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HOMELAND SECURITY BEYOND OUR BORDERS: EXAMINING THE STATUS OF COUNTERTERRORISM COORDINATION OVERSEAS

HEARING

BEFORE THE

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

OF THE

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HOMELAND SECURITY BEYOND OUR BORDERS: EXAMINING THE STATUS OF COUNTERTERRORISM COORDINATION OVERSEAS

Thursday, October 4, 2007

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON BORDER, MARITIME, AND
GLOBAL COUNTERTERRORISM,
Washington, DC.

The subcommittee met, pursuant to call, at 10:05 a.m., in Room 311, Cannon House Office Building, Hon. Loretta Sanchez [chairwoman of the subcommittee] presiding.

Present: Representatives Sanchez, Harman, Jackson Lee, Cellar, Green, Souder, Reichert, McCaul, Bilirakis and Langevin.

Ms. SANCHEZ. Good morning. The subcommittee will come to order.

The subcommittee is meeting today to receive testimony on Homeland Security Beyond Our Borders: Examining the Status of Counterterrorism Coordination Overseas. I would like to thank our witnesses for appearing before us today. This hearing was originally scheduled for the end of July, and I appreciate your cooperation in rescheduling and getting in front of us.

We are here today to discuss the important topic of counterterrorism coordination overseas. In this subcommittee's work on border security, maritime security, we spent a lot of time discussing the idea of pushing our borders out, and this concept involves performing critical Homeland Security functions abroad, like screening travelers and cargo before they arrive to the United States.

As a result of these efforts, the Department of Homeland Security has about 1,300 employees from Customs, Border Protection, Immigration Customs Enforcement and Secret Service stationed abroad. These DHS employees perform critical work related to pushing our borders out. They also have the potential to make significant contributions to counterterrorism work for the Federal Bureau of Investigation, the Department of State and intelligence agencies.

Unfortunately, the potential contribution of Homeland Security agencies to counterterrorism work abroad does not seem to be fully realized due to lack of coordination among all the agencies that I have just mentioned. And I am in particular concerned that after 6 years from 9/11, we are still struggling to coordinate our Nation's counterterrorism work.

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Congress passed the 2004 Intelligence Reform Act to try to address this problem, among many others. It requires that the National Counterterrorism Center, or NCTC, to coordinate the strategic operational planning for all of the government's counterterrorism efforts. And while I understand that NCTC has a general plan for this coordination from June of 2006, we have no information on the development of operational guidance for implementing that broad plan. And we have heard from agencies within the Department of Homeland Security that they have not received clear guidance from the Department or from NCTC on how to best coordinate counterterrorism work with other agencies. And quite frankly, that is unacceptable. As the committee who has oversight on this, we believe that NCTC must do a better job of coordinating those counterterrorism efforts. If people are out there, and they haven't received directive, we need to fix that.

So I look forward to hearing from NCTC about the progress in developing the National Implementation Plan that would achieve this coordination. And I am also interested in hearing from our other witnesses about their agencies' experiences carrying out their counterterrorism missions. It is very easy to get caught up in jurisdictional battles. We have that here in the Congress, and we have seen it quite a bit. But when it comes to counterterrorism efforts, we really have to rise above that. We have to figure out what we have out in the field and how best we can utilize them to do really the number one thing that Americans expect us to do with respect to Homeland Security, and that is stop things from ever happening.

So I thank you for being before us, and I will now ask my Ranking Member if he has an opening statement.

Mr. SOUDER. Thank you very much. I do.

The Committee on Homeland Security was specifically formed after the tragic events on September 11, 2001, in order to provide oversight and support to the new Homeland Security Department and to monitor our Nation's counterterrorism defenses. There is no doubt that Al-Qa'ida and related terrorist cells want access to America and our allies to carry out attacks, to raise money and to search for vulnerabilities. We have held hearings in the previous two Congresses on strengthening the security of our documents, disrupting smuggling organizations and establishing layered security to counter the terrorist threat.

Today's hearing examines another important area: how U.S. law enforcement agencies work with each other and host nations overseas to deter and disrupt terrorism. The witnesses here today represent most of the major players and have between them over 128 years of government service.

I appreciate your presence here today and your service to your country, but I would also like to express my appreciation to GAO for their efforts in the May 2007 report, Combating Terrorism: Law Enforcement Agencies Lack Directives to Assist Foreign Nations to Identify, Disrupt and Prosecute Terrorists, which examined the issue of counterterrorism coordination. They have been very helpful to the committee as we prepare for today's hearing.

I want to hear from the witnesses on the issue of coordination of efforts and clarity of mission. I want to understand what additional resources and programs have been implemented since 9/11,

as well as where we hope our overseas presence and what we hope it looks like in 5 years.

I think the most important thing to examine today is the role intelligence plays, how it is shared, what impact does it have on operations and investigations, and where are the areas for improvement.

Thank you, Madam Chair, for holding today's hearing. I look forward to working with you on these issues. And I yield back the balance of my time.

Ms. SANCHEZ. And I thank my Ranking Member.

Other members on this subcommittee are reminded that under the committee rules, opening statements may be submitted for the record.

Ms. SANCHEZ. So I welcome our panel of witnesses. Our first witness is Mr. Michael Leiter, Principal Deputy Director of the National Counterterrorism Center. And prior to joining NCTC, Mr. Leiter served as the Deputy Chief of Staff for the Office of the Director of National Intelligence, where he assisted in the establishment of ODNI and coordinated all internal and external operations for ODNI, including relationships with the White House; the Departments of Defense, State, Justice, Homeland Security; the CIA and Congress. And he was also involved in the development of national intelligence centers, including NCTC.

Welcome.

And our second witness will be Ambassador Marisa Lino, Assistant Secretary for International Affairs with the Department of Homeland Security. And in that capacity, she plays a central role in developing the Department's international strategy and in formulating and implementing the Department's mission overseas. Ambassador Lino has 30 years of distinguished services in the Foreign Service, where she held overseas positions in Albania, Italy, Pakistan, Syria, Iraq, Peru, and she served as the Ambassador to the Republic of Albania from 1996 to 1999.

Welcome.

Our third witness is Mr. Gary Cote, Deputy Assistant Director for Immigration and Customs Enforcement, Office of International Affairs. Mr. Cote has 33 years of law enforcement experience, serving in numerous capacities with the former Immigration and Naturalization Service and ICE. Much of his work has focused on the growing problem of transnational crimes, with a nexus to the United States including organized crime, human trafficking and smuggling, as well as visa security matters.

Welcome.

Our fourth witness is Mr. Edgar Moreno, Assistant Director for Domestic Operations for the State Department's Bureau of Diplomatic Security, and in that capacity he is responsible for managing and directing Department of State activities within the United States, including all of the field officers, criminal investigations, counterintelligence and protection operations. And before his appointment in June of 2007, Mr. Moreno served as the Special Agent in Charge of the Miami field office, where he oversaw criminal investigative programs that focused on passport and visa fraud, interagency cooperation and asset forfeiture.

Welcome.

And our fifth and final witness is Thomas Fuentes, Assistant Director of International Operations at the Federal Bureau of Investigation. In that position he manages more than 75 FBI offices in U.S. embassies and consulates worldwide. Mr. Fuentes has served in various positions at the FBI since being appointed a special agent in 1979, including Chief of the Organized Crime Section at FBI headquarters. He has also developed and managed several initiatives to combat international organized crime, and has represented the FBI on numerous international working groups.

Welcome this morning also, Mr. Fuentes.

So without objection, all of your full statements will be inserted into the record. And I now ask each witness to summarize his or her statement for 5 minutes. And we will begin with Mr. Leiter. Welcome.

STATEMENT OF MICHAEL E. LEITER, PRINCIPAL DEPUTY DIRECTOR, NATIONAL COUNTERTERRORISM CENTER

Mr. LEITER. Thank you, Madam Chairwoman and Ranking Member Souder, distinguished members of the committee. Thank you very much for the opportunity to come and speak to the committee about NCTC's role in coordinating the war on terror.

I would like to briefly try to address what NCTC does with respect to coordinating operations overseas, and more specifically our role in coordinating law enforcement activities. Before I do that, I want to again briefly describe the roles that NCTC plays consistent with the Intelligence Reform Act in 2004.

NCTC is, in fact, responsible for planning and integrating all elements of national power for the U.S. Government in the war on terror. Our intent is to take the high-level strategic policy promulgated by the White House and translate that into coordinated actionable tasks for departments and agencies to pursue their own mission. The principal overarching result of this planning is, as the Chairwoman has stated, the National Implementation Plan, or NIP, which was approved by the President in June of 2006.

I am going to very briefly describe some of the key elements of the NIP, but let me first note that there are four parts to the NIP, and the first element is attacking terrorist capability overseas. The second is countering violent Islamic extremism. The third is protecting and defending the homeland. And the fourth is avoiding terrorist acquisition of WMD. Supporting all of these is what we call a cross-cutting enabler, and that is, in fact, promulgating and supporting our foreign partners in a way our foreign partners can in turn support our efforts overseas.

Second, each of those four components is supported by very, very specific tasks, and each of those tasks is given then to a department or agency that has responsibility for coordinating the interagency efforts. As we can talk about later, many of those actions involve overseas work involving law enforcement agencies, and others are, of course, coordinated by the Department of State, which plays that role as a matter of statute.

Third, we not only plan, but we do, in fact, seek to coordinate and integrate the synchronization of all these joint departmental activities.

Fourth, the NIP is a planning document that is also used by the Office of Management and Budget, and OMB, in conjunction with NCTC, works with the NIP to make sure that department and agency programs are, in fact, supporting the tasks and objectives of the NIP.

Finally, I want to stress one thing that the NIP and NCTC does not do, and this is a matter of statutory direction. We do not direct operational activity. We are, in fact, responsible for strategic operational planning, but ultimately we rely on individual departments and agencies and their statutory authorities to carry out operations.

With that, I would move briefly to how we specifically support efforts overseas and law enforcement more specifically. First, we put the highest priorities, as I have already noted, on working with our partners overseas. This is clearly the fight, the war on terror, that cannot be won by the U.S. Government alone. So much of our effort focuses on both enabling capability overseas and also doing operations where we are permitted by our host nation.

Let me give you a quick example of where we do that, and one is trying to limit terrorist travel within and across borders. The NIP enables the tracking of potential terrorists as they move between nations to obtain training, recruit new terrorists, position themselves operationally or move money and equipment. And along these lines, the NIP encourages foreign partners to use all their means, criminal, economic, regulatory and intelligence, to ensure that we, in fact, get the support that we need.

Now, within this broader effort again fall the subcategory of law enforcement activities. And again, law enforcement activities are a subcategory because in many instances in many countries it is quite difficult to distinguish between what is a law enforcement agency, what is an internal security agency and what is an intelligence operation. So we at NCTC try to take a broader view and work with all of our components, both our partners at this table and others. From my perspective, this partnership between NCTC and the agency sitting at this table works relatively well. Certainly overseas country teams, I believe, are quite well coordinated, and here in Washington we work very closely together.

Now, that being said, I am not at all stating that we don't have a long way to go. Although we have a cohesive strategic plan that assigns individual cabinets and agencies responsibility, we continue to work both in Washington and overseas to make sure those partnerships are optimized. And we at NCTC are certainly committed to doing so, and we welcome the opportunity to come and brief the committee and its staff more fully on more specific and classified characteristics of the NIP.

Ms. SANCHEZ. Great. I think we are going to need that classified hearing in order for us to do our work. Thank you for your testimony.

[The statement of Mr. Leiter follows:]

PREPARED STATEMENT OF MICHAEL LEITER

Chairman Sanchez, Ranking Member Souder, distinguished members of the Committee, thank you for the opportunity to discuss the role of the National Counterterrorism Center (NCTC) in regards to the status of US Government counterterrorism (CT) efforts overseas. My testimony addresses three points: (1) NCTC's overall role

in coordinating the US Government's strategic plan for the War on Terror; (2) NCTC's more specific role in coordinating counterterrorism efforts overseas; and (3) how the coordination of Law Enforcement Agencies fits into the U.S. government's larger, counterterrorism efforts overseas.

To begin I would like to summarize very briefly the role NCTC does-and does not—play in coordinating the US Government's efforts in the War on Terror. Doing so is, I believe, especially important given the very innovative and groundbreaking nature of Strategic Operational Planning (SOP)—the rubric under which NCTC operates in this realm.

NCTC, as directed by Congress and the President through the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), is responsible for strategic operational planning and integrating all elements of national power, for the US Government's efforts War on Terror (WOT). Our goal is to translate US counterterrorism policy and strategy into coordinated, actionable tasks for individual departments and agencies. The result our planning is a landmark document—the National Implementation Plan or NIP, which was approved by the President in June 2006—the first-ever US Government-wide strategic war plan for countering terrorism.

This war plan does not stand alone. Rather, it complements two types of planning efforts that have long existed and continue to exist-high-level national trategies directed by the President and the' National Security and Homeland Security Councils, and very granular and tactical department and agency-specific implementation plans. By filling this void between high level strategies and the efforts of individual departments and agencies, efforts, and the NIP in particular, are designed to fill a gap that previously hindered interagency coordination at a strategic level.

Let me briefly describe five of the most critical characteristics of the NIP. First, the NIP groups all of the nation's efforts into four components: protecting and defending the Homeland and US interest abroad, attacking terrorists and their capacity to operate, countering violent extremism, and preventing terrorists' acquisition or use of weapons of mass destruction.

Second, and of significant importance to both providing a relatively granular "playbook" and requiring accountability, each of these four component capabilities is supported by strategic objectives and specific tasks. Each of the tasks is assigned to a Cabinet-level officer for action and other Cabinet officers for support. Each department or agency is responsible for generating an individual supporting plan, which is to articulate how that element of the Government will execute the individual tasks for which it is assigned a lead role. In the cases where there are lead and supporting agencies, the lead agency is given the task of deconflicting each agency's plan.

Third, our efforts do not stop at the planning stage. Rather, we also seek to ensure the coordination, integration, and synchronization of joint departmental operations, and monitor the combined impact of multiple agencies engaged in implementing the plans and tasks. As part of our responsibility, we assess how our plans are impacting the enemy so we may tailor them accordingly in the future: NCTC oversees a monitoring process requiring lead and partner departments and agencies to submit status reports on the execution of tasks, the level of interagency coordination, the identification of impediments, and adequacy of resourcing .

Fourth, the NIP helps to guide resource allocation. Specifically, NCTC and the Office of Management and Budget have provided guidance to departments and agencies to ensure their budget requests (for FY–09) align with and will adequately resource priorities identified in the NIP, including a number related to USG efforts to expand foreign partnerships and partner capacity in the War on Terror.

