FBI want to thank our Canadian hosts for their hospitality and for the outstanding support they've given to American law enforcement and particularly to the FBI. We want to thank the dedicated law enforcement professionals here today for everything you've done to help the FBI and make the world a safer place since September 11th. And we want to thank your families for bravely standing behind you through it all.

Just three days after joining the Bureau, and four days before that horrific day in September, I had the opportunity to attend my first graduation of the FBI National Academy in Quantico. It was a tremendous experience. I was able to meet and talk with more than 260 professionals, the people who work for you and with you, the proud graduates of the 206th session. I thanked them for their service to the country, and talked about the journey of cooperation and mutual respect that I hoped we'd walk together in the weeks and months to follow. I felt proud to be part of the law enforcement community, and I marveled at the

warmth and friendship present that day. More than ever, it was clear to me that our common bond is forged by our common mission -- to protect the people we serve. That day, even though we represented 27 nations, we all spoke the same language.

Seeing the energy and optimism on the faces of your colleagues that morning, and their renewed sense of determination, we could not have imagined that our entire world would be changed forever just four days later. That we would personally and collectively face our toughest test ever as protectors and defenders of the people. That in just a few short hours, some of our closest colleagues and partners and friends would no longer be with us.

But even as the world around us seemed to be turned upside down, we were heartened to see the bedrock values we all share stand firm. And we were proud to see all of you leading the way, giving dignity and sacrifice new meaning. The terrorists acted out of hatred and anger. You answered with courage and compassion, with heroism and honor. The terrorists murdered innocent bystanders. You and your colleagues risked your lives to save complete strangers. On September 11th and in the days that followed, you showed your true colors. You showed us why law enforcement blue is not a cliche, it is a way of life.

From the very first moment on the job, I was resolved to build a stronger, more seamless, and more supportive partnership between your law enforcement communities and the FBI. I've been

privileged to work along side you and your colleagues for nearly thirty years. I've always believed that law enforcement is only as good as its relationships, that our combined resources and expertise and ideas are far beyond the sum of their parts, and that the potential for greater successes through mutual cooperation and respect is boundless.

As the events of September 11th unfolded, and we began coordinating our response with law enforcement around the country and the world, our resolve to partner with you only intensified. And it seemed that the sometimes artificial walls that divide us in law enforcement were coming down. Suddenly, jurisdictions or affiliations didn't seem to matter. What mattered was serving. What mattered was saving lives. Barry Mawn, who is here today and heads our New York field office, expressed it well. He said that on September 11th, "All of law enforcement came together as one."

In the difficult days that followed, that unity has emerged in many places, in New York and other cities, here in Canada and across the ocean in places like England, France, and Germany. Many of our Special Agents in Charge and our Legal Attaches overseas have reached out to you -- enlisting your expertise and drawing upon your resources.

As time passed, though, we heard that in some areas of the country, the FBI was turning away your offers to help. We learned that concerns about not giving you information had begun

to surface. Both are unacceptable. One of the first steps I took was to call Bruce, your president, asking him to tell me bluntly and honestly what issues have come up since September 11. Bruce minced no words. I was convinced, after that conversation, that many of your concerns are valid and need to be addressed.

In response, I met in Washington with representatives of the IACP and other leading law enforcement organizations. In these meetings, we talked through issues, addressed some misperceptions, and agreed to explore ways to improve our relationships.

As a result of those meetings and in response to your concerns, we have taken steps to strengthen our partnership and serve you better. In cities where we don't already have a Joint Terrorism Task Force, I've asked our SACs to get one up and running ASAP. While these task forces aren't a panacea, they do break down stereotypes and communications barriers, more effectively coordinate leads, and help get the right resources in the right places. In short, they meld us together in ways that make information sharing a non-issue. We've also asked SACs to look to local law enforcement to cover local investigative leads where possible. We've asked your organization and others to help us identify representatives to work with us in our strategic command center at FBI Headquarters, in the heart of our predictive intelligence operation. We're also exploring the possibility of putting together a working group of FBI and state

and local law enforcement officers to identify other specific issues and find workable solutions. And most importantly, if we have specific threat information about an attack planned or suspected in your jurisdictions, we will make sure that you get that information every time, no matter what.

