

**HOLDING THE DEPARTMENT OF HOMELAND  
SECURITY ACCOUNTABLE FOR SECURITY GAPS**

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**FULL HEARING**  
OF THE  
**COMMITTEE ON HOMELAND SECURITY**  
**HOUSE OF REPRESENTATIVES**  
ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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**HOLDING THE DEPARTMENT OF  
HOMELAND SECURITY ACCOUNTABLE  
FOR SECURITY GAPS**

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**Wednesday, September 5, 2007**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC.*

The committee met, pursuant to call, at 10:00 a.m., in Room 311, Cannon House Office Building, Hon. Bennie G. Thompson [chairman of the committee] presiding.

Present: Representatives Thompson, Markey, Dicks, Harman, Lowey, Norton, Jackson Lee, Christensen, Etheridge, Langevin, Cuellar, Carney, Clarke, Green, King, Shays, Lungren, Rogers, Reichert, McCaul, Brown-Waite, Bilirakis and Broun.

Chairman THOMPSON. The committee on Homeland Security will come to order.

The committee is meeting today to receive testimony from the Secretary, Michael Chertoff, to discuss his plans to implement the recently enacted H.R. 1, the Implementing Recommendations of the 9/11 Commission Act.

Good morning. Mr. Secretary, glad to have you. Secretary Chertoff, on behalf of members of the committee, again let me welcome you here today.

It has been 4 years since the Department of Homeland Security was created. Mr. Chertoff, for 2 years now, half of the Department's operational life, you have been the individual directly and primarily responsible for assuring that the Department can fulfill its important mission.

A few weeks ago, this Nation paused to remember the victims of Hurricane Katrina and observed a second anniversary of that devastating storm. In a few days, we will again pause to memorialize the victims of the September 11th attack and mark the sixth anniversary of that earth-shattering day. As we in this Congress and the American people mark these tragic milestones in our Nation's history, we all know—you, me and everyone within the sound of my voice—that these events have strengthened our resolve, increased our vigilance and enhanced our commitment to ensuring the preparedness response and resiliency of this Nation.

I am sure that today you will take the opportunity to tell this committee and indeed the Nation that our country is better prepared than it was on September 11th to respond to a terrorist attack and that we are ready to meet the challenges of a natural disaster like Hurricane Katrina. I look forward to learning about your

plans to implement H.R. 1, which statutorily enacted the recommendations of the 9/11 Commission. And as I look forward to hearing about these new plans, I would be remiss if I did not wonder whether you remain—will remain at the Department long enough to carry out what you will discuss today.

As you know, during the August recess, the media was abuzz with the news of the resignation of Attorney General Alberto Gonzales. Likewise, many talking heads have suggested that you are a prime candidate to accept the position of Attorney General. And so before you begin your testimony, Mr. Secretary, I would like you to inform us whether you plan to remain Secretary of the Department of Homeland Security for the duration of this administration. I also ask this question not to put you on the spot but rather to gain some clarity on the future picture of this Department.

As you know, in a report, committee staff found that nearly one-quarter of the senior leadership positions located in the Department of Homeland Security are vacant. In June, the National Journal found that DHS has added political positions to its rank, giving it more political appointees than much larger departments such as Department of Veteran Affairs and Department of Defense.

To make matters worse, Mr. Secretary, the Department has failed to provide Congress with programs, plans and reports that are absolutely critical to securing the homeland. For instance, where is the revised version of the National Response Plan? Why has DHS missed its deadlines for inline baggage screening equipment? Where is the Department's strategic plan for deploying explosive detection equipment at airport checkpoints? Why hasn't the national emergency family registry and locator system been established? And where are the final regulations, Mr. Secretary, for TWIC?

So, Mr. Secretary, if you are going to leave this Cabinet post to take a different Cabinet seat, the American people and I need to have a clear vision on what remains to be done.

If you plan on staying in this Cabinet seat until January, 2009, the committee needs to make sure that certain things have been accomplished before you go. In fact, Mr. Secretary, before you leave here today, I will give you a to-do list that specifies each item which should be accomplished before your tenure is over. When all these things have been done, I will be able to say that we are safer now than we are today.

We owe the American people security; we owe them accountability; and, most importantly, we owe them freedom from fear. So as you detail your plan to implement the recommendations of the 9/11 Commission, I will be listening closely to hear how you also plan to fill key vacancies at the Department and your plans for completing all of your outstanding responsibilities.

With that, again, I thank you for being here today; and I look forward to your testimony.

The Chair now recognizes the ranking member of the full committee, the gentleman from New York, Mr. King, for an opening statement.

Mr. KING. Thank you, Chairman Thompson. I appreciate you calling this hearing.

I certainly want to thank Secretary Chertoff for testifying once again and at the outset to commend him for the job that he has done in providing leadership to the Department of Homeland Security, a position which is more important than ever when we see again what happened last night and this morning in Germany with the arrests of the three alleged terrorists, with the arrests yesterday in Denmark, with the indictments recently of the University of South Florida students in South Carolina, this past summer with the JFK plot and the constant shadow that is out there and the fact that earlier this summer, Secretary Chertoff, even though he took flack for it, was sending a very clear signal to the American people and to the world that there are dangerous situations going on; and I believe the events of the last several weeks have certainly justified the warnings that you gave us at that time.

I also at a parochial level want to thank Secretary Chertoff for the distributions this year, especially with the funding that came with the supplemental. I really believe that you have the Department on course right now to provide the funding to the areas that need it the most and are able to make the best use of it. So I commend you for that.

I also on a personal level want to thank you for the cooperation your staff has given me as far as whenever we reach out to you to get details as to different events that are going on. The briefings and the data and the information and intelligence you provide to us has been very helpful in keeping me up to date.