Finally, an important part about what the NIP—and the NCTC more boradly—does *not* do: Neither directs specific operations. In fact, the specifically prohibits the Director of NCTC from "direct[ing] the execution of counterterrorism operations." This final note is of critical importance, for although NCTC is responsible for strategic operational planning, we must ultimately rely on individual departments and agencies—those organizations with explicit statutory authorities and responsibilities, as well as the greatest expertise and experience—to execute the tasks and activities necessary to execute the War on Terror.

With that background, I would like to move to how NCTC participates in the coordination of overseas counterterrorism efforts in general and how we view Law Enforcement Agency (LEA) coordination more specifically.

As the lead agency for coordination, integration, and synchronization of all US Counterterrorism (CT) efforts, NCTC puts the highest priority on the strategic coordination of overseas counterterrorism efforts in order to combat terrorism worldwide and, more specifically, to protect American lives. Although we and our allies have had tremendous successes in the War on Terror, we face a determined enemy. Protecting the homeland from another catastrophic attack requires more then sim-

ply a hardening of our borders; rather, we must work closely and tirelessly with foreign law enforcement, security, and intelligence agencies to identify, deter, detain, and prosecute terrorists operating within their domain.

Last year's foiled United Kingdom aviation plot showed how vital the role of foreign partners are in preventing terrorist attacks on Americans. In that case, it was only with our foreign law enforcement and intelligence partners that we were able to monitor and track effectively terror plotters developing plans against the United States overseas. In the process, our foreign partners must perform a very difficult, but essential, balancing act: providing us with key intelligence on the advancement of plots while allowing for eventual detainment and successful prosecution of the plotters, all while providing the appropriate protection for civil liberties.

The NIP directs both lead and partner departments and agencies to work together in a coordinated, integrated, and synchronized manner in order to cooperate with, and assist foreign partners in, a multitude of diverse ways. Expanding foreign capacity furthers each of the four NIP components. In simpler terms, expanding foreign capacity is a baseline capability that permits each of the four component strategic objectives to be achieved.

Although I cannot go into extensive detail in open session as to the types of tasks that comprise this area within the NIP, I would like to offer several examples where developing foreign capacity is particularly important.

As this Committee is well aware, countering the violent extremist message is of utmost importance to winning the War on Terror. In this regard, the NIP includes several tasks that relate to the need for US departments and agencies to work with foreign partners—LEAS and beyond—to combat extremist messaging and counter radicalization.

The NIP also directs departments and agencies to help foreign partners build their capacity to limit terrorist travel, including crossing international borders. In addition, it seeks to ensure that these capabilities, as they are developed, link appropriately to US capabilities.

Finally, I would note that the NIP highlights the importance of strengthening not only our foreign partners' capabilities, but also the willingness of those foreign governments to use all means at their disposal, to include economic, regulatory, and criminal sanctions. This point may seem obvious, but developing a capability serves little purpose if there is not an accompanying will to use that capability.

Within the broader category of expanding foreign capacity falls a subcategory of activity—coordinating the overseas efforts of LEA's. As is the case with most of the NIP tasks that require overseas activity, the State Department is as a general matter charged with directing, managing, and coordinating all US Government efforts to develop and provide counterterrorism capacity within each host nation. The State Department—partnering with the law enforcement elements of the USGO—is the best positioned department to lead our overseas coordination efforts.

Every country has a unique intelligence and law enforcement structure. Domestic police and intelligence functions may be shared by a single entity or separated in a variety of organizational constructs. Moreover, the different foreign partners and their components have varied preferences as to how they desire to partner with the United States and its law enforcement and intelligence elements. The decision on how to cooperate must literally be made on a country by country basis. State serving as the lead for these tasks ensures that Chiefs of Mission around the world can fully and appropriately guide all US activities within the host nations.

Within the broader mission of working with overseas partners in the War on Terror, the NIP recognizes the importance of US LEAs. Again, the NIP-in many of its specific tasks—gives lead authority to the State Department to coordinate the efforts of organizations like the FBI, DEA, ICE, CBP, and Secret Service to achieve the NIP's strategic goals. For example, the NIP focuses on building partner nation capacity to deny terrorists access to resources that facilitate travel. Thus, several agencies are tasked to work with foreign partners to identify and close down alien smuggling networks and document forgery cells. In this instance, as in most tasks associated with foreign partners, the State Department has the lead, but is partnered with the law enforcement agencies that bring the expertise and resources to carry out the NIP task.

For greater specificity on how various coordinate their efforts—both overseas and in Washington—I defer to my colleagues here today. Their Departments work together in a variety of contexts on a day-to-day basis, conducting operations and developing foreign partner capacity critical to combating terrorism.

None of what I have said here should be understood to mean that we no longer face real and significant challenges. We recognize the need to continuously monitor our progress, objectively evaluate our success, openly acknowledge our failures, and do all that we must to improve and mature our strategies, plans, and procedures

in order to support an enduring counterterrorism capability. This is true for the broad mission of working with foreign partners, as well as the narrower mission of coordinating LEA activity.

In closing, I would reiterate we have come a long way in the last two years. For the first time, we have a cohesive strategic plan that assigns individual cabinet departments action on an enormous array of tasks, many of which focus on working outside of the US with our foreign partners. In doing so, we aim to have a system wherein US LEAs can, where permitted, pursue operational activity with their foreign partners, as well as help those same foreign partners develop their own capabilities. And as core elements of government power, we at NCTC are committed to ensuring that LEAS—acting under the guidance of Chiefs of Mission all over the world—take coordinated action to protect the US, US interests, and our allies.

Ms. SANCHEZ. And I now recognize the Ambassador. Welcome. Please, for 5 minutes.

STATEMENT OF MARISA R. LINO, ASSISTANT SECRETARY, INTERNATIONAL AFFAIRS, OFFICE OF THE SECRETARY, DEPARTMENT OF HOMELAND SECURITY

Ms. LINO. Chairwoman Sanchez, Ranking Member Souder, distinguished members of the committee, it is an honor to testify before you today. I was going to start by briefly introducing myself because I am new, but for the most part you have done that, Madam Chairwoman.

I would simply add that after I retired from the State Department, I also spent 3 years in the academic world. I began at DHS in March of this year as an advisor to the Secretary on international affairs, and he named me in July as Assistant Secretary for International Affairs. My office is tasked with coordinating DHS's international activities and with providing policy guidance for international engagement.

Obviously I believe it vitally important to develop close partnerships with our overseas counterparts and cooperative activities with our close allies in order to protect the homeland effectively. Terrorists look to exploit our vulnerabilities, so we must fashion an international response that goes beyond traditional cooperation for law enforcement. At the same time, it is vitally important to our economy to permit legitimate travel and commerce to proceed smoothly and with a minimum of obstacles.

Capacity building as a means of addressing security vulnerabilities is one of the most cost-effective and lasting force multipliers for our efforts overseas. One way that DHS adds value is by providing a significant amount of international training and technical assistance to foreign law enforcement agencies in areas such as maritime security, border management, fraudulent document detection and so on. Virtually all of our training and technical assistance is work collaboratively with the State Department and other agencies in using State and DOD funding and subject to State and DOD priorities.

DHS participates in a host of interagency committees and working groups with these same agencies. We work closely with State, DOD, Justice and others, both in the United States and overseas, in support of various overseas programs.

As you have mentioned, we have significant numbers of personnel based overseas, but these are primarily in operational functions. They work collaboratively with other agencies in achieving their objectives. Since most are operational, they work in airports,

at seaports, at border crossing points, working side by side with host government officials in programs such as the Container Security Initiative, the Immigration Advisory Program, the Port Security Program, the Visa Security Program and others.

Our people are involved in a wide range of activities overseas from investigations of human smuggling and trafficking to financial crimes, to immigration fraud and human rights violations. Some of our people do work in embassies, where they are fully-fledged members of the Ambassador's country team.

In my written testimony I have provided over a dozen examples of the types of activities which DHS personnel are engaged in overseas, some of which, as I mentioned, are work collaboratively with some of the other agencies at this table.

In closing, I would add that in my few short months at DHS, I have been privileged to work with a group of incredibly dedicated and driven individuals, totally devoted to this country's safety and security. I was attracted to my position at DHS because the security of the homeland depends a great deal on our success in building international cooperation and partnerships. Throughout my professional career, I have worked on building bridges internationally, and it is an area in which I believe I have something to contribute. I am very proud that my office consists of an outstanding group of people who have already accomplished a great deal and are eager to do more, much more. I feel the same way about my interagency colleagues working on the same issues. The challenges we face together are great, but the consequences of not achieving our goals are even greater.

I thank you for this opportunity to testify before you.

Ms. SANCHEZ. Thank you, Madam Ambassador. And I thank you for your testimony.

[The statement of Ms. Lino follows:]

PREPARED STATEMENT OF MARISA R. LINO

Chairwoman Sanchez, Ranking Member Souder, and Members of the Subcommittee, it is an honor to testify before you today on the subject of "Homeland Security Beyond our Borders: Examining the Status of Counterterrorism Coordination Overseas."

As this is my first time appearing before the Subcommittee, I would like to introduce myself. I joined the Department as an advisor on international affairs March 5, 2007 and was appointed Assistant Secretary for International Affairs of the U.S. Department of Homeland Security by Secretary Michael Chertoff on July 23, 2007. The Office of International Affairs (OIA) is part of the Policy Office at DHS and has primary responsibility for international affairs at the Department. As such, OIA is charged with managing international activities and providing policy guidance on the direction of DHS international engagement to ensure that our overseas activities support fully the Department's goals and mission.

In my statement I intend to touch on three themes: the security of the homeland depends on international cooperation and partnerships; we can build capacity in our partners by continuing to provide training and technical assistance; and we work cooperatively and coordinate effectively within the U.S. Government interagency.

Let me begin by giving you a sense of the magnitude of the Department of Homeland Security's activities overseas. We have over 1700 personnel assigned outside of the United States in approximately 70 different countries. That may seem to be an extraordinarily high number for an agency devoted to securing the homeland from terrorist attacks and natural disasters, as well as responding to these attacks. However, I believe it fairly self-evident that to engage effectively in global counterterrorism we must work closely with our international partners.

Much of what we do to protect the United States begins overseas and requires us to develop close partnerships with our counterparts and to establish cooperative

activities with our allies. DHS international engagement is an extension of domestic policies and programs into the international arena. Of course, cooperation and coordination begin at home, within the U.S. Government, but I will comment further on that in a moment.

Promoting international consensus and enhancing regional efforts to combat terrorism remain key priorities of this government. We view terrorism as a common threat that exploits shared vulnerabilities, requiring a concerted international effort across international borders and critical infrastructure. By partnering with our international friends and allies, we strengthen our nation's security, by reducing risk and building resiliency. At the same time, we are very cognizant of the need for such areas as travel and trade to prosper and therefore attempt to implement security efforts without undermining the ability of these systems to function.

Our "ounce of prevention" does not begin at the U.S. coastline or border. It begins before a person sets foot on an airplane bound for the U.S. or before a container is loaded onto a ship bound for a U.S. port. Terrorism today is a globalized and networked phenomenon. Because we live in a globally interdependent society, the threat of terrorists continually trying to utilize the same assets, systems, and networks that we have deemed "critical" to our nation does not stop at our borders. Experience shows that terrorists do not respect international boundaries; do not feel restricted by them, and will attempt to exploit them in any way possible. So we are constantly engaged in the sharing of lessons learned and best practices for risk reduction; of creating better mechanisms for the sharing of threat information and intelligence; promoting joint law enforcement efforts; and working with our allies to develop international standards in areas such as aviation and maritime security.

One way DHS adds value to the U.S. Government's overseas programs is by making available training and technical assistance to foreign law enforcement agencies based on the expertise developed through domestic operations. The recognized subject matter expert in the areas of maritime security, border management and fraudulent document detection, DHS currently provides a significant amount of training and technical assistance (T/TA) to foreign partners. In doing so, DHS relies on the priorities and parameters set by the funding agencies in delivering technical assistance to foreign governments and law enforcement organizations. The funding agencies ultimately determine the countries to receive assistance, the scope of work performed, and the programs'duration. Capacity building as a means to address security vulnerabilities before they threaten our shores is the most cost effective and lasting force multiplier to U.S efforts in combating terrorism.

Interagency coordination and cooperation are key to achieving DHS' goals and objectives. As you well know, the lessons of 9/11 drove the creation of the Department I represent. It is precisely because we needed to coordinate our efforts and share information that personnel from 22 different agencies were merged into one DHS, in the largest U.S. Government reorganization since the 1947 National Security Act. The Department's mandate to protect the homeland against man-made and natural disasters was the vision driving that massive reorganization. The expansion of DHS's Office of International Affairs now provides the Department with the depth of staffing necessary to work with the interagency as an equal partner and contributor to the larger USG efforts abroad. My staff collaborates regularly with the Departments of State, Defense, Justice, Commerce and others in support of programs such as Export Control and Related Border Security Assistance (EXBS), International Military Education and Training (IMET) and Overseas Prosecutorial Development Assistance (OPDAT).

Since the Department's founding in 2003, we have made enormous progress, which continues, in both internal and interagency coordination and cooperation. Today, you will find DHS representatives on a wide range of interagency working groups focused on countering terrorism. Examples include the Terrorist Financing Working Group, the Maritime Security Working Group, the Biometrics Coordination Group, and the National Implementation Plan Strategic Coordination Working Groups. We are equally determined to expand our overseas activities in areas where our contributions can have the greatest impact. For example, during the June 5—6 Counterterrorism Trilateral (United States, Japan, and Australia) Meeting, in which DHS participated in an interagency delegation led by the State Department, senior officials from DHS engaged in a series of discussions on collaborative capacity building. The group reached consensus on a number of capacity building work streams to enable countries in Southeast Asia to better respond to the threat of terrorism. Discussions consistently underscored the need for greater DHS investment and engagement in the region in capacity building where DHS has unique skill sets.

Our overseas personnel aim at preventing acts of terrorism by interdicting the people, money and materials that support terrorist and criminal activities. They are engaged in activities from border and transportation security to customs investiga-

tions and refugee processing. Our programs include such major and important efforts such as the Container Security Initiative, the Immigration Advisory Program, the Port Security Program, the Visa Security Program *and the Pre Clearance Program.*

Virtually all our overseas personnel are operational, not representative, and they engage directly in programs run by one of DHS' components. Among DHS components, the Immigration and Customs Enforcement (DHS–ICE), the Customs and Border Protection (DHSCBP), the U.S. Coast Guard (DHS–USCG) and the U. S. Secret Service (DHS–USSS) have the most substantial international programs and presence overseas, although the Transportation Security Administration (DHS–TSA), the U.S. Citizenship and Immigration Service (DHSUSCIS) and the U.S. Visitor and Immigrant Status Indicator Technology Program (US–VISIT) have international activities and personnel overseas as well.