In my mind, it comes down to two things. First, giving you the information you need to make judgments about protecting your communities. And second, capitalizing on the "force multiplier" effect that comes when we work together. We are committed to doing both.

In these meetings, I discussed what I believe to be some misperceptions. For example, some think that the Bureau is withholding significant amounts of information due to security concerns. I don't believe that to be the case. The problem is that we often don't have the credible and specific information you sometimes think we do. That's certainly true for the Watch List, which has now been added to NCIC. In most cases, we don't have much more than the names and aliases for the individuals on that list.

I should also point out, when it comes to the electronic age, the FBI is sometimes far behind you and your colleagues. That's why we often can't provide information in an electronic format. But let me be clear: overhauling our electronic infrastructure is a top priority for us. And we will get it done.

These are some initial first steps. More will follow. Some issues may need to be addressed through legislation. As we move through this process, please bring any problems or issues to our attention. Let us know what you're experiencing, how the FBI is treating you, and we'll respond.

This I know: the FBI can't be successful in preventing terrorism without your help. No one institution is strong enough to tackle that challenge alone. That's why we're determined to be open and cooperative. We're in new territory here. Each new day, it seems, brings a fresh challenge. We need to be flexible. We need to be willing to change course in mid-stream if need be. And we need to be open to a broad array of input and ideas from your ranks and elsewhere.

Together, I'm confident that we will succeed in defeating terrorism. Our will is strong, and our commitment absolute. We will not relent until we have exhausted every angle and every lead, until we have identified and prosecuted the terrorists and terrorist networks responsible for launching the most devastating terrorist attack in history. We will work together to find those responsible for the anthrax attacks that are terrifying America and the world. And most importantly, we will do our utmost to ensure that terrorists do not strike again.

This resolve, this new level of partnership, however, should not stop with our collective efforts to end terrorism. It should expand to other areas of criminal investigation. There are

plenty of criminals to go around, and plenty of global challenges we can only address together.

The tragedy of September 11th has touched us all personally. Some of us have lost colleagues, perhaps even friends and family. The FBI lost one of its own as well, a brave New York Special Agent named Lenny Hatton. Lenny saw the first World Trade Center tower on fire on his way into work on September 11, and he instinctively raced to the scene. He was last seen helping a victim out of one of the towers, then rushing back in to help more.

I had the honor of attending Lenny's funeral Mass in his home town in New Jersey. A close friend and colleague of Lenny's named Chris O'Connell paid tribute to the fallen Agent that day. Chris talked about how Lenny devoted his life to serving -- how Lenny had served as a husband and father, as a Marine, as an FBI Agent, as a volunteer fireman, and how Lenny had served until his last breath, rushing into a burning building to save the lives of others.

It turns out, Lenny saved Chris' life, too. Had it not been for Lenny, Chris would have been at the World Trade Center on September 11. Just days before the tragedy, Chris was thinking of skipping an upcoming class at Quantico because his workload was so heavy. Lenny talked him out of it. He said to Chris, "Don't be silly. Just go. You'll have a good time." Chris did, and he never saw Lenny again.

Chris O'Connell closed his eulogy by saying: "On September 11, we saw a horrific event in this country and our city. Special Agent Lenny Hatton stood shoulder to shoulder with the finest and the bravest. Until we meet again, my partner, my friend."

Chris O'Connell was Lenny's partner, and Chris O'Connell is a detective on the NYPD. Lenny and Chris cared for each other like brothers. It didn't matter to them that one worked for the feds and one for the NYPD. They just wanted to get the job done. They were a team. And they are an inspiration to us all.

September 11th has called upon all of us to be leaders, to play a key role in defeating the scourge of terrorism, and to make the world safe and free. In the spirit of Lenny and Chris, let's go forward as one team, united by our common challenge, strengthened by our differences, and confident in our collective strength. The world is counting on us.