We did pass H.R. 1; and it passed, I believe, with the support of every member of this committee. Chairman Thompson did a very good job, I believe, in consolidating support, mobilizing support and getting very much into that bill.

One concern I do have, though—and it predates Chairman Thompson and is probably going to be with us sometime into the future, hopefully not forever—and that is the idea of consolidating jurisdiction of this committee over the Department of Homeland Security.

Several months ago—this was on May 25th—as ranking member, I, along with, I believe, all the Republican members of the committee, sent a letter to you asking you to specify the number of committee hearings, subcommittee hearings that you have to attend and members of your Department have to attend, the myriad of committees and subcommittees who claim jurisdiction over the Department of Homeland Security. Yesterday, you responded to that letter in a letter dated September 4, 2007, where you laid out again in really almost excruciating detail the amount of time that must be spent testifying.

Now, I agree with Chairman Thompson. We ought to have strong oversight. I believe that for the Department to go forward and go forward under your leadership, to go forward effectively, it has to be strong oversight, constant oversight. That is the way the system works.

However, having this multitude of oversight committees or committees claiming oversight, I believe it becomes very counter-productive; And I would hope that, as we do go forward, no matter which party happens to be in control at the time, whether we do

it through House rules or we do it through legislation, that we do consolidate as much jurisdiction as possible into one committee.

I am not saying this is part of a turf battle. I am just saying it is a sense of organization, a sense of responsibility that we get that done. So I will ask the chairman if I could introduce into the record a letter from the ranking member and Republican members of the committee to the Secretary dated May 25th and Secretary Chertoff's response to us dated September 4, 2007, and ask they be made part of the record.

Chairman THOMPSON. Without objection.

Mr. KING. Thank you, Mr. Chairman.

[The information follows:]

BENNETT G. THOMPSON, MISSISSIPPI  
CHAIRMAN



PETER T. KING, NEW YORK  
RANKING MEMBER

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One Hundred Tenth Congress  
H.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

May 25, 2007

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

Dear Secretary Chertoff:

We write to request information about the time and resources the Department of Homeland Security ("the Department") must devote in responding to congressional inquiries. While we strongly support meaningful oversight of the Department, we have concerns about the burden Congress continues to impose through myriad requests for hearings, briefings, reports and other formal inquiries, and the adverse impact these efforts are having on the Department's ability to execute its statutory mandates.

We believe the source of this unreasonable oversight burden is found in the current dysfunctional structure of Congressional jurisdiction over the Department of Homeland Security. While Congress has appropriately sought to implement reforms across the federal government in the wake of the 9/11 terrorist attacks, we have unfortunately done little to reform Congress to address the profound challenges arising from the threat of terrorism. In the 109<sup>th</sup> Congress, the House took a positive first step by creating a permanent standing Committee on Homeland Security to deal specifically with the Department. Unfortunately, while this change was intended to consolidate jurisdiction and reduce the Department's oversight burden, opposition from other committees ensured that very little consolidation was achieved. As a result, Congress continues to impose a disorganized and unreasonably burdensome array of oversight requests on the Department.

We are not alone in our concern or assessment of the situation affecting the Department. In fact, the 9/11 Commission highlighted the very same issue, noting that "the leaders of the Department of Homeland Security now appear before 88 committees and subcommittees of Congress..." and the resulting oversight burden "is perhaps the single largest obstacle impeding the department's successful development." See The 9/11 Commission Report, p. 421 (emphasis added). The 9/11 Commission recommended sweeping reforms to address this issue, including the establishment of "a single committee ... in the House and Senate to oversee and authorize the activities of the Department of Homeland Security." *Id.* Unfortunately, despite well-publicized campaign promises to implement *all* of the 9/11 Commission recommendations, the current leadership in Congress has completely ignored this critical issue.

We believe the current state of homeland security oversight and jurisdictional dysfunction in Congress may be adversely affecting the Department's mission performance and impeding the enactment of meaningful homeland security-related legislation. Unless Congress reforms its committee oversight structure, the Department's senior officials will continue to spend far too much time appearing at repetitious hearings and briefings and answering endless congressional inquiries when they should be devoting their attention to the priority of securing the homeland.

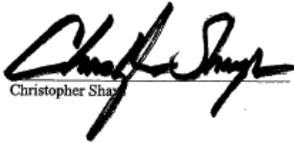
In order to provide the Congress and the public with a more concrete sense of the burden imposed on the Department, we respectfully request that you provide us with the following information:

- A list of the Congressional committees and subcommittees that claim jurisdiction over activities of the Department.
- The total number of hearings the Department has participated in to date for the 110<sup>th</sup> Congress and for each of the preceding 3 calendar years.
- The total number of briefings the Department has provided to Congress to date for the 110<sup>th</sup> Congress and for each of the preceding 3 calendar years.
- The total number of the Department witnesses providing testimony to date for the 110<sup>th</sup> Congress and for each of the preceding 3 calendar years.
- The total number of written testimonies and cumulative number of pages of testimony the Department has prepared to date for the 110<sup>th</sup> Congress and for each of the preceding 3 calendar years.
- The total number of committees and subcommittees Department officials have provided briefings for or testified before to date for the 110<sup>th</sup> Congress and for each of the preceding 3 calendar years.
- The number of repetitive or redundant hearings and briefings (those involving substantially the same subject matter but provided separately to more than one committee) to date for the 110<sup>th</sup> Congress and for each of the preceding 3 calendar years, including a summary of the subject matter of these redundant activities.
- The total number of current legislatively-mandated reporting requirements placed upon the Department, including one-time reports and annual reporting requirements.
- The total number of formal inquiries, letter requests and investigations involving the Department that are currently pending to date for the 110<sup>th</sup> Congress, including those initiated by the Comptroller General.
- Where possible, please provide an estimate of the total number of man-hours and costs associated with the hearings, briefings, reports, and responses to formal inquiries referenced above.