Some of our overseas personnel are assigned to embassies; the rest work in locations related directly to their programs: airports, sea ports, border crossing stations, and so on. Our law enforcement personnel overseas, including DHS–ICE, DHS–CBP and DHS–USSS, are involved in a wide range of activities, including: investigations of human smuggling and trafficking; narcotics, weapons and all other contraband smuggling; export enforcement, such as investigating illegal arms exports and exports of dual-use equipment that may threaten national security; financial crimes, such as money laundering, commercial fraud, intellectual property rights (including commercial counterfeiting) violations; cyber crime; immigration fraud; and human rights violations.

DHS personnel provide the critical link for the U.S. Government in cooperative efforts with partner nations as we build networks to disrupt terrorist goals and activities. Our own goals and objectives are simple and straightforward. We aim to continue to protect our nation from dangerous people and dangerous goods; we seek to continue to protect the critical infrastructure of our nation; we work to build a culture of preparedness; and we strive to strengthen and unify DHS operations.

As I have said, some of our overseas personnel work in embassies; approximately 150 senior DHS representatives are the DHS lead for interagency coordination and cooperation. They are fully-fledged members of the Embassy Country Team, and as such, respond to the Ambassador's overall direction as well as to their respective DHS home offices in the U.S.

Coordination and cooperation overseas is a two-pronged effort. Clearly, the Ambassador, as the President's personal representative, provides guidance on how the Country Team will operate and how best to approach a host government on counterterrorism efforts. That leadership is the key to ensuring that disparate agencies in the mission collaborate effectively. In Washington, the agencies of the U.S. Government involved in counterterrorism activities strive through the interagency process to provide our people in the field guidance on best approaches. Is either part of this two-pronged effort perfect? Of course, the answer is no. However, I can tell you that in the few short months I have been at DHS, I have seen no sign of complacency. On the contrary, I feel honored to work with a group of incredibly dedicated and driven individuals, totally devoted to this country's safety and security. I feel the same way about my interagency colleagues working on the same issues, be they from any agency of the U.S. Government. The challenge we face together is great, but the consequences of not achieving our goals are even greater.

A few simple numbers tell the story very clearly of what we are facing. I may be repeating some facts and figures you have heard before, but I believe describing the magnitude of the problems we are dealing with provides important context for the issue we are discussing today: every year, more than 500 million people, 130 million motor vehicles, 2 1/2 million railcars, and more than 11 million containers are processed at our land borders, airports and 317 sea ports. These staggering numbers demonstrate better than any selected examples might do that the United States forms part of a critical global economic network, requiring an international dimension to all of DHS' efforts to secure the homeland. Security does not start at our land, air, sea border.

In the spirit of better describing for you what our overseas personnel are doing, I would like to cite a few examples of their excellent work and activities:

- This fiscal year alone, the DHS–ICE Forensic Document Laboratory (FDL) has trained more than 1,900 individuals in locations all over the world, including the United States, South Africa, El Salvador, Botswana, Jordan, Trinidad & Tobago, Kenya, Turkey, and Yemen. The FDL is the premier forensic document laboratory in the world and is a forensic crime laboratory dedicated to fraudulent document detection and deterrence. Providing a wide variety of forensic and support services to all DHS components, the FDL also supports other federal, state, and local agencies, as well as foreign government law enforce-

ment and border control entities. The FDL is an integral part of a comprehensive approach to disrupting terrorist travel and works both domestically and internationally to strengthen international travel documents. Real-time support is provided 24 hours a day, 365 days a year to assist all federal, state, and local law enforcement officers with questioned documents.

• The Customs—Trade Partnership Against Terrorism Program (C–TPAT) is an element of a continuum of supply chain security through which DHS–CBP and members of the international trade community have been working together successfully to implement measures to secure the global supply chain. Further, DHS–CBP is working with foreign governments to establish and mutually recognize similar programs around the world. Mutual recognition pilot projects currently include New Zealand, Jordan, and members of the European Union.

•DHS–TSA has initiated a Cross Border Pipeline Assessment Program that requires the United States and Canada to conduct visits to critical cross-border pipeline infrastructure, identify security gaps, and recommend protective measures to mitigate those gaps. In addition, TSA has partnered with Natural Resources Canada to assess four pipeline systems to date. As of June 2007, approximately 85 percent of the country's natural gas pipeline systems have been evaluated.

•DHS/Office of Infrastructure Protection conducted several joint risk assessments with their Canadian and Mexican counterparts on cross-border critical infrastructure. They responded to the recent events in London by immediately deploying a team of experts from their Office of Bombing prevention to add their expertise. Additionally they have been able to bring international attention to the importance of critical infrastructure protection is such multi-lateral forums as the G8, OAS, and the EU.

•The Coast Guard manages the International Port Security (IPS) Program which seeks to promote improved foreign port security by engaging in bilateral and multilateral discussions with trading nations in order to share and align maritime security practices. The program assesses the anti-terrorism measures in place in foreign ports through IPS Program visits to see how these ports meet the internationally accepted standard (the International Ship and Port Facility Security Code). Employing a team of uniquely trained port facility security specialists, the Coast Guard IPS Program has visited 100 countries since 2004. These 100 countries are responsible for over 80% of the vessel arrivals to the United States. The remaining 45 country visits will be completed by early CY 2008.

•The implementation of DHS–CBP's Immigration Advisory Program (IAP), which provides for the deployment of DHS–CBP officers to some of the largest, busiest airports around the world, to work with foreign immigration authorities and air carriers, to target and identify airline passengers who may pose a terrorist threat or are otherwise inadmissible before they can enter the United States. DHS–CBP currently has IAP representatives stationed in London, Tokyo, Warsaw, and Amsterdam and is working with other governments to expand our IAP representation to other critical airports.

•DHS–ICE's Visa Security Program (VSP), a counterterrorism program in 9 posts in 8 countries, performs proactive law enforcement vetting and investigation of visa applicants and works to uncover threats to homeland security. The goal is to identify not-yet-known terrorist or criminal suspects and stop them before they get to the United States. In one recent case, following interviews and vetting activities, VSP identified a relationship between a visa applicant and 30 individuals, 24 of them not-yet-known to the USG, who were closely tied with known terrorist associates and subjects of Joint Terrorism Task Force (JTTF) investigations. As an outcome, Department of State and VSP created multiple new terrorist watchlist records. To further its mission, VSP has developed a five-year expansion plan that will cover 75% of the highest-risk visa activity globally and increase the VSP footprint to more than 140 resources in over 40.

•DHS–CBP has been working through the World Customs Organization to draft, adopt and implement the Framework for Security and Facility in the Global Environment (SAFE Framework of Standards). This Framework of Standards is being used by 144 nations to leverage customs authorities and resources to secure and facilitate international trade—and protect global supply lines from being used by terrorists to transport weapons. The Framework calls for a common approach to risk management, the use of advance data and non-intrusive inspection technology and partnerships between customs authorities and with members of the international trade community to secure the global supply chain.

•DHS–ICE and DHS–USSS worked with the Mexican authorities on a major case in Mexico City following the seizure of almost $5 million in laundered monies, which was believed to be counterfeit and later deemed to be legitimate. The money, hidden in air conditioning equipment, was seized by Mexican Customs, working with DHS–ICE.

•DHS–ICE has achieved significant progress in working with other countries to implement speedy processing of the repatriation of illegal aliens. In Fiscal Year 2006, DHS–ICE removed 192,171 illegal aliens, including 88,217 criminals, a 13 percent increase in total removals and a four-percent increase in criminal removals over the prior Fiscal Year. DHS–ICE officials have encouraged non-cooperating countries to issue travel documents. The DHS–ICE Electronic Travel Document Program has shortened the processing and detention times for removal of aliens.

•For over nine years, DHS–USSS has investigated the counterfeiting of U.S. currency and other U.S. payment and identity documents manufactured in Bulgaria. In December 2001, the USSS began a new chapter in its Bulgarian counterfeit investigations when the Bulgarian National Bank notified them of the deposit of very high quality counterfeit U.S. Federal Reserve Notes. Thorough forensic analysis of these counterfeit notes revealed they were allied to a similar family of counterfeit notes, which the U.S. media had previously dubbed as the "Supernote." The "Supernote" investigation is one of the Service's most important international cases.

•DHS–ICE, DHS–CBP and DHS–USCG participate in Integrated Border Enforcement Teams (IBETs) with their Canadian counterparts, the Royal Canadian Mounted Police (RCMP) and Canadian Border Security Agency (CBSA) along the U.S.-Canadian border. IBETs aim to enhance shared border integrity and security between ports of entry by identifying, investigating and interdicting persons, organizations and goods that threaten the national security of one or both countries, or that are involved in organized criminal activity.

•Each year, the Coast Guard deploys approximately 100 Mobile Training Team (MTT) missions to an estimated 50 countries, hosts an average of 300 international resident students in Coast Guard schoolhouses located in the U.S., and responds to more than 400 requests for technical assistance in the form of subject matter experts. These international training efforts created force multipliers for U. S. strategic goals by developing proficient officer and enlisted corps among partner nations and by inculcating in foreign partners the need for an interagency response to crisis management scenarios.

•DHS-Policy and US–VISIT are working with international partners Australia, Canada, and the U.K. (Four Country Conference) to improve transnational immigration and border security methods and processes. Efforts to this end include analysis of data sharing arrangements; study of the business, policy, legal, process and technical aspects of biometric data sharing; discussion of identity management processes; analysis of risk assessment capabilities and best practices; and improved communication of watchlists. This multinational coordination and cooperation effort improves and strengthens our ability to identify individuals who are threats to the homeland.

•In support of DHS components' and other Federal agencies' law enforcement and counterterrorism missions, DHS' Federal Law Enforcement Training Center (FLETC) provides international training and technical assistance to foreign police and criminal justice officers and officials. FLETC presents advanced and basic law enforcement programs overseas, administers an International Visitors Program that hosts foreign delegations visiting our training sites, and processes individual foreign student requests to participate in law enforcement training offered by FLETC. FLETC has management oversight for the International Law Enforcement Academies in Botswana and El Salvador, and provides support to the ILEAs in Hungary and Thailand.

• I would like to wrap up my three themes by giving you my very personal perspective on these issues. You all know very well the Department was established just over four years ago. It is a work in progress and there is still much to do, but not for lack of effort on the part of many good people who care deeply about the safety and security of our nation. I was attracted to my position at DHS because the security of the homeland depends a great deal on our success in building international cooperation and partnerships. Throughout my professional career I have worked on building bridges internationally and it is an area where I believe I have something to contribute. I am also fortunate that my office consists of an outstanding group of people who already have accomplished a great deal and are eager to do more. With respect to our overseas presence, we still have work to do in building a unified DHS. I have met with the DHS

teams in Tokyo and Beijing and I have been impressed by the team spirit and approach. But more needs to be done. Our international presence and our international activities are the frontline of our security. Last, but not least, interagency cooperation is critical to success in our efforts overseas and I believe all of us at DHS work hard to make this happen.

In closing, I would remind all that terrorism is not a threat we face alone. As we have seen around the world—in London, in Bali, Madrid, Riyadh and Islamabad—terrorism is a threat faced by all countries. In the same way, we cannot win this war alone; we need our friends and allies to cooperate with us to win. They fight the same threat, face the same risks and oppose the same enemy.

Ms. SANCHEZ. I now recognize Mr. Cote to summarize your statement for 5 minutes.

STATEMENT OF GARY L. COTE, DEPUTY ASSISTANT DIRECTOR, IMMIGRATION AND CUSTOMS ENFORCEMENT

Mr. COTE. Madam Chairwoman, my comments are included with Ambassador Lino's as part of the DHS.

Ms. SANCHEZ. That is brief.

And I now recognize Mr. Moreno to summarize his statement for 5 minutes.

STATEMENT OF EDGAR MORENO, ASSISTANT DIRECTOR, DOMESTIC OPERATIONS, BUREAU OF DIPLOMATIC SECURITY, DEPARTMENT OF STATE

Mr. MORENO. Good morning, Chairwoman Sanchez and members of the committee. I am honored here to appear before you today with my distinguished colleagues.

Counterterrorism coordination, security overseas and the task of limiting terrorists from accomplishing goals is of paramount concern to Diplomatic Security. With a regional security office representing at 285 posts worldwide and 25 domestic offices, Diplomatic Security is uniquely represented in the most represented U.S. law enforcement organization in the world.

Our law enforcement network includes 1,500 special agents who are assigned both overseas and domestically. And overseas, our agents serve as the primary law enforcement contact to foreign government and law enforcement authorities.

Providing security for our diplomatic interests requires a multiagency and coordinated approach. Ambassadors can use two options, an Emergency Action Committee and Law Enforcement Working Groups, in an overseas post to coordinate activities of all law enforcement agencies. First, the Emergency Action Committee is a group of senior-level officers representing all U.S. Government agencies at posts that provides the Ambassador guides in preparing for and responding to threats and other crises at post or against U.S. interests abroad. Diplomatic Security and the other Federal law enforcement agencies also can participate in Law Enforcement Working Groups at U.S. missions abroad, and these groups work with the goal of improving information sharing, coordination among various law enforcement components.

One of the most critical national security challenges our country faces is the desire for terrorists to inflict catastrophic harm to the United States and our citizens. Access into the U.S. requires the acquisition of travel documents, including visas and passports, to allow terrorists to enter and move freely within our borders.

As the law enforcement arm of the Department of State, Diplomatic Security is responsible for upholding the integrity of the U.S. visa and passport documents. Our partnership with the Bureau of Consular Affairs and worldwide presence makes us the go-to agency for the investigation of U.S. passport and visa fraud.

Last year Diplomatic Security crafted the Visa and Passport Security Strategic Plan that leverages our international expertise and worldwide presence. Our approach incorporates the principles of the National Strategy to Combat Terrorist Travel and addresses the objectives for Intelligence Reform and Terrorist Prevention Act of 2004.

In addition, Diplomatic Security incorporates four other programs for a multiple-directional approach designed to combat terrorist activities. First, Diplomatic Security's Awards for Justice Program. Rewards for Justice is currently offering up to $25 million for the capture of or information leading to Osama bin Laden and other key Al-Qa'ida leaders. Through these efforts, the Awards for Justice Program, international terrorists and other most wanted persons have already been brought to justice, including Ramzi Yousef, the bomber of the World Trade Center in 1993; and Mir Aimal Kansi, who killed two CIA employees and injured three others in 1993; and Uday and Qusay Hussein, Saddam Hussein's sons, killed in July 2003.

Second, through the Antiterrorism Assistance Program, Diplomatic Security is building a global network of host government experts dedicated to assisting us combat terrorism and safeguard the conduct of U.S.—the diplomacy, diplomatic personnel facilities and information around the world. At the present time, the ATA, or Antiterrorism Assistance Program, has trained over 55,000 foreign counterparts from over 80 countries.