# # # #

NATIONAL ASSOCIATION OF COUNTIES
NATIONAL LEAGUE OF CITIES
THE UNITED STATES CONFERENCE OF MAYORS

November 9, 2001

Dear Senator/Representative:

On behalf of the nation's cities and counties, and their hundreds of thousands of public safety and law enforcement personnel, the National League of Cities, the National Association of Counties and The U.S. Conference of Mayors urge you to restore the $122 million that has been cut from the Local Law Enforcement Block Grant program. It is our understanding that the conferees on the Commerce/Justice/State appropriations bill (H.R. 2500) have decided to reduce the program from $522 million to $400 million, a 24% cut. At a time when our nation is at war and local law enforcement is leading the home front fight against terrorism, it is absolutely essential that Congress not take away critically needed resources.

Since September 11, cities and counties, and their police and sheriffs departments, have answered the call for increased homeland security and civil defense, improving public safety and protecting critical infrastructure. Many departments are working 12-hour shifts, seven days a week, to meet new security demands, and to compensate for the call-ups of many public safety personnel by the National Guard and Reserves.

For example, results from a recent National League of Cities' survey indicate that, within the past two months, municipalities are spending more on public safety and security—often in overtime pay for police and firefighters—as a result of the country's heightened state of alert. And a recent U.S. Conference of Mayors survey estimated that additional security measures and overtime will cost cities at least $1.5 billion in the coming year. With this in mind, we simply cannot understand why Congress would choose to slash funding for the Local Law Enforcement Block Grant program which provides flexible resources directly to our nation's first responders.

With city and county law enforcement departments forced to exceed their budgets to protect the public, the flexible resources provided by LLEBG should not be undermined. For example, we are already seeing increases in property crimes in the nation's largest cities since September 11, in part because police resources have been redirected to bolster homeland security efforts.

Reducing funding for the Local Law Enforcement Block Grant to $400 million would be an extremely drastic measure at this time, undermining the work of local law enforcement and first responders, as well as the cities and counties that are committed to support the federal government in preventing and responding to terrorism and other crises that could endanger national security. Therefore, we strongly urge you to help restore this cut.

Sincerely,

Tom Cochran Donald Borut Larry S. Naake

J. Thomas Cochran
Executive Director
The United States Conference of Mayors

Donald Borut
Executive Director
National League of Cities

Larry Naake
Executive Director
National Association of Counties

NY Times Mon 11/12/01 For the record Cong. Maloney

LAW ENFORCEMENT

Local Officials Accuse F.B.I. of Not Cooperating

By PHILIP SHENON

WASHINGTON, Nov. 11 — The police chief of Portland, Me., says the F.B.I. threatened to charge him with obstruction of justice if his officers continued to chase a terrorism suspect after Sept. 11.

Baltimore's police commissioner says he was dumbfounded to learn that the Federal Bureau of Investigation would give him the names of suspects who might be connected to the September hijackings but not their photographs.

The mayor of Reno, Nev., was shocked to learn from a local television reporter — not from the F.B.I. — that the bureau had seized a suspicious letter from a local Microsoft office and that a preliminary test indicated it was laced with anthrax.

Two months after state and local law enforcement officials found themselves forced onto the front lines of a global war on terrorism, many are complaining that the F.B.I. is refusing to provide them with the information they need to protect their communities.

"There's real frustration," said Bill Berger, president of the International Association of Chiefs of Police and police chief of North Miami Beach, Fla. He said that despite repeated pledges from the bureau to step up cooperation after Sept. 11, he was still hearing angry complaints from his fellow chiefs. "I don't think that we can afford to have these impediments to information any longer," the chief said. "Some of these terrorists were living in our communities."

Criticism of the bureau's performance since Sept. 11 has been growing in Washington as well. The frustration on Capitol Hill has deepened in recent days with the disclosure that bureau agents may have missed opportunities to gather valuable evidence in the investigation of anthrax attacks.

The bureau's new director, Robert S. Mueller III, has acknowledged serious coordination problems with state and local law enforcement agencies, and he has pledged to work with them more closely.