Thank you for your cooperation in this matter. We understand the Department has already compiled much of the requested information, and should therefore be able to respond without adding appreciably to its current oversight burden. If you have any questions or concerns about this request, please contact Mr. Mark Klaassen, Republican General Counsel, at (202) 226-8417.

Sincerely,

  
PETER T. KING  
Ranking Member

  
Christopher Shays

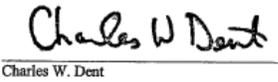
  
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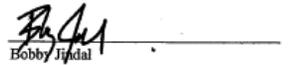
  
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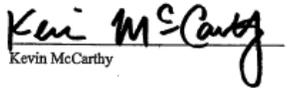
  
Ginny Brown-Waite

  
Gus Bilirakis

  
David Davis

  
Bobby Jindal

cc: Bennie G. Thompson, Chairman

  
Kevin McCarthy

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



Homeland  
Security

September 4, 2007

The Honorable Peter King  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative King:

Thank you for your May 25, 2007 letter requesting information about the time and resources that the Department of Homeland Security (DHS) devotes to responding to Congressional inquiries, preparing for and appearing at briefings and hearings, and writing and providing reports and other information.

DHS's mission is to protect the homeland, a responsibility we share with Congress and other key public and private sector parties. DHS certainly takes seriously our responsibility to keep Congress routinely apprised of our work and to respond fully to all Congressional requests.

I appreciate your thoughtful letter and strongly concur with your conclusion that oversight activity by some 86 committees and subcommittees of Congress creates a uniquely difficult and unnecessary burden for DHS. Literally thousands of Congressional requests – from many different committees and subcommittees for hearings, briefings, reports and other information – consume a very significant amount of DHS senior leadership time, which must be balanced with meeting operational mission demands.

The Administration has repeatedly expressed its strong conviction that Congress should adopt one of the 9/11 Commission's most important recommendations: streamline Congressional oversight of DHS. Specifically, the Commission said:

*Congress should create a single, principal point of oversight and review for homeland security. Congressional leaders are best able to judge what committee should have jurisdiction over this department and its duties. But we believe that Congress does have the obligation to choose one in the House and one in the Senate, and that this committee should be a permanent standing committee with a nonpartisan staff.*

In my view, the problem is getting worse rather than better. Recent proposals by several committees to remove elements of DHS to other departments or force co-sharing of DHS authorities with other departments seems mainly designed to accommodate competing jurisdictional claims among Congressional committees. Moreover, the number of very detailed written reports required of DHS by Congress is proliferating at an alarming rate. In the last month, two requests from one committee in the House other than the Homeland Security Committee have consumed many hundreds of staff hours, and boxes of documentation have been demanded and supplied.

[www.dhs.gov](http://www.dhs.gov)

Arguably the most important step Congress can take to improve operational effectiveness at DHS at this juncture is to streamline Congressional oversight of DHS. This would allow DHS to focus our time and resources much more effectively on our critical missions, while preserving an appropriate level of Congressional oversight. I urge Congress to implement this vital reform.

Below is information responding to the ten specific inquiries contained in your letter.

1. *A list of the Congressional committees and subcommittees that claim jurisdiction over activities of the Department.*

The list of 86 committees and subcommittees that have asserted some form of jurisdiction or oversight for DHS is provided at Exhibit A, attached.

2. *The total number of hearings the Department has participated in to date for the 110th Congress and for each of the preceding three calendar years.*

<i>Year</i>	<i>Number of DHS Hearings</i>
2007 (as of August 24)	159
2006	206
2005	166
2004	165
<b>Total</b>	<b>696</b>

DHS experienced a 25 percent increase in the number of Congressional hearings between 2004 and 2006.

3. *The total number of briefings the Department has provided to Congress to date for the 110th Congress and for each of the preceding three calendar years.*

<i>Year</i>	<i>Number of DHS Briefings (approx.)</i>
2007 (as of August 24)	1,793
2006	2,242
2005	2,082
2004	1,747
<b>Total</b>	<b>7,864</b>

DHS had a 28 percent increase in the number of briefings from 2004 to 2006, and a 19 percent increase from 2004 to 2005.

4. *The total number of the Department witnesses providing testimony to date for the 110th Congress and for each of the preceding three calendar years.*

<i>Year</i>	<i>Number of DHS Witnesses</i>
2007 (as of August 24)	218
2006	268
2005	211
2004	205
<b>Total</b>	<b>902</b>

DHS had a 27 percent increase in the number of witnesses from 2005 to 2006, and a 31 percent increase in the number of witnesses from 2004 to 2006.

5. *The total number of written testimonies and cumulative number of pages of testimony the Department has prepared to date for the 110th Congress and for each of the preceding three calendar years.*

Since 2004, 895 Department witnesses have testified before Congress. While it would be very difficult to calculate the exact number of pages of testimony that these witnesses have submitted, we have estimated that, on average, DHS testimony is 5 to 12 pages in length. With this as a guide, the 895 DHS witnesses have likely provided between 4,475 and 10,740 pages of testimony since 2004.<sup>1</sup> Of course, many of these prepared testimonies require considerable additional material that would bring the prepared testimony to many dozens of pages. We therefore think that it would be a conservative estimate to conclude that DHS has provided more than 10,000 pages of written testimony since 2004.