Third, the Overseas Security Advisory Council, or OSAC, also established in 1985, provides an ever-evolving mechanism for the sharing of security expertise and information between the Department and the private sector. OSAC services over 4,500 private-sector organizations composed of U.S. businesses, NGOs, faith-based organizations, academic institutions that, in conjunction with the Department of—the Bureau of Diplomatic Security create an information-sharing platform for security issues of concern to the U.S. private sector.

Lastly, our Major Events Coordination Unit helps address future worldwide security needs surrounding major events that has U.S. representation overseas. Diplomatic Security recently provided security resources to the Pan Am Games in Rio de Janeiro, the G–8 meeting in Japan, and we are currently preparing for the 2008 Summer Olympics in Beijing.

In summary, cultivating and developing partnerships with other U.S. Government law enforcement agencies, the Intelligence Community and in particular host government law enforcement elements are critical to defending our homeland. The Bureau of Diplomatic Security leverages all available resources in contributing to the coordination of overseas counterterrorism efforts. With our combined efforts and your assistance, I am confident that we can succeed and will succeed.

Chairwoman Sanchez, I thank you and the other members of the committee for being given the opportunity to appear this morning. I have submitted a written formal statement with additional information that can be used as a reference. I would now be happy to answer any of your questions and appreciate your time. Thank you.

Ms. SANCHEZ. Thank you, Mr. Moreno.

[The statement of Mr. Moreno follows:]

PREPARED STATEMENT OF EDGAR MORENO

Good Morning Chairwoman Sanchez and members of the Committee.

It is my honor to appear before you today with my distinguished colleagues. I would like to thank you and the Committee members for your continued support and interest in the Bureau of Diplomatic Security's (DS) protective and investigative programs. Through Congressional support, DS safeguards American diplomats, facilities, and information around the world. Counterterrorism coordination, security overseas, and the task of limiting terrorists from accomplishing their goals is of paramount concern to DS and requires a multi-agency effort for success.

As the most widely represented law enforcement organization in the world, DS is the primary U.S. law enforcement contact for foreign government and law enforcement authorities at 285 State Department posts worldwide. Our presence includes nearly 1,450 Special Agents dispersed among 25 field and resident offices domestically, with representation on 26 Joint Terrorism Task Forces, and assignments to U.S. embassies and consulates in 159 countries. DS Agents serving around the world in embassy and consulate Regional Security Offices manage the security programs that ensure the safety and security of U.S. Government personnel, facilities, and classified information.

DS's efforts can manifest themselves at any time or any place around the globe. In May and June 2006, when a rupture between the national Government and security services of East Timor resulted in heavy fighting, DS agents at the U.S. Embassy in Dili assisted with emergency preparedness and response, including the evacuation of U.S. citizens to Australia. Later in the summer, DS agents on the ground in Beirut, Damascus, Ankara, Tel Aviv, and Nicosia, along with other Department of State employees, were critical elements in the safe evacuation of nearly 15,000 American citizens from Lebanon during the conflict between Israel and Hezbollah.

It is important to note that providing security for our diplomatic interests from all possible threats overseas requires a multi-agency, coordinated approach. To ensure effective utilization of the law enforcement and intelligence tools at their disposal, Ambassadors utilize Emergency Action Committees (EACs) and Law Enforcement Working Groups (LEWGs) at overseas posts to coordinate the activities of all participating agencies.

The EAC is a group of senior-level officers representing all U.S. Government agencies at post. The EAC provides the Ambassador or principal officer with guidance in preparing for and responding to threats, emergencies, and other crises at post or against U.S. interests elsewhere. Each post is responsible for preparation of the Emergency Action Plan, which is designed to provide procedures and protocols for just about any type of unforeseen event. It identifies actions the post, Department, and other Federal agencies might take to mitigate and manage an emergency or threat to U.S. interests.

Additionally, to better coordinate U.S. law enforcement efforts overseas, DS and other Federal law enforcement agencies participate in LEWGs at U.S. missions abroad. These working groups will fulfill a role similar to their domestic Joint Terrorism Task Force counterparts, with the goal of improving information sharing and coordination among various law enforcement components.

One of the most critical national security challenges our country will face for the foreseeable future is the desire of terrorists to inflict catastrophic harm to the United States and our citizens. A key element in all terrorist operational planning is access to their target. Such access necessitates the acquisition of travel documents (including visas and passports) that allow terrorists to enter and move freely within our borders.

As the law enforcement arm of the U.S. Department of State, DS is responsible for upholding the integrity of U.S. visa and passport documents. Our partnership with the Bureau of Consular Affairs (CA) and worldwide presence make DS uniquely positioned to meet the serious national security challenge of travel-document

fraud and to be the premier agency for the investigation of U.S. passport-and-visa fraud.

Terrorists attempt to discover, manipulate, and exploit vulnerabilities within our travel document system. To successfully counter this threat, DS, last year, crafted the Visa and Passport Security Strategic Plan that leverages our international expertise and worldwide presence. The Plan provides the framework for the worldwide Visa and Passport Security Program that will significantly augment the Department's ongoing efforts to prevent terrorist travel. Our approach incorporates the principles of the National Strategy to Combat Terrorist Travel and addresses the objectives of the Intelligence Reform and Terrorism Prevention Act of 2004.

The Plan is built upon a cornerstone of three strategic goals:

- To defend the homeland and our foreign partners from terrorist attack through aggressive and coordinated international law enforcement action;
- To detect terrorist activity, methods, and trends that exploit international travel vulnerabilities; and
- To disrupt terrorist efforts to use fraudulent travel documents through strengthening the capacities of foreign partners.

This three-tiered approach has resulted in the deployment of additional DS Special Agents overseas. They are responsible for conducting passport-and-visa-fraud investigations in-country, working with host government law enforcement authorities to identify potential terrorist travel, and to disrupt existing in-country criminal networks. Through our close working relationships with host government law enforcement authorities, DS was able to strengthen host country resources through Department of State-sponsored antiterrorism training.

Currently, DS has 33 Special Agents assigned to key posts whose sole duty is to investigate travel-document fraud and to ensure the integrity of the consular process. By the end of 2008, DS will have 50 agents in 48 overseas posts to serve in such a capacity. DS investigations with our foreign law enforcement colleagues and fraud prevention training of more than 7,800 foreign law enforcement and security personnel has yielded great success. Since 2004, these efforts have resulted in nearly 1,285 arrests for document fraud and related offenses, almost 4,200 visa refusals and revocations, and over 450 refusals of U.S. passports and consular record-of-birth-abroad applications.

The following are just a few specific examples of the Visa and Passport Security Program's success:

Operation Triple X—DS Special Agents in Surabaya, Indonesia, partnered with the State Department's Bureau of Consular Affairs and the Indonesian National Police on Operation Triple X, an investigation that shut down 12 major criminal syndicates that produced and sold counterfeit U.S. visas and other fraudulent documents for illegal entry into the United States. The investigation, which resulted in 84 arrests, including that of an Indonesian immigration official, revealed that more than 2,000 individuals had used the services of these criminal syndicates, which had ties to terrorist extremists. All 84 individuals arrested were charged and convicted under Indonesian fraud statutes.

Human Smuggling Rings—As a result of a 17-month investigation that was initiated by a facial recognition hit in the consular section at the U.S. Embassy in Bogotá, Colombia, the Colombian Administrative Department of Security (DAS), in conjunction with the DS and Immigration and Customs Enforcement (ICE) Attachés Office, conducted a coordinated takedown of a human smuggling ring in Cali, Colombia. At the conclusion of the takedown, a total of 19 arrests were made. These arrests included five active members of the human smuggling ring, two false applicants, and 12 medical doctors who had conspired with the organization.

Document Fraud U.S. Entry Requirements Training—DS Agents and CA's Fraud Prevention Unit in Caracas conducted a Document Fraud and U.S. Entry Requirements training course for over 250 airline employees. The training session, conducted with the assistance of the Customs and Border Protection Carrier Liaison Program, focused on U.S. travel documents, entry requirements, document fraud, and fraud indicators.

Fraud Training—DS Agents in Tel Aviv developed a working agreement with the Israeli Ministry of Interior and the Israel National Police to provide anti-fraud training to new police recruits at various locations throughout Israel and at Ben-Gurion International Airport.

Strengthening Visa Security—DS Agents, in coordination with other Embassy officials, have been working with Guatemalan Government officials to strengthen the security of their visas and visa-issuance processes. This process will not only minimize host country vulnerability to document fraud, but also strengthen the U.S. consular process against those same vulnerabilities.

International Law Enforcement Academy (ILEA) Training—DS Agents traveled to the ILEA in Budapest, Hungary, in February of 2007 to teach a course on Diplomatic Security and document fraud. Present at the course were 48 police officers from the Ukraine, Georgia, and Azerbaijan.

In addition to DS's Visa and Passport Security Program, DS incorporates a variety of other programs in a multi-directional approach designed to combat terrorist activities. These include:

- The Rewards for Justice Program;
- The Antiterrorism Assistance Program;
- The Overseas Security Advisory Council; and
- Major Events Coordination Unit.

Rewards for Justice

DS is the operational component for the Rewards for Justice (RFJ) Program, which was established by the 1984 Act to Combat International Terrorism. RFJ continues to be one of the most valuable U.S. Government assets in the fight against international terrorism. RFJ is currently offering rewards of up to $25 million dollars for the capture of, or information on, Usama bin Ladin and other key al-Qa'ida leaders. Through the efforts of RFJ, international terrorists and other most wanted persons have been brought to justice, including Ramzi Yousef, the bomber of the World Trade Center in 1993; Mir Aimal Kansi who killed two CIA employees and injured three others in 1993; and Uday and Qusay Hussein, Saddam Hussein's sons, killed July 22, 2003.

The goal of RFJ is to find creative ways to educate the public regarding wanted terrorists—in essence putting their names and faces before the public eye—and encourage potential sources to provide information that might help bring these terrorists to justice or resolve prior acts of terrorism against U.S. persons or property. Such methods may include television, radio, newspaper, or other media advertisements. Other advertising concepts used by RFJ include the use of banner ads on websites and distributing posters and matchbooks in areas where featured terrorists are believed to be hiding. RFJ's website (*www.rewardsforjustice.net*), a key component in RFJ's outreach, was recently expanded from four to 25 languages, with plans to add more languages in the coming year. The entire website was redesigned and launched on July 17, 2007.

DS's RFJ Program continually works with the CIA, DoD, FBI, and U.S. embassies around the world, adding new terrorists who pose a threat to U.S. persons and/or property to the RFJ Most Wanted List. RFJ coordinates with its interagency partners to ensure that the identities of sources are kept strictly confidential and to arrange the actual reward payment. RFJ currently has active public campaigns in Afghanistan, Colombia, Comoros Islands/Madagascar, Greece, Iraq, and the Philippines. At this time, RFJ is actively working to expand its operations into the Horn of Africa, Pakistan, and other countries in Southeast Asia. These efforts are closely coordinated with DoD's regional commands and Special Operations Command, whose Military Information Support Teams support RFJ's advertising efforts in key frontline nations. To date, RFJ has paid over $72 million to more than 50 people who provided actionable information that helped bring terrorists to justice or prevented acts of international terrorism.

Antiterrorism Assistance:

The events of September 11 demonstrated the need to maximize training opportunities, particularly for those designated as frontline countries in the War on Terror. It has resulted in Congressional approval of a significant expansion of the Antiterrorism Assistance (ATA) Program, both in terms of course offerings and numbers of participants.

Through the ATA Program, DS is building a global network of experts dedicated to combating terrorism and safeguarding the conduct of U.S. diplomacy, diplomatic personnel, facilities, and information around the world.

Through training programs for foreign law enforcement and security professionals, DS builds alliances with security services worldwide and bolsters the counterterrorism capabilities of our foreign partners. Many of these efforts achieved synergy through a coalition of willing and able governmental and nongovernmental partners in the international law enforcement community.

Bomb technicians trained by DS helped the Indonesian Special Detachment Task Force 88 Unit in an operation in which two terror suspects were killed, one was wounded, and a fourth was taken into custody. The operation uncovered explosive backpacks, suicide vests, and other explosive devices and components. The explosives were rendered safe by DS-trained explosives experts.

Training and assistance from DS helped Pakistan's Special Investigative Group (SIG) develop into an elite counterterrorism force. In 2006, the SIG arrested a Bel-

gian citizen in Lahore who was plotting a suicide attack against the President of the United States. In Peshawar, the SIG investigated and raided a terrorist financing office, uncovering evidence that can be used in the prosecution of suspected terrorists. Because of the training and assistance from DS, the SIG helped the Federal Bureau of Investigation investigate the suicide bombing which resulted in the death of a Foreign Service officer at the U.S. Consulate in Karachi.

Because of its DS training, the Special Operations Unit of the Albanian State Police played a key role in a joint investigation with the Albanian Organized Crime Directorate directed against weapons trafficking. The operation resulted in the detention of five individuals, including three police officers, and subsequent searches of nine residences for illegal weapons.

In January 2006, DS began providing personal protection for the first democratically elected president of an African state, Ellen Johnson-Sirleaf, President of Liberia. Remaining in Monrovia until June 2006, DS agents also trained 325 Liberian personnel for that country's presidential protective service.

Overseas Security Advisory Council

The Overseas Security Advisory Council (OSAC), which was established in 1985, provides an ever-evolving mechanism for the sharing of security expertise and information between the Department and the private sector.

While the United States has bolstered security at our political, diplomatic, and military facilities overseas, terrorists increasingly are striking at targets that have symbolic value, including American businesses, schools, and cultural institutions and other nongovernmental facilities. Attacks on such facilities can generate many fatalities, intimidate civilian populations, and even influence politics. The shift from targeting military, diplomatic, and governmental personnel and facilities to private citizens and organizations presents DS, and the U.S. Government as a whole, with very complex challenges. OSAC was established to address such challenges and to promote security cooperation and information sharing among private-sector organizations and the U.S. Department of State. The Council is made up of 30 private-sector and four public-sector representatives who advise the Department and DS about security issues of concern to the U.S. private sector overseas.

OSAC provides an information lifeline to Americans during crises overseas. In July and August 2006, OSAC played an important role in helping Americans and American organizations during the conflict between Israel and Hezbollah. In addition to responding to more than 600 requests from constituent members for information and assistance, OSAC funneled information to the State Department's Bureau of Consular Affairs and to DS's Regional Security Office in Beirut. In many cases, such information concerned special needs of Americans affected by the crisis, including serious medical and family circumstances that needed to be taken into account as part of the evacuation operation from Lebanon.

Through OSAC country councils active in some 100 nations worldwide, more than 4,500 American businesses, schools, museums, churches, and other organizations exchange timely information about the overseas security environment. The information the country councils provide is used to plan and implement security programs that protect American organizations and their personnel worldwide and to assist Americans and American organizations in crisis situations. In 2006, OSAC launched an initiative to work in partnership with other information-sharing organizations in the public sector. Through this initiative, organizations such as the New York City Police Department's Shield Unit, the Australian Security Intelligence Organization, and the United Nations Department of Safety and Security began to exchange security information.