A pledge of sharing information in the war on terrorism.

"I learned that in some cases, the F.B.I. was turning away your offers of help — that is unacceptable," he told a convention of police chiefs last week. "I have heard that there are some areas where lines of communications aren't as open as they should be, where we're keeping you at arm's length."

But the frustration of state and local officials has already been communicated to Congress, where a powerful, bipartisan group of senators is supporting a bill to lift a variety of restrictions on intelligence sharing between the F.B.I. and state and local law enforcement officials — though complaints from the local authorities are not limited to intelligence sharing.

Since the days of J. Edgar Hoover, state and local officials have complained that the bureau is hidebound and that the F.B.I. looks for any excuse not to share even the most innocuous intelligence information. Even with changes in the law, bureau officials say, it will still be impossible to share certain, highly classified national security information.

But the complaints from local officials have taken on new urgency with the government's warnings of the possibility of another wave of terrorist attacks on American soil. Many police departments say the bureau is passing up a valuable resource by failing to allow local police to follow up on the tips that have overwhelmed the F.B.I.'s 11,000 agents since Sept. 11 and is hampering their ability to protect their communities.

"There are 650,000 cops in this country, and we should all be used in this hunt," said Edward T. Norris, Baltimore's police commissioner. "There are leads that the F.B.I. can't possibly find the time to run down. We've got experienced investigators who can run them out."

The bureau has announced that a high-ranking official, Kathleen L. McChesney, an assistant director who now directs the F.B.I. training center in Quantico, Va., will be responsible for improving coordination with state and local police departments. "We're fighting the terrorists, not each other," said Ms. McChesney, who joined the bureau after seven years with the police department in King County, Wash.

Mr. Mueller has also agreed to a request from state and local police departments to make the bureau's watch list of criminal suspects available instantly by computer. The F.B.I. director is scheduled to meet later this month with a delegation of local police officials to discuss other ways to improve communications.

The F.B.I. does have prominent supporters in the ranks of state and local law enforcement agencies. The chief spokesman of the Los Angeles Police Department said city officials had received excellent cooperation from the bureau in dealing with terrorists threats since Sept. 11.

The police chief of Tulsa, Okla., Ron Palmer, said, "I know some of my peers are not pleased, but we're very lucky in Tulsa because we have established a good rapport with the F.B.I. — there is mutual respect and communication." Chief Berger in North Miami Beach said he, too, had a good relationship with the bureau's Miami office.

But in interviews, many other state and local officials around the country said that their frustration was growing and that they found it difficult to believe that Mr. Mueller would be able to change the culture of one of the federal government's most hidebound and turf-conscious agencies.

"I understand what the F.B.I. is about — it's all about culture and elitism," said Chief Michael J. Chitwood in Portland, Me. "Sept. 11 should have changed all that. But it didn't. Sept. 11 showed that there are terrorists who lived among us. Who better to know these people than the local police?"

He said the exchange of information with the F.B.I. remained "a one-way street," with the bureau accepting information but offering none in return. The city's police were quickly drawn into the Sept. 11 investigation after it was discovered that two of the hijackers had spent their final night in Portland.

Chief Chitwood said his officers received a tip on Sept. 12 that an Afghan man living nearby might be tied to the hijackings and that he, too, had sought flying lessons.

But when Portland police officers went looking for the man, Mr. Chitwood said, they were confronted by local F.B.I. agents who issued a stark threat. "They said, 'You tell Chitwood that he's skirting with obstruction of justice,'" if the inquiry continued, the chief recalled.

Mr. Chitwood said he later learned that the Afghan man had been under F.B.I. surveillance for weeks, without any notice to the local police department. The man, he said, was subsequently cleared of suspicion.

"I don't have to know what's going on in New York City," Chief Chitwood said. "I don't have to know what's going on in Los Angeles. But I think I'm entitled to know what's going on in Portland." A spokeswoman for the F.B.I. office in Boston, which oversees Portland, had no comment on the chief's remarks.