<sup>1</sup> In addition, DHS frequently receives only 4 or 5 business days' notice of hearings, leaving minimal time to prepare, review and clear testimony so that it can be provided 48 hours before the hearing, as customarily requested by Congressional committees.

6. *The total number of committees and subcommittees Department officials have provided briefings for or testified before to date for the 110th Congress and for each of the preceding three calendar years.*

The following chart indicates the number of committees and subcommittees to which DHS officials provided briefings or information that was requested, or that DHS officials testified before during the 109th Congress and 110th Congress to date. While DHS does not have precise data regarding the number of committees requesting DHS-related briefings or hearings prior to 2005, DHS staff who worked during those earlier periods can attest that DHS officials briefed and appeared before a similarly broad range of committees during the 108th Congress.

<i>Congress</i>	<i>Committees &amp; Subcommittees of Jurisdiction</i>
110 <sup>th</sup> (as of August 24)	86
109 <sup>th</sup>	86

7. *The number of repetitive or redundant hearings and briefings (i.e., those involving substantially the same subject matter but provided separately to more than one committee) to date in the 110th Congress and for each of the preceding three calendar years, including a summary of the subject matter of these redundant activities.*

The Department does not keep records of repetitive or redundant hearings. Many of our senior management team members routinely are asked to brief or testify before at least two *authorizing* committees on a range of identical or closely related matters. These include Deputy Secretary Jackson, Under Secretary Schneider, Undersecretary Cohen, Acting Undersecretary Jamison, Chief Intelligence Officer Allen, FEMA Administrator Paulison, Coast Guard Commandant Allen, TSA Administrator Hawley, ICE Assistant Secretary Myers, and CBP Commissioner Basham. In addition, these and others are naturally asked to brief or testify on numerous identical matters for House and Senate *appropriators* and *authorizers*.

Below are several examples where DHS witnesses were asked to testify on the same or materially similar subjects before multiple authorizing committees.

**110th Congress.** To date, DHS witnesses have testified before at least five hearings on the issue of post Hurricane Katrina housing.

- o On February 6, 2007, the House Financial Services Committee held a hearing titled "Federal Housing Response to Hurricane Katrina."

- On February 22, 2007, the House Financial Services Committee Subcommittee on Housing and Community Opportunity held a field hearing in New Orleans, Louisiana, titled "Solving the Affordable Housing Crisis in the Gulf Region Post Katrina."
- On February 23, 2007, the House Financial Services Committee Subcommittee on Housing and Community Opportunity held a field hearing in Gulfport, Mississippi, titled "Solving the Affordable Housing Crisis in the Gulf Region Post Katrina."
- On March 20, 2007, the House Transportation and Infrastructure Committee Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing, titled "Post Katrina Temporary Housing Dilemmas and Solutions."
- On April 24, 2007, the Senate Homeland Security and Governmental Affairs Ad Hoc Subcommittee on Disaster Recovery held a hearing, titled "Beyond Trailers, Part I: Creating a More Flexible, Efficient, and Cost-Effective Federal Disaster Housing Program."

**109th Congress.** During 2006, DHS testified before five different committees and subcommittees on worksite enforcement.

- On June 19, 2006, the Senate Judiciary Committee Subcommittee on Immigration, Border Security, and Citizenship held a hearing titled "Immigration Enforcement at the Workplace: Learning from the Mistakes of 1986."
- On July 25, 2006, the House Oversight and Government Reform Committee Subcommittee on Regulatory Affairs held a hearing regarding worksite enforcement and employment verification titled "Is the Federal Government Doing all it can to Stem the Tide of Illegal Immigration?"
- On July 26, 2006, the House Ways and Means Committee held a hearing on worksite enforcement with regards to mandatory electronic employment eligibility and verification, as well as data sharing, with the Social Security Administration. The hearing was titled "Impacts of Border Security and Immigration on Ways and Means Programs."
- On July 27, 2006, the House Small Business Committee Subcommittee on Workforce, Empowerment, and Government Programs held a hearing on immigration employment verification and small business.
- On July 31, 2006, the House Education and Workforce Committee held a hearing on enforcement of employee verification laws and implementing a stronger verification system.

Also during 2006, DHS witnesses testified seven different times on border security.

- o On July 20, 2006, the House Government Reform Committee Subcommittee on Criminal Justice, Drug Policy, and Human Resources, and the House Homeland Security Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on the issue of expanding the border fence.
- o On July 31, 2006, the House Armed Services Subcommittee on Terrorism, Unconventional Threats and Capabilities held a field hearing near Detroit, Michigan, titled "National Security Implications of Border Security on the Northern Border."
- o On August 2, 2006, the House Judiciary Committee held a hearing on the basic southwest border strategy.
- o On August 8, 2006, the House Homeland Security Committee Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, and the Subcommittee on Emergency Preparedness, Science, and Technology, held a joint field hearing in Bellingham, Washington, titled "Northern Exposure: Assessing Border Security."
- o On August 14, 2006, the House Government Reform Committee held a field hearing in San Diego, California, titled "Porous Borders and Downstream Costs: The Impact of Illegal Immigration on State, County, and Local Governments."
- o On August 28, 2006, the House Natural Resources Committee held a field hearing in Hamilton, Montana, on efforts needed to secure the Federal lands along the Northern Border.
- o On November 15, 2006, the House Homeland Security Committee Subcommittee on Management, Integration and Oversight held a hearing on the Secure Border Initiative.