Major Events Coordination Unit

Our Major Events Coordination Unit (MECU) helps address future worldwide security needs surrounding major events with official U.S. representation overseas. DS recently provided significant security resources to the Pan American Games in Rio de Janiero, Brazil, and the G8 meeting in Japan.

MECU and the DS agents are the U.S. Government's primary security coordination point for the 2008 Beijing Summer Olympics. In addition, DS has already begun planning and coordination support of the 2010 Olympic Winter Games in Vancouver, Canada.

As these major athletic events provide terrorists with multiple targets, we must continue to offer our security coordination and expertise to foreign governments hosting these events. Having served as the U.S. Olympic coordinator to the Olympic Games in Athens, Greece, I know first-hand of the law-enforcement and counterterrorism initiatives required to keep athletic venues and our personnel protected from potential threats.

MECU also supports the Foreign Diplomatic Corps' attendance at the Democratic and Republican national conventions. DS has 15 major events-related security courses designed to improve the security posture of our partner nations as they interact with other nations. The Diplomatic Security Training Center has provided courses for the Olympics, World Soccer Cup, Asia Pacific Economic Cooperation Forum, Cricket World Cup, as well as for international venues in Greece, Pakistan, Yemen, and 20 other countries. In 2007, ATA completed presentations in Peru and India, with more courses scheduled for South Africa and Senegal.

As I conclude, cultivating and developing partnerships with other U.S. Government law enforcement agencies, the Intelligence Community, and in particular, host-government law-enforcement elements, are critical in the defense of our homeland. Using vehicles such as EACs and LEWGs and key programs such as RFJ, OSAC, ATA, and Visa and Passport Security, DS leverages all available resources in contributing to the coordination of overseas counterterrorism efforts. With our combined effort and your assistance, I am confident that we will succeed.

Chairwoman Sanchez, I thank you and the other members of the Committee for being given the opportunity to appear here. I would now be happy to answer any questions you or the other members may have.

Ms. SANCHEZ. And now we will recognize Mr. Fuentes to summarize his statement for 5 minutes.

STATEMENT OF THOMAS V. FUENTES, ASSISTANT DIRECTOR, OFFICE OF INTERNATIONAL OPERATIONS, LEGAL ATTACHÉ PROGRAM, FEDERAL BUREAU OF INVESTIGATION

Mr. FUENTES. Good morning, Chairwoman Sanchez, Ranking Member Souder and distinguished members of the subcommittee. Thank you very much for this opportunity to talk about the FBI's international operations.

I oversee the 75 offices that we have around the world. Next week it will be 76 when we open an office in Algiers, Algeria. These offices are staffed by nearly 270 permanent FBI staffing of agents and specialized support personnel. I also oversee the over 100 persons that work for my staff here in Washington, and in addition to the administrative, logistical and operational support of our legal attaches, as well as coordination with FBI and other law enforcement partners as well as the Intelligence Community partners, we also are responsible for the FBI's protocol, visitors, passport, visa and other programs related to international operations.

The primary mission of our legal attaches overseas is to establish a close partnership, enhance the relationship, develop relationships with the appropriate services in each country that will match up with our mission, with the requirements that we have to gain assistance in terrorism investigations or cybercrime or other criminal programs, and as well as coordinate requests for training.

In addition to that liaison and investigative effort, we are extensively involved in efforts to provide training in those countries, and we work very closely with our partners who provide the oversight and the funding from the Office of International Narcotics and Law Enforcement and the Antiterrorism Assistance Program at the Department of State, as well as other Federal criminal agencies and the Department of Defense.

In addition, we coordinate the appropriate instructors and staffing for the International Law Enforcement Academies. Again, this is under the oversight of the Department of State and includes the academies, now the one that is more than 10 years old in Budapest, Hungary, as well as the academies in Bangkok, Thailand; Gaborone, Botswana; and the newest one in El Salvador.

In addition, it wasn't mentioned that I am also a member of the Executive Committee of Interpol, and we work very closely with the 186 member nations in Interpol. Here in the Washington National Central Bureau office, which is comprised of 22 Federal, State and local agencies, I have a staffing of four agents and support employees here in Washington, as well as a senior staff member in Lyon, France, at their headquarters, and the newest office of Interpol where we are working with the National Security Council of the United Nations in their newest office in New York. And I have a full-time member in that office coordinating future international law enforcement deployments. Also I have an agent assigned at Europol in The Hague, Netherlands, and we work with any number of other international, multinational law enforcement groups. That includes the G–8. I was a member for 5 years of Law Enforcement Projects Group with the G–8 and many others, Asiapol and many other regional groupings of law enforcement agencies. We participate in all of those as well.

We also provide assistance and support to the Department of Justice's program, the Office of Prosecutorial Development Assistance and Training, OPDAT, which trains prosecutors and members of the criminal justice system in developing countries; the Office of ICITAP at DOJ, which is the International Criminal Investigative Training Program—Assistance Program. So we have provided agents, as well as logistical and operational support for those efforts to train and develop local law enforcement agencies.

In addition, we—through advanced training programs such as our FBI National Academy Program at our academy in Quantico, our National Executive Institute Program, our Law Enforcement Executive Development Program, we train at a variety of levels senior law enforcement officials not only from the United States, but from throughout the world. The National Academy Program, begun in 1935, was extended by order of President Kennedy in 1962 to include international partners, and now each of the four sessions of the National Academy each year is comprised of 10 percent of the students from international law enforcement agencies. And I oversee the selection of those individuals from throughout the world to attend that.

We have expanded greatly in the last couple of years to address the new issues, the counterterrorism efforts around the world. And I will be glad to talk specifically about any of the staffing issues or liaison and information-sharing issues that we have in working together with our partners, both U.S. and international. Thank you.

Ms. SANCHEZ. Thank you so much, Mr. Fuentes.

[The statement of Mr. Fuentes follows:]

PREPARED STATEMENT OF THOMAS V. FUENTES

Good morning Chairwoman Sanchez, Ranking Member Souder, and members of the Subcommittee. I appreciate the opportunity to be here today to discuss the FBI's Legal Attaché program, its success, and coordination with our international partners and other Federal, State and Local government agencies of the United States.

The Legal Attaché Program

The foundation of the FBI's international program is the Office of International Operations and the Legal Attaché, or "Legat," each of whom is FBI Director Robert Mueller's personal representative in the foreign country in which he/she resides or

for which he/she has regional responsibilities. FBI personnel abroad serve under the authority of the Department of State, Chief of Mission at United States Embassies around the world, at the pleasure of Ambassadors and host country governments. Their core mission is to establish and maintain liaison with principal law enforcement and security services in designated foreign countries. This liaison enables the FBI to effectively and expeditiously conduct its responsibilities in combating international terrorism, organized crime, cyber crime, and general criminal matters. In particular, Legat liaison activities are essential to the successful fulfillment overseas of the FBI's lead Federal law enforcement mission to prevent terrorist attacks against citizens and interests of the United States. Liaison is carried out in accordance with Executive Orders, statutes, treaties, Attorney General Guidelines, FBI policies, and interagency agreements. The Legal Attaché program provides for a prompt and continuous exchange of information with foreign law enforcement and security agencies and coordination with U.S. Federal law enforcement agencies that have jurisdiction over the matters under investigation. Our foreign-based personnel also assist foreign agencies with requests for investigative assistance in the United States to encourage reciprocal assistance in counterterrorism, criminal, and other investigative matters.

In addition to the Legat program, the FBI's international law enforcement activities focus on one other key element, international training. Through international training, the FBI provides foreign law enforcement officers with skills in both basic and advanced investigative techniques and principles which promote cooperation and aid in the collection of evidence. Training allows the FBI to demonstrate major crime scene, counterterrorism, and other investigative techniques, while establishing better working relationships, thus strengthening cooperation among law enforcement personnel worldwide. Funded by the Department of State or Department of Defense, significant training programs include the International Law Enforcement Academies in Budapest, Hungary, Bangkok, Thailand, and Gaborone, Botswana, as well as bilateral training programs targeting Anti-terrorism, Weapons of Mass Destruction, and Terrorist Financing. The FBI also participates in Bilateral Working Groups and several additional counterterrorism training programs in the Middle East.

The FBI's Legal Attaché Program was developed to pursue international aspects of the FBI's investigative mandates through established liaison with principal law enforcement and security services in foreign countries, and to provide a prompt and continuous exchange of information with these partners. The FBI currently has 60 fully operational Legat offices and 15 sub-offices, with 165 agents and 103 support personnel assigned for a total of 268 employees stationed around the world. The growth of transnational crime caused by the explosion in computer and telecommunications technology, the liberalization of immigration policies, and the increased ease of international travel has made it necessary for the United States to cooperate with countries around the world concerning security issues. The FBI's role in international investigations has expanded due to the authority granted by the Congressional application of extraterritorial jurisdiction.

As the FBI's domestic investigative responsibilities become increasingly intertwined with international criminal and terrorist elements in other countries, the FBI must continually enhance its ability to conduct complex investigations and acquire evidence from abroad for criminal prosecutions in the United States. To do so requires close coordination with international partners and security services. Some of the FBI's most important and visible investigations are multi-national in scope, placing greater demands on the FBI, especially in the field, as more case agents are faced with challenges in obtaining admissible evidence for domestic prosecutions.

The Role of the Legal Attaché

The FBI Legal Attaché works with the law enforcement and security agencies in their host country to coordinate investigations of interest to both countries. The role of Legal Attachés is primarily one of coordination, as they do not conduct foreign intelligence gathering or counterintelligence investigations. The rules for joint activities and information sharing are generally spelled out in formal agreements between the United States and the host nation.

Typical duties of a Legal Attaché include coordinating requests for FBI or host country assistance overseas; conducting investigations in coordination with the host government; sharing investigative leads and information; briefing Embassy counterparts from other agencies, including law enforcement agencies, as appropriate, and Ambassadors; managing country clearances; providing situation reports concerning cultural protocol; assessing political and security climates; and coordinating victim and humanitarian assistance.

Legal Attaché Coordination

The Legal Attaché offices provide critical and timely support in the defense of our homeland through direct coordination with the Department of Justice, Department of State, Interpol, and other law enforcement and security entities. For example, the FBI has full-time detailees to the Interpol offices in Lyon, France, the United Nations, and the Washington, D.C., based National Central Bureau. Together with the Department of State, the Office of International Affairs of the Criminal Division, Department of Justice, is responsible for the negotiations of bilateral and multilateral law enforcement treaties needed to effect the extraditions of fugitives and to facilitate collection of evidence from foreign countries. In addition to the Office of International Affairs, the FBI also supports the ongoing efforts of the Department of Justice to provide long-term justice sector assistance to prosecution and police services in numerous foreign countries. This long-term assistance, which is provided through the Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), and the International Criminal Investigative Training Assistance Program (ICITAP), helps to ensure that our foreign partners not only follow the most modern law enforcement techniques, but also respect the rule of law. As a result, the Legal Attaché offices benefit from their coordination, training, and mutual support. The Legal Attaché offices directly coordinate with United States Embassy representatives by personally representing the FBI as a country team member, and serving as the lead Federal law enforcement agent for all crimes for which it exercises lead investigative jurisdiction. That includes both counterterrorism and terrorism finance investigations.

In virtually all major FBI investigations, a significant international nexus develops. To balance the FBI's interest in addressing the international aspects of its investigations with the requirement to respect the host country's national sovereignty, the FBI must rely on the capability of the host country's law enforcement community. This is accomplished through the liaison partnerships developed by the Legal Attaché and reinforced through elements of the international law enforcement community such as Interpol, the FBI's National Academy and numerous working groups, task forces, and training initiatives. These efforts foster interagency cooperation and are extremely productive in the pursuit of traditional criminal law enforcement matters, and even more so as we seek to identify, disrupt, and prosecute terrorists.

Legal Attaché Success

The Legal Attaché offices have had numerous accomplishments over the years. As many of these items are sensitive, ongoing investigative matters, I offer merely a few efforts with which members of the committee may already be familiar:

- Since the September 11th attacks on the United States, the FBI's Office of International Operations has increased its personnel by 60%. This expansion has occurred domestically through operational support units at FBI Headquarters, as well as through an increase in 54% of overseas Legat office locations. On September 11th, the FBI's Office of International Operations and Legats facilitated the rapid deployment of over 700 FBI personnel to countries in Europe, Africa, and the Middle East.
- The FBI coordinated and provided assistance to our Indonesian counterparts through Legal Attachés following the October 12, 2002, bombing in a Bali, Indonesia tourist district, which resulted in more than 200 deaths, including seven citizens of the United States. FBI personnel were on scene and offered forensic capabilities to the Indonesian National Police through the Legal Attaché office.
- As many of you recall, a large earthquake in the Indian Ocean occurred on December 26, 2004, triggering a series of lethal tsunami waves killing an estimated 230,000 people (including 168,000 in Indonesia alone.) The FBI, Legal Attaché, and Interpol personnel were involved in helping to successfully identify over 8,000 victims through fingerprint analysis.
- On May 10, 2005, the newly established Legal Attaché in Tbilisi, Georgia was assisting the United States Secret Service Presidential Protective Detail when an individual tossed an Armenian hand grenade wrapped in a red handkerchief near the President's stage. Georgian officials worked directly with Legat Tbilisi and submitted the red handkerchief and other evidentiary items to the FBI Laboratory in Quantico, Virginia for DNA analysis. Following a joint investigative effort between the Georgians and the FBI, the suspect was captured two months later in July 2005, and subsequently convicted, based in part, on the DNA evidence gathered from the handkerchief.
- On July 7, 2005, three suicide bombers exploded Improvised Explosive Devices contained in backpacks within fifty seconds of each other on three London Underground commuter trains. A fourth bomb exploded on a bus nearly an hour later. The attacks killed 56 people, including the four suicide bombers, and in-

jured 700. Legat London was integral in facilitating FBI assistance to New Scotland Yard.

• In 2006, Israel began a lengthy bombing and ground campaign against Hizballah elements in Beirut, Lebanon. The bombing led to a mass evacuation of Americans from Beirut to Cyprus via the United States military. Legat Athens played a critical role during the evacuation. Working with other United States Embassy personnel from the Departments of State and Justice, Legat Athens acquired copies of all United States passenger manifests to ensure terrorist elements did not enter Cyprus and attempt to enter the United States during the mass evacuation. Legat Athens then supplied manifests to the FBI's Counterterrorism Division at FBI Headquarters for review against databases. In addition, while working with the Department of Defense, Legat Athens assisted our Beirut sub-office in the expeditious return of 12 high-ranking Lebanese law enforcement officials who had been in Washington, D.C., for FBI-sponsored training.

• In August 2007, the Department of Justice announced two plea agreements and record-setting $600 million fines in association with a multi-national criminal conspiracy on the part of international airline corporations to fix prices on passenger and cargo flights worldwide. Several Legat offices were involved and continue to support this ongoing criminal investigation.

• This past month, Director Mueller met with European partners and stressed the importance of transatlantic cooperation and intelligence sharing, provided that national judicial traditions and laws are respected. Director Mueller also met with newly appointed members of French President Nicolas Sarkozy's cabinet to discuss ways to strengthen aggressive cooperative efforts on counterterrorism, cyber crime and transnational organized crime matters.

• A Fort Worth, Texas retiree was recently released from captivity, after being kidnapped in the Dominican Republic for a $1 million ransom. After being dragged through the jungle, bound, gagged, blindfolded, and dumped in a cave for three days, the victim was rescued due to relationships established with the host nation's police and army forces. The FBI's Miami and Dallas Divisions, Legat, United States Embassy personnel, and FBI crisis negotiators assisted in this recovery.

• Just two weeks ago, the Department of Justice announced that Oussama Abdullah Kassir, an accused terrorist, was extradited from the Czech Republic to face charges in the Southern District of New York. Kassir was taken into FBI custody in Prague on September 25, 2007. Kassir was arrested in Prague on December 11, 2005, by Czech authorities, based on a criminal complaint filed in the Southern District of New York and a corresponding arrest warrant on file with Interpol. Legat Prague and several other FBI personnel were instrumental in this effort.

These are just a few achievements Legal Attachés have attained in order to protect our nation, its citizens and interests abroad through coordination with foreign law enforcement in the continuous fight against terrorism and international crime, in furtherance of our goal of interagency cooperation.

In closing, the FBI Legal Attachés are committed to continuing collaborative work abroad, supporting domestic FBI investigative matters, and coordinating with foreign, Federal, State and Local law enforcement agencies in the fight against terrorism. The FBI must rely on the capabilities of the host country's law enforcement community. In order to ensure that such investigations are brought to successful conclusions, the establishment and maintenance of effective liaison through training and other initiatives must be developed and maintained. The Legats must have direct connectivity between the Federal agents and foreign law enforcement officials abroad in order to be successful. At an alarmingly frequent rate, more and more crimes are being committed across international borders. Technology, communication, and transportation have done more to blur international borders in recent years than ever before. Combating transnational crime and terrorism, therefore, requires cooperation by law enforcement agencies on a global scale. The focus of the Office of International Operations is to advance the domestic and international mission of the FBI, to promote relations with both foreign and domestic law enforcement and security services operating in the international arena, and to facilitate investigative activities where permissible.

The FBI, the Office of International Operations and its collective Legal Attaché office personnel look forward to future cooperation with all partners, domestic and foreign, to protect the citizens and interests of the United States.

Thank you Chairwoman Sanchez and members of the Subcommittee for the opportunity to testify before you today. I am happy to answer any questions you may have.

Ms. SANCHEZ. And thank you all for your testimony. I will remind each Member that he or she will have 5 minutes to question the panel, and now I will recognize myself for some questions.

Mr. Leiter, I think that everybody on this committee is aware of the broad plan for coordinating the counterterrorism efforts, the one that the President signed off on in June of 2006. I would like to know, what is the status of NCTC's development of the implementation guidance for that plan?

Mr. LEITER. Madam Chairwoman, after the plan was approved by the President, each department and agency was required to write a supporting plan for each one of the tasks they were assigned. The Department and agencies have done so, and the NCTC has set up a system of monitoring of the implementation of those plans. So the departments and agencies are required and have over the past 6-plus months provided data on where they have or have not made progress in implementing their supporting plans to the larger National Implementation Plan.

Ms. SANCHEZ. So you are saying after you all put together this broad NIP, you sat down with the different departments that would be involved with that, and you asked them to write down—to make a plan of how to implement that down their ranks?

Mr. LEITER. That is exactly right.

Ms. SANCHEZ. And you also have a monitoring system?

Mr. LEITER. That is correct.

Ms. SANCHEZ. What type of measurements? How do you know? What is the array of measurements that you are looking at, if you can tell us without being in the classified area, so that we have some idea of how you are monitoring that?

Mr. LEITER. Right. It really does depend from task to task. But we require submission of information down to a very granular level. Some of these, in terms of building partnership capacity, would look at how many countries are you working with, are you working with the countries that we believe are most critical to fighting the war on terror, do you have personnel in those countries, are your—as I also noted with OMB, are your programs aligned in a way that again they are attacking parts of the war on terror that the National Security Council and NCTC have determined are the prime candidates?

And I would note, as Mr. Fuentes noted, the placement of an FBI Legat in Algeria would be considered a tangible illustration of FBI focusing its resources on an area where we think there is an increased terrorist threat, North Africa.

Ms. SANCHEZ. Let us talk about resource decisions. Will they be tied to these goals and objectives? Who will take the lead role in requesting these resources, either from the administration or from the Congress? Will you overall take a look and say these departments don't have enough, and sort of push that way, or would each of the departments have to say, well, this is a part of our supplement to the NIP? Who is taking the lead on it? Because, quite frankly, we haven't heard much on this front.

Mr. LEITER. I understand, Madam Chairwoman. And part of the reason you have not is because the plan was approved by the President in June of 2006. So the first very tangible sign you will see of OMB using the NIP will be in the 2009 budget submissions. And

what NCTC has done is sat down with OMB, and we have prioritized among the many strategic objectives and tasks within the NIP and said this is what departments and agencies should be focusing their resources on.

Ms. SANCHEZ. So would the President's proposal for the 2008 year, the current one that we are in, would that reflect you sitting down with OMB for the NIP?

Mr. LEITER. The 2008 was briefly influenced, but because of the timing of the production of the department and agency budgets, not completely. The first complete reflection of NIP priorities and departmental budgets will appear in fiscal year 2009. Again, that is where NCTC and OMB work together to make sure that the departments and agencies, in fact, prioritize consistent with their responsibilities within the NIP.

Ms. SANCHEZ. What has NCTC done to come back to Congress, to the committees of jurisdiction, to let them know where you are, what types of resources you are going to need, et cetera, in order to get the NIP in? How are you talking to us?

Mr. LEITER. Madam Chairwoman, we had provided the NIP to some Members. I also understand that we have offered to many committees, including your own, briefings on the NIP. As I noted in my oral testimony in my opening statement, we are more than happy and, in fact, would welcome the opportunity to come speak to Members and staff about how the NIP is set up, more specifics in a classified setting which are specific to law enforcement agencies, and then talk about how those are or are not prioritized within the 2009 budget submission.

Ms. SANCHEZ. My last question for you, not me, but Mr. Shays in a prior Congress had asked GAO to take a look at this issue of Homeland Security Department's array with respect to international counterterrorism. And one of the things they did was to go and ask of you and your staff information, the types of questions I am asking right now: Is it done, how are you getting it through? And you all decided you didn't want to talk to them. Why? I mean, this is an open hearing right here, and you are telling me these things. They have classified clearances. What was the problem there?

Mr. LEITER. I guess I would—Madam Chairwoman, I would take a bit of issue with the characterization just because although we did not go into extensive detail about some parts of the NIP, we did not refuse to talk to the GAO. I think at the time that the GAO discussed this with us, part of the discussions in their work, which frankly has been quite useful to us in understanding what Congress does know and does not know and how we have to work better with agencies. So in that sense it has been a very useful tool for us. But part of it was actually the GAO discussions started before the NIP was even approved by the President. The report was ultimately signed and approved after the NIP was approved. But even since then there has been an extensive amount of work ongoing in terms of setting up a monitoring tool with departments and agencies, working with OMB.

So some of the facts simply didn't exist when GAO did this report, and to the extent that we couldn't communicate them then to

GAO, again, we would be very happy to sit with yourself and other Members to go into as much depth as we can.

Ms. SANCHEZ. So if I sent in my GAO analyst to ask you the questions that I might have, the probing questions about how to set up a matrix, whether you have done it correctly or et cetera—I mean, I was a performance auditor before, so I understand the types of questions. I don't have the time to sit down and go through the list, but they might if I ask them to do that. Would that be available at this point now that you have an—an NIP, that you have supplemental concurrence from the different departments about how it is supposed to be, that you say you have a measuring system; would they be able to take a look at that?

Mr. LEITER. We would certainly work with you. We are happy to work with your staff extensively to do that. And to the extent we can, we will work with GAO to provide them with additional information.

Ms. SANCHEZ. Thank you, Mr. Leiter.

I will now ask my Ranking Member Mr. Souder for his 5 minutes.

Mr. SOUDER. Thank you.

I know we have been making progress, but I sure hope that the terrorists will cooperate and wait until fiscal 2009. I mean, partly we don't sense urgency sometimes, and that becomes frustrating. And we continue to remain concerned about turf. It is not only true in the agencies, but in Congress. The thing is that Congress will always be somewhat disorganized. We hope law enforcement is organized, because if you miss the terrorists, we die. We can hold all kinds of hearings, but ultimately you are the executive branch to try to do that, and you have to be more organized than we are, and we need to make progress as well.

Here is part of the challenge. In the National Counterterrorism Center, the limitation of the statute says you may not direct the execution of counterterrorism operations. Yet at the same time you are supposed to direct and develop a strategy for these efforts; that what I heard you say in your testimony was is that you try to figure out who is doing what and then give them assignments for how to do this.

Now, let me give a simple example. A simple example would be a person on our terrorist watch list is going back and forth, say, between Montreal and Germany and London. We catch him, let us say, at Buffalo. Now, he starts to talk and unravels a network that is developing a nuclear bomb or something to get into the U.S. that goes over Yemen and to Saudi Arabia, and that leads us into Pakistan and North Korea. Now, the challenge here is who is in charge, and saying, oh, well, the FBI has got this part, they have got this part, you can't get one ambassador in an area. Who would be in charge? That is a simple case.

I would be curious how you see this, if, after we get attacked, are we going to have a thing where everybody points to the other person and says, That wasn't my lane?

Mr. LEITER. Ranking Member Souder, let me begin by telling you that when I start my day every day at 6:45 going through intelligence from the United States and virtually every country in the world every day, and then when I sit down with the interagencies,

17 different agencies, DHS, TSA, FBI, Terrorist Screening Center, Department of Justice, Department of State, Diplomatic Security, CIA, DOD—I can go through the list of 17. When I do that every single day at 8:00 in the morning, that is exactly what we talk about. That is exactly what we do. We look for all of those connections. And accepting the point that I wish the budget process worked more smoothly and we could align budgets perfectly before 2009—and I will also note that the NIP did, in fact, influence 2008 budgets. Frankly, sir, I think it is a different question about who is in charge of that operation, because I can tell you again when I start my day every morning, when that NCTC chairs a video teleconference three times a day, every day of the year, exactly what you look for is what you are talking about, and we draw those connections. And we work with every chief of mission, chief of station, Legat. It matters not. That information is exchanged on a daily basis, and I am on the phone daily with FBI and DHS and CIA counterparts. And there is not an issue there, sir.

Mr. SOUDER. So you are saying if such a bomb got into the United States, you are the person who would be responsible?

Mr. LEITER. You can call me up here, and you can yell at me, sir, because I take it as my solemn oath to protect and defend this Nation and stop that bomb from coming in. That is why I get up in the morning and leave my son and go to work.

Mr. SOUDER. And you believe that even though you may not direct the execution, do you think it is a disconnect that you are in charge of putting all that together, making assignments, but you don't have any authority over the execution? How do we get in that situation?

Mr. LEITER. Mr. Souder, that is an absolutely fair point. That does not make it easier. On the other hand, I think coordination today in terms of—this word is overused in Washington, but there is a level of collegiality between myself and my other key counterparts who run operations in each of these components, so that although I can't say, FBI, go break down this door; CIA, go do this, there is a level of cooperation which I think allows that.

Now, as you are aware, you were on the Hill, sir, the discussions about whether or not NCTC would actually run operations, interfere with very significant chains of command and long-lasting statutory responsibilities was a very difficult discussion.

Mr. SOUDER. And complicated here by turf as well, to say the least.

Mr. Fuentes, how many places are you in the physical collocation with the station chief? And if you can't say that officially, one of the things I have a concern about is some embassies do this well, some embassies don't do it well at all in spite of all the talk we hear.

Mr. FUENTES. Sir, I am unable to specifically answer those locations, but our national security branch in coordination and under the direction of NCTC determines where it would be better served to have an FBI agent or analyst from our counterterrorism program embedded in a station. And that is as far as I can say in this format.

I should add that our Legal Attaches' efforts overseas are in the criminal arena only. We do not conduct counterintelligence inves-

tigations on the ground in foreign countries. When we were started in 1940 by President Roosevelt, the FBI was the first civilian counterespionage agency with international responsibilities outside of the U.S., but that changed with the National Security Act of 1947. At that time, the CIA took the lead on that, and the FBI kept the name Legal Attache, which was somewhat of a covert term, but at that time began all operations in host countries as completely transparent, working with the host law enforcement in that country under the assistance from that host country.

Ms. SANCHEZ. Ms. Harman, for 5 minutes.

Ms. HARMAN. Thank you, Madam Chairwoman.

And welcome to our witnesses, especially a big welcome to Mr. Leiter, with whom I have worked closely over recent months. I thank you for your visit to Los Angeles where we looked at the Homeland Security Department Fusion Center and some of the other activities, and for your prompt response to many of my questions about the need for additional information sharing and cooperation with State, local and tribal officials.

I want to say that I am pleased that we have finally signed a memorandum of agreement, and that, as far as I know, at the earliest possible date we are going to have at least five State and local officials sitting in chairs at the NCTC or at the ITAG, another acronym, but physically collocated at the NCTC; is that correct?

Mr. LEITER. That is correct, Congresswoman. I would thank you for your commitment to helping us find the State and local people who can come and help advise the Federal Government on how we can better serve those constituencies.

Ms. HARMAN. Well, there are a lot of very capable State and local people, as you know. They have been witnesses at our hearings. You have seen them in the field. And it is extremely important—and I know you agree with me—to share information vertically, not just horizontally; otherwise, how can our neighborhoods and communities know in real time about threats against them?

Mr. LEITER. Congresswoman, I certainly agree. And last week I spent an entire day—an event which was cohosted by the Department of Homeland Security, the FBI and the National Counterterrorism Center with representatives from about 70 State and local governments from throughout the country talking about both the particular threat that we perceive and also ways in which we can improve our cooperation with them I think was quite successful.

Ms. HARMAN. That is impressive. Michael Jackson, the outgoing Deputy Secretary at the Homeland Security Department, has told me that he would come with me and Mr. Reichert, who is the Ranking Member on our Subcommittee on Intelligence, to the NCTC, which he has never visited, to see the State and local people in place. So I am tasking you to let us know day one that they are there. Do you know what day that is?