8. ***The total number of current legislatively-mandated reporting requirements placed upon the Department, including one-time reports and annual reporting requirements.***

The chart below details the total number of reports requested by Congress or one of its committees in any authorization act or appropriations act (or related appropriations committee reports), during the current year or any of the preceding three calendar years, including one-time and annual or recurring reports. Recent passage of the 9/11 Commission Act of 2007 added at least 75 other Congressional reports, both recurring and one-time, which brings the total number of required Congressional reports to roughly 535 for this year.

It goes without saying that the total amount of DHS management time consumed to provide at least 535 reports annually is very considerable, including both actual hours expended and the opportunity cost of management hours at a very busy Department. A

surprising amount of this work requires personal attention from the very most senior managers at DHS. Of course, not all reports require the personal attention of the Secretary or the Deputy Secretary, but many do in fact require this level of review and, of course, an even more considerable number of man hours are invested at the originating agency within DHS by their senior management team.

Many Congressional reports relate to multiple operating components or to policy issues that involve multiple organizational components. Final approval of Congressional reports typically requires extensive internal DHS circulation, fact-checking, policy review and comment resolution, all of which is administratively managed through the DHS Executive Secretariat. Virtually all Congressional reports are also reviewed and approved by the Office of Management and Budget. The complexity of that approval process can vary substantially, from rapid approval to extended review.

As an educated guess, easily well over 100 reports annually require an average of more than 300 man hours to produce at DHS. Many more still consume a bare minimum of 100 hours prior to transmittal. The data on the gross number of Congressional reports is provided in the table below.

Year	Authorizations Reports*			Appropriation Reports**			Total
	One-Time	Recurring	Sub-Total	One-Time	Recurring	Sub-Total	
2007	55	31	86	236	138	374	460
2006	18	33	51	152	170	322	373
2005	59	22	81	125	128	253	334
2004	12	10	22	90	45	135	157
<b>Total</b>			<b>240</b>			<b>1,084</b>	<b>1,324</b>

\* Does not include at least 75 reports required by the 9/11 Commission Act of 2007 which brings the total number of required reports to at least 535.

\*\* Does not include required advance reporting and briefing to appropriations committees prior to release of DHS grants.

The total number of reports that are required of DHS have grown by 29 percent since 2004 and now totals at least 535.

9. ***The total number of formal inquires, letter requests and investigations involving the Department that are currently pending to date for the 110th Congress, including those initiated by the Comptroller General.***

Requests covered by this question largely fall into three categories, including letters, post-hearing questions for the record, and other audits, inquiries, or investigations. We detail each category below.

**Letters and other requests.** I have responded to over 2,500 Congressional letters or requests since February 21, 2006, when DHS's Executive Secretariat began tracking Congressional correspondence. This does not, of course, include inquiries sent directly to other DHS components or senior leaders. The total number of formal Congressional

inquiries DHS-wide may be closer to 6,500 for this year alone. This number does not include the scores of less formal requests for information from Members and Congressional staff.

These numbers do not measure the time and resources involved in responding to the requests, which can vary widely. While simple requests for information can be answered quickly, many requests require hours, days, or even weeks of significant research, drafting, and review by multiple DHS senior officials and staff. Aside from the effort involved in responding to any particular request, the sheer volume of Congressional requests to DHS contributes to an ongoing challenge to provide timely, quality responses.<sup>2</sup>

**Questions for the Record.** As of September 1, 2007, the Executive Secretariat's office has this year managed 78 individual Questions for the Record (QFR) sets issued by House and Senate Authorization Committees following a formal hearing. The Office of the Chief Financial Officer managed 16 individual QFR sets issued by the House and Senate Appropriations Committee. These 94 sets represent 2,630 individual questions. Seventy-one of these 94 sets have been answered, cleared by the Office of Management and Budget, and returned to the requesting Committee. Our average response time for QFR sets is 33 business days.

Year	Authorization QFRs	Appropriation QFRs	Total
2007 (as of Sept. 1)	1,166	1,464	2,630
2006	1,290	2,455	3,745
2005	971	2,281	3,252
2004	1,235	2,397	3,632
<b>Total</b>	<b>4,662</b>	<b>8,597</b>	<b>13,259</b>

**Audits, investigations, and other significant inquiries.** Although it is difficult to identify the actual number of investigations undertaken by Congress, the Department has responded to many such investigations, including investigations that have taken many months and substantial amounts of departmental resources. For example, DHS produced 400,000 pages of documents, and prepared and produced for testimony approximately 100 witnesses, during the Congressional investigations into Hurricane Katrina.

<sup>2</sup> As noted in an April 2007 report to Congress, since late 2005, the estimated average response time to Congressional inquiries has been cut in half, to approximately three weeks. When DHS's Executive Secretariat started tracking late Congressional inquiries in April 2006, there were, on average, over 50 on the list each week; this average has dropped on average to 10 in December 2006, and DHS has generally maintained less than 10 per week since November 2006.

In addition to these Congressional inquiries, hundreds of Government Accountability Office (GAO) investigations and audits have resulted in almost 650 GAO reports or testimony since 2004:

Year	Reports and Testimony Prepared by GAO
2007 (as of July 31)	154
2006	166
2005	164
2004	160
<i>Total</i>	<i>644</i>

10. *Where possible, please provide an estimate of the total number of man-hours and costs associated with the hearings, briefings, reports, and responses to formal inquiries referenced above.*

The Department does not have a formal tracking process to calculate the hours spent or the costs of responding to particular Congressional requests. As made clear above, we receive hundreds of requests for information from Congress on a daily basis. Many staff-to-staff requests are never logged or recorded formally. Depending upon the nature of each request, time and resources are expended to perform research, solicitation of information from one or more DHS components, and drafting a response, which – depending upon the subject matter – can take anywhere from a few hours to several weeks or months. Following the drafting of each response, senior leadership must review and, where appropriate, executive branch clearance must be obtained, adding more time.