Mr. LEITER. I do not, but I will find out and will get back to you. And I will just note that one of my saddest days in government in the past several years was hearing that Secretary Jackson had resigned. It will be a real loss.

Ms. HARMAN. Well, he, too, has been very cooperative in terms of trying to move this ball forward, and I salute him for that.

I have a question for you and for Mr. Fuentes, and I have 2 minutes. So in your case, I want to stress that I don't think anyone here is looking for fancy booklets, big work charts, all kinds of lists. What we are looking for is a strategy. I thought that Mr. Souder's questions were right on point. We are looking for strategically how do you leverage what you have, find out what is going on in foreign locations, and then move that information into the NCTC so that in real time you tell others who need to have it so they can act on it, hopefully to prevent and disrupt threats? Our goal is not to respond, but our goal is to prevent and disrupt. Do you think you have an adequate strategy in place?

Mr. LEITER. I think we have an adequate high-level strategy, and I think that on a daily basis the information is flowing. I didn't ring off that list of acronyms of agencies to try to impress. It is to show that on a daily basis the communication occurs.

I think what we continue to be challenged with is to making sure that departments and agencies are, in fact, aligning their strategic plans with the larger U.S. Government plan.

Ms. HARMAN. Well, as one of the godmothers of the Intelligence Reform Act of 2004, the goal was not to reorganize boxes. The goal was to create a joint command across our Intelligence Community to be sure that we can connect the dots in real time, and that the information we have is accurate and actionable. I assume you are a cheerleader for that goal. I just want to be sure that you personally in your important position feel that you are creating that joint command and doing your best when you leave your son early in the morning to make certain that on an operational level you can do what is needed.

Mr. LEITER. Absolutely. It is the same reason that Ambassador Lino and I last week traveled to Copenhagen and Madrid to sit down with DHS, NCTC and many other agencies side by side with the entire country team, not just the Intelligence Community team, but the entire country team, to make sure that they were working together and that they were working with the foreign partners.

Ms. HARMAN. Well, I think we need that classified briefing so that we can review how some of this works. But it is absolutely critical that it work, and I am pleased by your answers.

Mr. Fuentes, I have about 5 seconds. The FBI has just recently announced a reorganization with a bigger focus on intelligence. And I am interested to know how you are implementing that goal abroad.

And, Madam Chair, if he could just answer my question. I have completed my questions.

Mr. FUENTES. The overseas intelligence gathering is covered by the Intelligence Community. We are not specifically involved in that. This is by our agreement with the host countries that we are there for law enforcement purposes, law enforcement assistance and training. So we are not directly involved in that.

We talked earlier about the embedding with some of those other agencies and the cross share, both overseas and here, and that is occurring. Beyond that it would be a classified discussion. But our effort overseas in our agreements with our host country is to be completely open, transparent, and provide as great of experience

and assistance to them that we can in order to have that relationship.

And just to give you an example, 4 years ago, Northwest Africa was covered by our Legal Attache Office in Paris. So we had covered France and 14 West African, Northwest African countries. We now have offices in Rabat, Dakar, Freetown, opening Algiers next week, as I mentioned. We already had Cairo and Lagos in West Africa. And our philosophy with that is that you cannot establish partnerships in relationship, whether it is with our other counterparts in the U.S. or overseas, by phone, fax, e-mail, other discussions, high-level meetings; that it takes a direct, face-to-face working partnership every day. And I refer to it with regard to not just the FBI and the efforts of all of our law enforcement and State Department partners, as in some places you need boots on the ground, but in the rest of the world we need wingtips on the ground. We need to have a direct partnership. And those law enforcement agencies provide the assistance that help us.

We have the recent case in Germany working with our colleagues of the Bundeskriminalamt, BKA. You saw the plot. That was a direct plot against U.S. military forces on the ground in Germany. That was worked at a law enforcement level through our partnerships in cooperation. And I can go on and on. The London subway attacks, the airplane attacks.

Ms. HARMAN. Thank you. I would just amend that to say we also need high heels on the ground.

Mr. FUENTES. I have actually seen a wing-tipped woman's shoe. I meant that for both.

Ms. SANCHEZ. Thank you, Ms. Harman.

I would now recognize Mr. Bilirakis for 5 minutes.

Mr. BILIRAKIS. Thank you, Madam Chairwoman. I appreciate it.

I am especially interested in the Visa Security Program, which performs proactive law enforcement vetting and investigation of visa applications overseas. My first question is for Ambassador Lino and Mr. Cote. Would you please update us on the status of visa security programming and share with us types of activities that DHS officers overseas engage in to enhance the visa process as a law enforcement and counterterrorism tool?

Ms. LINO. Thank you, Congressman.

Okay. It is precisely for this reason that Mr. Cote is here to talk about the specifics of programs that ICE carries overseas, so I would ask him to respond to your question.

Mr. COTE. Thank you. Thank you for the question.

Since the inception of the Visa Security Program under the Homeland Security Act of 2003, we have put together a program in an overseas realm that encompasses nine offices now with a program to expand to 32 offices within the next 5 years; that under the—in working with our partners here at the table, and especially the Consular Affairs Office at the State Department, we feel that we can proceed and cover 75 percent of the most high-threat visa-issuing posts by this expansion plan.

In addition to that, we are working with our Law Enforcement Working Groups and our law enforcement working partners at the country team level to facilitate any of the information we get within DHS to add to the more secure process of the visa issuance.

Mr. BILIRAKIS. Do the officers actually go out into the field to investigate applicants, or are they primarily searching databases for information that might be a cause for concern? And also, which countries are—you mentioned nine posts, and I believe there are eight countries. Can you name those countries?

Mr. COTE. Because of security concerns and the confidentiality, I would love to give you that information in a closed session. But in an open forum, I think there could be some security issues there, but we would certainly provide that information to you.

Mr. BILIRAKIS. We welcome that. Thank you.

Mr. COTE. And as far as working—primarily the visa security officers work within the consul sections to provide that immigration law enforcement background to the visa process. We do work with the host government agencies and specifically the RSOI program and the RSOs at post to facilitate any of the information that is needed for background on any of the investigations that are done locally.

Mr. BILIRAKIS. Okay. Next question. What happens when an officer discovers something they believe should make an applicant inadmissible? Do they actually recommend to the consulate officials denial of applications? What happens if the consulate officials disagree with this? And what do visa service officers look for that would raise a red flag?

Mr. COTE. Part of the job of the visa security officers is to work with the Law Enforcement Working Group to identify any threat or information there at post. They bring that law enforcement information to the visa process, and the consular officers are the people mandated and have the authority to issue visas. We bring that information to the consular officers, and we work collaboratively with them to get all of the information to them to make an informed decision. And if we recommend denials to the consular officers, those are transmitted in a way that is under a specific set of immigration laws for justification for that. And there is a process at the departmental level where if there is a conflict, it can be resolved that level.

Mr. BILIRAKIS. Okay. Last question, Madam Chair.

Do these officials look for anti-American statements by visa applicants or connections with other individuals or groups that espouse anti-American rhetoric or promote violence?

Mr. COTE. We look at any potential threat to the United States that we get from our law enforcement partners and from our host country associates that we work with. We would evaluate the information, and as part of the normal visa process, we would collaborate with the State Department in order to make those decisions. But ultimately we would want to work with the State Department in order for that decision to be made by them.

Mr. BILIRAKIS. Okay. Thank you. I look forward to working with you on this issue.

Thank you, Madam Chairwoman. I appreciate it.

Ms. SANCHEZ. I thank the gentleman from Florida.

And now we will listen to the gentleman from Texas—oh, Mr. Cuellar is not in. Okay. How about Mr. Langevin from Rhode Island?

Mr. LANGEVIN. Thank you, Madam Chair.

I want to thank the witnesses for your testimony today. I was obviously serving here when we created the NCTC. I had the opportunity to go NCTC and see the work that is being done out there for myself. I just think that that interagency intelligence-sharing coordination that is going on, at least in theory what is supposed to go on, is absolutely essential as we go forward, making sure that all of our intelligence agencies, as well as those on the front lines, have the actionable intelligence that they need to do their job and do it well.

So with respect to interagency coordination, it is obviously a necessary step in combating terrorism both at home and abroad. However, we also need one entity that is ultimately responsible for creating the national strategic vision, setting benchmarks of achievements, and assessing whether progress has been made. The National Security Council established the overarching vision for our counterterrorism efforts in the National Strategy for Combating Terrorism, the most recent version of which was released last September.

So my question is, Mr. Leiter, does that national strategy document remain the strategic vision for NCTC, or are you following guidance from other sources? And what is the relationship between NCTC and the National Security Council, especially with regard to selecting priorities, allocating resources, and assessing progress?

Mr. LEITER. Congressman, the first one is easy. Our strategy is premised on the most recent White House-driven strategy, both classified and unclassified. So the National Implementation Plan is, in fact, consistent with the most current White House strategy.

On the second point, as you know, Congressman, in our strategic operational planning role, we do not actually report to the Director of National Intelligence, we report directly to the White House. And in practice that is through the National and Homeland Security Councils. They ultimately—those policymakers ultimately determine, through the normal interagency process, what the priorities should be, working hand in hand with NCTC.

So it is, frankly, a little bit difficult for me to say exactly who establishes the priority. The NCTC expertise, the NCTC intelligence feeds the policy community's judgments about where the priorities should be, and then we work extremely closely again with the NSC and HSC to try to align agencies' and departments' programs, budgets, and plans consistent with those priorities.

Mr. LANGEVIN. But can you elaborate more specifically on your interaction with the National Security Council and how they are informing you of where they want to task you, and then the information that you are providing to the Council?

Mr. LEITER. Our interaction with the NSC and HSC is both on a very, very tactical and granular level on a daily, if not hourly, basis often. And then on a broader—on strategic issues, in terms of the NIP and priorities and changes to the NIP and assessing the effectiveness of the NIP, again, we routinely discuss these issues with seniors within the NSC and HSC.

Mr. LANGEVIN. Let me also turn, I know some of this may have been touched on, but, you know, I am deeply concerned about the tendency of agencies with national and homeland security responsibilities to focus exclusively on strengthening their own programs

and initiatives, while losing sight of the larger strategic goals on which their programs are contributing. And I believe we must—it is absolutely essential that we have a defined framework for interagency cooperation to achieve the critical goal of combating terrorism both at home and abroad. Now, this framework obviously has to include coordination between members of law enforcement, military, diplomatic, financial communities, but more importantly, there needs to be a single overarching strategy to guide these efforts.

The NCTC, as I mentioned and we know, was created 3 years ago and was the agency tasked with developing a comprehensive strategy for combating terrorism abroad, but it is troubling that we still seem to lack this vital strategy. So, Mr. Leiter, would you please explain the NCTC's role in establishing the framework for interagency coordination, and please describe specific steps your agency has taken to increase interagency coordination? And I understand that many of these details may be classified, but can you at least walk us through some of the major unclassified initiatives?

And then I would also like the other witnesses to comment on this as well. Do you think there is currently sufficient interagency coordination, and in what ways can it be improved upon?

Mr. LEITER. I will do the best I can in this setting, Congressman.

Again, the NIP is the overarching strategic guidance. And I don't—although it is broad, I don't want to leave the impression that the NIP does not include significant detail. The NIP includes hundreds of specific tasks, going down to a very granular level. So this is not simply a document with sort of flowery language, this has very specific tasks. It was designed off GAO processes for requiring department and agency responsiveness.

I also don't want to leave the impression it is just the NIP that the NCTC uses as a management tool. We also have what we call coordination, integration, and synchronization areas, and, put very simply, those are areas where a lot of people in the U.S. Government are involved, a lot of department and agency responsibilities, and no, quote/unquote, big dog to run the show.

One of those that I think I can speak to in an unclassified setting is biometrics. Lots and lots of agencies use biometrics, Department of Defense, Homeland Security, law enforcement, intelligence. The NCTC has over the past year-plus worked very intensively with all of the departments and agencies, OMB, National Security and Homeland Security Councils to come up with standards and a game plan for looking out 3 to 5 years to make sure that agencies are putting in place biometric programs that actually allow them to talk to each other in the future.

So that is just one example in an unclassified setting, Congressman.

Mr. LANGEVIN. If the Chair would—could the panel comment on the rest of that as well? Do you think there is currently sufficient interagency coordination, and what steps could we take to improve upon that?

Ms. SANCHEZ. I don't think they want to comment on that.

Anybody else? Okay.

Mr. MORENO. I will just comment briefly. In my 21 years with the U.S. Department of State, and working overseas, and the focus

being on overseas and interagency cooperation, and the vast majority serving at posts in different areas around the world, that it really is dependent on the chief of mission to set the standard, or the Ambassador, and have the deputy RSO work with the FBI and chief of station and others to enhance that interagency cooperation.

So I have seen great examples of it. I think interagency cooperation can always be better and enhanced and improved; however, I do think on a daily basis, at least what I have been exposed to, it has always been very positive in working together, but obviously there is always room for increasing that type of cooperation.

Ms. SANCHEZ. Thank you. And I thank the gentleman from Rhode Island.

Mr. Reichert from Seattle for 5 minutes.

Mr. REICHERT. Thank you, Madam Chair.

I am happy that you are all here, and thank you for taking time out of your busy schedule to be here.

And it was a pleasure yesterday, Ambassador, to have an opportunity to sit and visit with you, and congratulations on your new job, I think.

Ms. LINO. Thank you.

Mr. REICHERT. I want to touch on this cooperation issue and who is in charge just a little bit, too. I think it is kind of a theme that is developing here. It is one that is of great concern. But I also want to point out just the other day, Monday, I was asked to manage a bill on the floor, and just to give you an example of how it is not all bad news about how our forces here in the United States and across the world come together to protect this Nation. And I just want to share this quick real, real positive story.

There was a soldier who was wounded, severe head injury, in Iraq not too long ago. He was served by the 32nd Med Group in Iraq. He was immediately moved by a C–17 that was an airplane out of McChord. The crew was from Charleston. The doctor was a reservist from, I believe, Langley. The Air National Guard was a part of the crew. And the entire mission was managed from Scott Air Force Base. And the list goes on of the people involved in attending to the needs of one soldier wounded in Iraq, where all of these agencies, all of these military resources came together to get the job done. And I see your job in much the same way.

But the question is who is in charge of counterterrorism activity overseas? Who really is the person who—agency who is in charge of that? We know you are all coming together and you are doing great things, but it does give us some comfort to know who is running the show.

Mr. LEITER. Congressman, the Intelligence Reform Act of 2004 was pretty clear on one thing, and that was existing department and agency authorities, responsibilities, and chains of command were not going to be changed. So ultimately, as Mr. Souder pointed out earlier, there is—I can't tell you that there is one person in charge of an operation overseas. When it involves many agencies, there are lots of agencies involved. Now, within a country you obviously have the chief of mission, and it is pretty clear. When you start crossing boundaries, you are in the world of cajoling and cooperating.

Mr. REICHERT. Yeah. Anybody else want to address?

Ms. LINO. I would only echo, Congressman, what my colleague has said. And it was indeed a pleasure to meet you and some of your colleagues yesterday.

I would echo that because it is very clear overseas who is in charge. I personally had that experience, and had it in an instance when there was a specific terrorist threat against my embassy, and everyone pulled together to work to deal with that specific threat. I can't go into a lot of details, although some of it was in the press at the time with respect to a threat against our embassy in Tirana.

But crossing borders, or the kind of scenario that Congressman Souder outlined, is more complex, and it is not that—in the realm of overseas cooperation, it is not that counterterrorism is not number one on everyone's mind. It is.

Mr. REICHERT. Yes. No, I recognize that, and I also want to just keep this on a positive note from my perspective and my questioning. If you could just share with us what areas in counterterrorism do you think the Department of Homeland Security has made the most progress in coordinating with NCTC?

Ms. LINO. Certainly. I think—well——

Mr. REICHERT. I want to hear some good news.

Ms. LINO. Okay. I think that we work exceedingly hard in two areas—not to say that the other areas we don't also work exceedingly hard—but I would say that the focus has been to protect our country against dangerous people and dangerous goods. These are two of the fundamental things that we work on, and we can't work on it alone. We obviously work on it through the auspices of the NCTC and together with our other colleagues. And I think we have made significant progress in protecting our Nation against dangerous people and dangerous goods. And I could go into a lot more detail, but I think those are two areas where we have had great success.

Mr. REICHERT. I yield. Thank you. My time has expired.

Ms. SANCHEZ. We have votes on the floor, so I think we are going to bring this to a close. But I do have something that is gnawing at me, because we did have this report done by the GAO. And this is in particular to Ambassador—is it Lino or Lino?

Ms. LINO. Lino.

Ms. SANCHEZ. It is Lino. They had it marked phonetically Lino, I am so sorry for that.

Okay. So here is the problem. The report says that not only could we not get—well, we couldn't get information out of Mr. Leiter's organization for this report. Now, we are going to try to do that so we can figure out what is going on. Mr. Souder clearly defined that one plans, and you all implement. So this GAO report also says when it went out into the field and it talked to the implementers, or people on the front line doing this work, that they had no clue what they were supposed to do aside from things they had already been doing or aside from actual programs like Container Security Initiative. In other words, where the overall mission statements for many of the Department of Homeland Security pieces say things like preventing—overall mission, preventing terrorists and terrorist weapons from entering the U.S. while facilitating legitimate travel and trade. That is for CBP, for example. So they have this overall mission of stopping terrorists and terrorism, working with the host

countries to do this, and yet when they were asked by GAO, How are you doing that, what is that about, how do you it, they said, We are not, basically. We are not. We don't have time for that, we don't have resources for that. Worse, we don't have a directive from our Department about how to do that.

So now Mr. Leiter has said we have got that, and you have written a plan, or someone in DHS has written a plan to bring it all the way through. And yet at least at that time when they were asked, none of that was really going on. Can you talk to why not, is it, what has changed? And I think that will be the last question of the day. Ambassador.

Ms. LINO. I am happy to answer your question, because I think to some extent it is a question of perceptions. If you say, for example, that a component of DHS is working on bulk cash smuggling, the individuals on the ground overseas may be focused on bulk cash smuggling, and not view it necessarily as antiterrorist, or trafficking in humans may not be viewed by the person on the ground as counterterrorism. But all of these things are part and parcel of what we do.

An illegal alien smuggler may be used, either consciously or not, to smuggle in people who would want to do us harm. Bulk cash smuggling or narcotics trafficking, et cetera, may be used by terrorists to fund their work. Perhaps we do not do as good a job as we should in giving some of our people overseas the bigger picture into which they fit. Certainly at Homeland Security, in the Office of Strategic Plans, there is the folks who are the direct counterparts who work with the NCTC on counterterrorism plans. But the plan exists. The specific items which might—Mr. Leiter said are part of the plan, many of those things our people overseas are carrying out on a daily basis.

Ms. SANCHEZ. Well, we will take a look at that now that we have an opportunity, and he says that he has them.

Here is my big problem with what you have just said. The GAO also, in taking a look at the Department and giving its analysis of it, has said that management basically is terrible in Department of Homeland Security. Then when we look at the morale, at the surveys of all Federal employees, and we look at the DHS employees, the morale is the lowest. So clearly what we are trying to get at is how do we get—how do we do good management? Because the GAO has said over and over management is terrible. I mean, that is their biggest complaint, management is terrible.

So you are sitting there telling me, Oh, this exists, and we are strategic, and, you know, these little people down here, they just don't get that it is strategic and everything.

There needs to be better communication to these people so that they feel they are really doing what they read they are supposed to be doing, and so that their morale in a sense goes up because they are more connected. And this is a reflection, another example of a reflection on what is going on with management.

So I will just—I don't need an answer to that. And I just—I mean, this is a message back. This has been identified over and over in all different areas of the Department as a problem. And when we see these types of things happening, it reflects it again.

Ms. LINO. May I comment?

Ms. SANCHEZ. Certainly, for about 2 seconds, because I have my counterpart here who needs to ask one more clarifying question.

Ms. LINO. I would say two things very quickly. My personal experience with the people I work with directly, the posts I visited overseas, morale is excellent, and people are working together and are motivated. That is what my personal experience is.

I was at the State Department when USIA was brought into the State Department and consolidated. It took time for consolidation to happen. Obviously, I don't need to tell you 22 different entities being brought together——

Ms. SANCHEZ. Absolutely.

Ms. LINO. It took time to make——

Ms. SANCHEZ. Absolutely, but it has been over 4 years. If it is still as bad as it is, we have got some management problems.

Mr. Souder?

Mr. SOUDER. Chairwoman Sanchez focused on the big question. That is the big question. Mr. Cote, you made a comment that I found disturbing. It is a little part of it, but it could be a morale question. In response to Mr. Bilirakis, when he asked you about whether statements were calculated in and whether somebody was going to get cleared, you stated that you would provide that to the State Department for them to make the decision. But my understanding of the statute is we particularly put you there, and you have a veto, and you each have a vote. Why wouldn't you have vetoed that? Why would it be a State Department decision?

Mr. COTE. Well, I may have misspoke, sir, but we do this as a collaborative process and bring all the information we can to come to a decision. And in the end, if we cannot agree——

Mr. SOUDER. By the way, that was not the way the law was written. It is that it nets collaborative——

Mr. COTE. Right.

Mr. SOUDER. —but each side has a veto. It is not to work between you to come to a compromise. You are there for national security reasons, and if you have any objection, it is your obligation to exercise a veto, because we debated about whether to give it entirely to the Department of Homeland Security, and we decided it was good to have impact back. But if you have a veto power—and that is one of the clarity things that need to come through the system that can undermine morale and other types of things.

Now, I understand if you felt strongly, you would exercise that, and to some degree it is collaborative. But I want to make sure that the tilt here—because you will be held accountable for that, not the State Department, because you were put there specifically for a different risk variable. And I know we have got a vote on, and I didn't—but I wanted to make sure there was an understanding.

Mr. COTE. Absolutely, sir. As a matter of fact, under section 428 of the Homeland Security Act, the Secretary has that authority, and we have a process by which we can invoke that, especially in those cases where we believe strongly. And part of our duty is to invoke that procedure if that process ever comes before us.

Mr. SOUDER. Have you invoked it on a regular basis?

Mr. COTE. We have only invoked it on a handful of cases in the last——

Mr. SOUDER. I am sorry, this is ridiculous. Part of the reason—I was on the Government Reform Committee that put this in and worked with Ben Gilman. And part of the whole point of this is that the State Department needed this as an entry-level position. And I agreed to back off, as did a few others, in putting this solely in the Department of Homeland Security, because it is an important part of the State Department. But you should be the dominant in any kind of security thing. This isn't a matter of you have to persuade, and you only do it occasionally. You are the dominant clearance place. And this is the ultimate breakdown, because if we don't control that desk, we can't control who is in here.

Mr. COTE. Sir, you are absolutely correct, and I agree with you. And when I say we work as a collaborative partner with the agencies that are there, the decisions are made in a collaborative format; but when there is a national security interest, there is a violation of law, any type of issue that we get pushback from any member of the collaborative process, we do invoke that. We have not had to invoke that, to clarify it, because the process works well.

Mr. SOUDER. Presumably the State Department agrees they don't want a terrorist in.

Mr. COTE. That is correct.

Mr. SOUDER. It is the marginal, though, we are worried about.

Mr. COTE. Absolutely.

Ms. SANCHEZ. I thank the witnesses for their valuable testimony and the Members for their questions. And the members of the——

Ms. JACKSON LEE. Would the gentlelady yield for a moment? May I just put a question on the record, and I would be happy to let them answer in writing.

Ms. SANCHEZ. Put it on the record. We have a vote on the floor, and we have less than 5 minutes to go.

Ms. JACKSON LEE. May I just say one point that I would like to make? And I thank the gentlelady for yielding. I was detained in another committee.

I would just simply like to have the Ambassador, Principal Deputy Director just respond to this, as would I like to have all of you respond. The idea that this entity was put together—was to be the first line of defense, intelligence coordination. And my concern is that we are here in 2007, and we have no block, no firewall, because we have such fractures in the connectedness or the coordination of security and intelligence, meaning the coordination of security agencies. Please give me a road map—I know there have been many questions—on how you plan to improve the lack of coordination that has been proven and has been documented.

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

I thank you Chairwoman Sanchez for convening this important hearing to examine the status of counterterrorism overseas. I welcome Mr. Michael E. Leiter, Prinicpal Deputy Director of the National Counterterrorism Center, Ambassador Marisa R. Lino, Assistant Secretary of International Affairs in the Office of the Secretariat in the Department of Homeland Security, Mr. Gary L. Cote, Deputy Assistant Director of Immigration and Customs Enforcement, Mr. Edgar Moreno, Assistant Director of Domestic Operations in the Bureau of Diplomatic Security in the Department of State, and Mr. Thomas V. Fuentes, Assistant Director of the Office of International Operations Legal Attache Program in the Federal Bureau of Investigation. I look forward to your testimony.

In the aftermath of the tragic events of September 11, 2001, the Department of Homeland Security was created with the mission of preventing future terrorist attacks, within our nation and abroad, and reducing the United States' vulnerability to future terrorist attacks, the success of which cannot easily be quantified. Be that as it may, we are here today to examine issues surrounding U.S. Law Enforcement Agencies' (LEAs) counterterrorism oversees, a necessary self-reflection that is integral to our national security. Since the September 11th attacks, the Bush administration has issued three primary security strategies: the National Security Strategy of the United States of America, the National Security Strategy for Homeland Security, and the National Strategy to Combat Terrorism. All of these strategies have at their epicenter the recognition of combating terrorism as the nation's top security goal.

Never an isolationist, the United States has long kept close political and security ties with the other nations of the international community. However, in the wake of September 11th, there was a distinct shift with American LEAs abroad, now working to help foreign nations identify, disrupt, and prosecute terrorists within their countries'. LEAs from the Department of State, Justice and Homeland Security operate in U.S. embassies oversees to not only assist the foreign governments with their local law enforcement issues, but also in seeking and engaging vigilant allies in the prevention of further terrorist attacks. Agencies operating under the State, Justice, and Homeland Security Department overseas include: the Federal Bureau of Investigation (FBI), the Drug Enforcement Agency (DEA), Immigration and Custom's Enforcement (ICE), and the State's Bureau of Diplomatic Security (DS).

Each agency and department has a specific role to play oversees to combat terrorism. To name a few, CBP's mission is to pre-clear U.S. bound passengers, work at foreign ports in search of WMDs, work at embassies on CBP activities in country; whereas ICE investigates threats to the U.S. to help reduce the potential threat of terrorist attacks against the U.S. While most overseas posts have multiple U.S. LEAs present in order to fulfill our modern security needs, American embassies often continue to operate within their pre-9/11 framework, unable to accommodate or facilitate information sharing between the myriad of agencies working within their compound. The GAO Report revealed, "these groups did not function in an integrated manner, were not focused on joint investigations and operations, and did not harness the combined capabilities of all LEAs to prevent terrorist attacks." The GAO Report is inundated with statements by overseas officials candidly stating they "had received little-to-no guidance from the NSC, NCTC, or State, Justice, and DHS on how to implement the directive to assist foreign nations to identify, disrupt, and prosecute terrorists."

With such a multitude of departments and agencies operating overseas, and with the same primary goal, accurate communication, cooperation, and coordination are absolutely imperative. I have long recognized this, and in 2004, my fellow members in Congress voted with me to pass the "Intelligence Reform and Terrorism Prevention Act of 2004" establishing the National Counterterrorism Center (NCTC). The NCTC was charged with "conducting strategic operational planning for the U.S. government's counterterrorism efforts," with emphasis placed on integrating all levels of national power, including law enforcement, homeland security, military, intelligence, diplomatic and financial, into a coordinated effort to combat terrorism.

While the formation of the NCTC was a step in the right direction, many problems still remain. For one, on matters of strategic operational planning, the Director of the NCTC reports directly to the President, via the NSC, excluding any accountability to the Congress. In addition, when the GAO attempted to fulfill its role by inquiring into the operation and "general plan" of the NCTC, the GAO was told only that a "general plan" was in development and that it has been approved by the President in June 2006.

This is unacceptable. The NCTC was created 3 years ago in order to enhance and coordinate our counterterrorism efforts abroad, however, as clearly evidenced by the GAO Report, progress has yet to be seen and there have been problems and jurisdictional issues that could be easily resolved if the NCTC performed its prescribed functions.

As such the GAO has offered a number of recommendations to address the current issues. It has prescribed steps to be taken and positions to be created within the NCTC, NSC, US Attorney General, and the Secretaries of Homeland Security and State. As a senior Member of the Homeland Security Committee, and Chairwoman of the Subcommittee on Transportation Security and Infrastructure Protection, I understand that combating terrorism has become our nation's top national security goal, and I am resolved to see progress in global war on terror. As such, we must listen with open hearts and minds to the information we receive today and

diligently work to ensure that it is integrated and implemented within our current system.

I look forward to hearing the testimony of our distinguished panel, and I am hopeful that we will be able to resolve the current lack of overseas counterterrorism coordination. Thank you Madam Chairwoman, and I yield back the remainder of my time.

Ms. SANCHEZ. And if you will do that in writing, we would appreciate it.

I thank the witnesses for their valuable testimony and the Members for their questions. And the members of the subcommittee who will have additional questions for you, we would ask that you respond quickly to them in writing.

Ms. SANCHEZ. Hearing no further business, the subcommittee stands adjourned.

[Whereupon, at 11:27 a.m., the subcommittee was adjourned.]