Similarly, writing testimony for Congressional hearings, and preparing witnesses to testify, requires substantial time. In addition to the hours of preparation, review, and clearance that written testimony takes to complete, each witness generally schedules a DHS staff briefing and preparation session for the hearing. These preparation sessions can involve ten or more briefers, depending upon the subject matter of the hearing and the seniority of the witness. Depending upon the topic, actual time allocated for the hearing ranges from an hour to a half-day, typically for several DHS employees. It is worth noting that because DHS does not yet have a consolidated campus, many preparations that require cross-component coordination also consume a significant number of work hours in order for participants to travel across town to relevant preparation meetings.

A conservative estimate: a routine hearing, including written testimony and witness preparation, likely averages at least 60 DHS work hours to prepare and conduct the testimony. Many require considerably more hours of preparation, many easily over 200 work hours. This does not include time spent after the hearing on responding to questions for the record. Current trends suggest that DHS will be asked to respond to at least 4,000 such Questions for the Record this calendar year.

With over 200 hearings forecast for this year (many of which require multiple DHS witnesses), DHS officials and other DHS and Administration staff will -- estimating conservatively -- spend more than 15,000 work hours this year supporting formal Congressional hearings.

Drafting and clearing letters or formal written reports to Congress usually consumes a very considerable number of DHS work hours. While a DHS component staff member might be able to draft a relatively straightforward response in a matter of hours, it might easily take two or three component subject matter experts several 40-hour weeks to draft a significant letter or compose a report mandated by statute. Once drafted, letters and reports typically undergo review by multiple DHS offices. Depending upon the complexity of the letter or report, each reviewer may devote up to several hours to analyze and contribute to its contents. Moreover, a similar review will be required by OMB, White House offices, and other Federal agency representatives for certain letters or reports, particularly where a report is required by statute or when a letter addresses significant policy issues.

In conclusion, the data provided above show that DHS invests a very considerable number of resources in responding to and supporting congressional oversight. Adoption of the 9/11 Commission's recommendation to streamline Congressional oversight of DHS would pay significant productivity dividends. I very much appreciate your interest in helping DHS to operate more efficiently by consolidating the important work Congress must conduct with DHS.

I look forward to our continued work together in support of making our homeland more secure.

Sincerely,



Michael Chertoff

**EXHIBIT A**  
**Congressional Committee Oversight of DHS**

**Part I. In the 110<sup>th</sup> Congress, the following Congressional committees and subcommittees asserted DHS jurisdiction by holding hearings or otherwise exercising formal oversight activity, such as required staff briefings. Accurate as of August 2007.**

**U.S. HOUSE OF REPRESENTATIVES**

1. House Agriculture Committee
  2. Specialty Crops, Rural Development, and Foreign Agriculture Subcommittee
3. House Armed Services Committee
  4. Terrorism, Unconventional Threats, and Capabilities Subcommittee
5. House Appropriations Committee
  6. Homeland Security Subcommittee
  7. Select Intelligence Oversight Panel Subcommittee
  8. Transportation, Housing and Urban Development, and Related Agencies Subcommittee
9. House Budget Committee
10. House Energy and Commerce Committee
  11. Commerce, Trade and Consumer Protection Subcommittee
  12. Environment and Hazardous Materials Subcommittee
  13. Health Subcommittee
  14. Oversight and Investigations Subcommittee
  15. Telecommunications and the Internet
16. House Financial Services Committee
  17. Oversight and Investigations
  18. Housing and Community
19. House Foreign Affairs Committee
  20. Europe
  21. Africa and Global Health
22. House Homeland Security Committee
  23. Border, Maritime and Global Counterterrorism Subcommittee
  24. Emergency Communications, Preparedness, and Response Subcommittee
  25. Emerging Threats, Cyber security, and Science and Technology Subcommittee
  26. Intelligence, Information Sharing and Terrorism Risk Assessment Subcommittee
  27. Management, Investigations, and Oversight Subcommittee
  28. Transportation Security and Infrastructure Protection Subcommittee

- 29. House Judiciary Committee
  - 30. Crime, Terrorism & Homeland Security
  - 31. Immigration, Citizenship, Refugees, Border Security, and International Law
  - 32. Commercial and Administrative Law
- 33. House Natural Resources Committee
  - 34. Fisheries, Wildlife, and Oceans Subcommittee
  - 35. National Parks, Forests, and Public Lands Subcommittee
  - 36. Water and Power Subcommittee
- 37. House Oversight and Government Reform Committee
  - 38. Government Management, Organization and Procurement
  - 39. Domestic Policy
- 40. House Permanent Select Committee on Intelligence
  - 41. Intelligence Community Management
  - 42. Terrorism, Human Intelligence, Analysis, and Counterintelligence
- 43. House Science and Technology Committee
  - 44. Investigations and Oversight Subcommittee
  - 45. Technology and Innovation Subcommittee
- 46. House Small Business Committee
- 47. House Transportation and Infrastructure Committee
  - 48. Aviation Subcommittee
  - 49. Coast Guard and Maritime Transportation
  - 50. Economic Development, Public Buildings and Emergency Management Subcommittee
- 51. House Ways and Means
  - 52. Trade Subcommittee

U.S. SENATE

- 53. Senate Agriculture, Nutrition and Forestry
- 54. Senate Appropriations Committee
  - 55. Homeland Security Subcommittee
  - 56. Transportation, Housing and Urban Development, and Related Agencies Subcommittee
  - 57. Commerce, Justice, Science, and Related Agencies Subcommittee
- 58. Senate Armed Services Committee
- 59. Senate Banking, Housing and Urban Affairs Committee

60. Senate Budget Committee
61. Senate Commerce, Science and Transportation Committee
  62. Interstate Commerce, Trade, and Tourism
  63. Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
  64. Surface Transportation and Merchant Marine Infrastructure, Safety, and Security
  65. Science, Technology and Innovation
66. Senate Energy and Nature Resources Committee
  67. Public Lands and Forests Subcommittee
68. Senate Environment and Public Works Committee
  69. Transportation Safety, Infrastructure Security, and Water Quality Subcommittee
70. Senate Finance Committee
71. Senate Foreign Relations Committee
72. Senate Health, Education, Labor and Pensions Committee
73. Senate Homeland Security and Governmental Affairs Committee
  74. Disaster Recovery Subcommittee
  75. Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
  76. Oversight and Government Management, the Federal Workforce, and the District of Columbia Subcommittee
  77. Permanent Subcommittee on Investigations
  78. State, Local, and Private Sector Preparedness and Integration Subcommittee
79. Senate Judiciary Committee
  80. Immigration, Border Security and Citizenship Subcommittee
  81. Terrorism, Technology and Homeland Security Subcommittee
  82. Human Rights and the Law Subcommittee
  83. Senate Small Business and Entrepreneurship Committee
84. Senate Select Committee on Intelligence
85. Senate Small Business Committee
86. Senate Special Committee on Aging

**Part II. In the 109<sup>th</sup> Congress, the following Congressional committees and subcommittees asserted DHS jurisdiction by holding hearings or otherwise exercising formal oversight activity, such as required staff briefings.**

**U.S. HOUSE OF REPRESENTATIVES**

1. House Armed Services Committee
  2. Terrorism, Unconventional Threats & Capabilities Subcommittee
3. House Appropriations Committee
  4. House Homeland Security Subcommittee
5. House Education & the Workforce Committee
  6. 21<sup>st</sup> Century Competitiveness Subcommittee
  7. Select Education Subcommittee
8. House Energy & Commerce Committee
  9. Telecommunications and the Internet Subcommittee
  10. Oversight and Investigations Subcommittee
11. House Financial Services Committee
  12. Domestic & International Monetary Policy, Trade & Technology Subcommittee
  13. Housing & Community Opportunity Subcommittee
  14. Financial Institutions and Consumer Credit Subcommittee
15. House Government Reform Committee
  16. Federal Workforce & Agency Organization Subcommittee
  17. National Security, Emerging Threats & Intl Relations Subcommittee
  18. Criminal Justice, Drug Policy & Human Resources Subcommittee
  19. Government Management, Finance & Accountability Subcommittee
  20. Regulatory Affairs Subcommittee
21. House Homeland Security Committee
  22. Emergency Preparedness, Science & Technology Subcommittee
  23. Intelligence, Information Sharing, and Terrorism Risk Assessment Subcommittee
  24. Economic Security, Infrastructure Protection, & Cyber security Subcommittee
  25. Management, Integration & Oversight Subcommittee
  26. Prevention of Nuclear & Biological Attack Subcommittee
  27. Permanent Subcommittee on Investigations
28. House International Relations Committee
  29. Africa, Global Human Rights, & International Operations Subcommittee
  30. International Terrorism and Nonproliferation Subcommittee
  31. Western Hemisphere Subcommittee
32. House Judiciary Committee
  33. Commercial & Administrative Law Subcommittee
  34. Constitution Subcommittee

- 35. Crime, Terrorism & Homeland Security Subcommittee
- 36. Immigration, Border Security & Claims Subcommittee
- 37. House Permanent Select Committee on Intelligence
  - 38. Terrorism, Human Intelligence, Analysis & Counterterrorism Subcommittee
- 39. House Resources Committee
  - 40. Fisheries & Oceans Subcommittee
  - 41. National Parks Subcommittee
  - 42. Water & Power Subcommittee
- 43. House Science Committee
- 44. House Small Business Committee
  - 45. Regulatory Reform & Oversight Subcommittee
  - 46. Workforce, Empowerment, & Government Programs Subcommittee
- 47. House Transportation & Infrastructure Committee
  - 48. Aviation Subcommittee
  - 49. Coast Guard & Maritime Transportation Subcommittee
  - 50. Economic Development, Public Buildings & Emergency Management Subcommittee
  - 51. Highways, Transit & Pipelines Subcommittee
- 52. House Veterans' Affairs Committee
- 53. House Ways & Means Committee
  - 54. Oversight Subcommittee
  - 55. Social Security Subcommittee
  - 56. Trade Subcommittee

**U.S. SENATE**

- 57. Senate Agriculture, Nutrition, and Forestry Committee
- 58. Senate Appropriations Committee
  - 59. Senate Homeland Security Subcommittee
- 60. Senate Armed Services Committee
- 61. Senate Banking, Housing & Urban Affairs Committee
- 62. Senate Commerce, Science & Transportation Committee
  - 63. Fisheries & the Coast Guard Subcommittee
  - 64. National Ocean Policy Study Subcommittee
  - 65. Disaster Prevention & Prediction Subcommittee
  - 66. Trade, Tourism, & Economic Development Subcommittee

- 67. Senate Energy & Natural Resources Committee
  - 68. Energy Subcommittee
- 69. Senate Environmental and Public Works Committee
  - 70. Transportation & Infrastructure Subcommittee
- 71. Senate Finance Committee
- 72. Senate Foreign Relations Committee
  - 73. East Asian and Pacific Affairs Subcommittee
  - 74. International Operations & Terrorism Subcommittee
  - 75. Western Hemisphere, Peace Corps & Narcotics Affairs Subcommittee
- 76. Senate Health, Education, Labor, & Pensions (HELP) Committee
  - 77. Bioterrorism Preparedness & Public Health Preparedness Subcommittee
- 78. Senate Homeland Security & Governmental Affairs Committee
  - 79. Federal Financial Management, Government Information & International Security Subcommittee
  - 80. Oversight of Government Management, Federal Workforce & DC Subcommittee
  - 81. Permanent Subcommittee on Investigations
- 82. Senate Judiciary
  - 83. Immigration, Border Security & Citizenship Subcommittee
  - 84. Terrorism, Technology & Homeland Security Subcommittee
- 85. Senate Select Committee on Intelligence
- 86. Senate Special Committee on Aging

Mr. KING. Also, Secretary Chertoff, one issue which we have had some disagreement on—but the fact is Congress has spoken or not spoken—and that is on the issue of immigration; and I—from what I can see, certainly in the last month, the Department has dramatically increased enforcement, also is going forward with the construction of the fence along the border at a far more rapid pace than before. And in your testimony as you go forward I would ask if you could just give us more details on that as to what the intent of the Department is as far as completing the fence, whether or not it is going to be 370 or whether it is going to be 700 and also what timetable you have for that.

Also, the impact of the recent court ruling on the employers and social security and the illegal immigrants. If you could update us on that as to the impact you think it is going to have.

With that, I look forward to your testimony; and I want to again thank Chairman Thompson. Whatever disagreements we may have on particular issues, the fact is the committee is working in a very strong, bipartisan way under his leadership; and I think this hearing is going to be indicative of that.

With that, I yield back the balance of my time.

Chairman THOMPSON. Thank you very much.

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

Again, I welcome our witness today. When he was confirmed in 2005, Secretary Michael Chertoff became the second person to

serve as the head of the Department of Homeland Security. Prior to his confirmation, Mr. Chertoff served as a United States Circuit Judge for the Third Circuit Court of Appeals. Prior to that, he served as an Assistant Attorney General at the Department of Justice, where he was instrumental in helping to trace the September 11th terrorist attacks to the al-Qa'ida network. He has served in a number of other public service positions.

Secretary Chertoff, I thank you for your service; and I appreciate you agreeing to testify here today. Without objection, the witness' full statement will be inserted into the record.

Secretary Chertoff, I now recognize you to summarize your statement for 5 minutes; and if you go over, we won't penalize you. Mr. Secretary?

**STATEMENT OF THE HONORABLE MICHAEL CHERTOFF,  
SECRETARY, DEPARTMENT OF HOMELAND SECURITY**

Secretary CHERTOFF. Thank you, Mr. Chairman. It is a pleasure to be back before the committee after the Labor Day recess in what has been an eventful summer on a number of fronts.

Chairman Thompson, Ranking Member King, other members of the committee, I look forward to answering your questions. I don't think I am going to cover all the questions in the 5 minutes or so I have to give the summary, but I will certainly be happy to tackle more specific questions as they come up.

We have, as you noted, Mr. Chairman, just passed the second anniversary of Hurricane Katrina; and we now stand on the threshold of another notable anniversary, which is the sixth anniversary of the infamous attacks on September 11th on this country. On September 11, 2001, of course, as we watched the smoldering remains of those attacks, no one would have been bold enough to predict that 6 years would pass without a further successful attack on the homeland. I underscore the word "successful" because there have been attacks on the homeland, they have just not succeeded. That goes from—that ranges from the so-called "shoe bomber", Richard Reid, in December, 2001, to last summer's effort in the United Kingdom to place bombs on aircraft that were headed for the United States.

Happily and because of the vigilance of those serving here in the United States as well as our allies overseas, these attacks have been frustrating. But even in the last 36 hours we have seen how real the threat remains. Arrests in Denmark and Germany indicate that al-Qa'ida continues to carry out acts of war against the West. They continue to seek fellow travelers and allies and adherents in the West who can be used to carry out attacks whether they be in Western Europe or here in the homeland, and American interests overseas remain very much at risk. So it is a sobering reminder of the fact that, 6 years after 9/11, the intent of al-Qa'ida and its allies to wage war on the west remains very much unabated.

A question I probably get asked more often than any other question is, are we safer now than we were prior to 9/11? And the answer to that is unequivocally yes. But if you ask me is the job of keeping us safe done, the answer is to that is no. It is not done, and it may not be done within our lifetimes. The fact is there is no such thing as perfect security. We face an enemy with a long

memory, an enemy that is capable of still getting worked up about events that occurred five and six hundred years ago. So we cannot afford to relax or relent.

The enemy will continue to adapt. It will continue to retool itself, as the recent National Intelligence Estimate made very clear; and because al-Qa'ida does not stand still, we cannot stand still either. We have to continue to adapt, to use our technology to our advantage. We have to use randomness as a way of strengthening our systems and making it hard for the enemy to detect what we are doing. We have to fortify our defenses without clogging them or making them so overwhelming that they destroy our way of life, and we always have to think outside the box and look at the unpredictable in terms of assessing where the threat may be.

The job is not done. We cannot back away from what we have done so far, and we have to continue to remain determined to protect this country.

And in this regard I want to commend the members of this committee who have been very active throughout this last 6 years, ever since the committee was formed, in working as partners with this Department and other elements of the executive branch to see to it that we have homeland security in this committee.

What is our overall strategy? If I was asked to sum it up in a nutshell, I would say our strategy is to reduce risk sensibly. That doesn't mean to eliminate risk. There is no way to eliminate risk in the world as we live it. But we can reduce risk and we can do it in a commonsense way, if we are disciplined about understanding what the risk is and disciplined about how we go about tackling that risk.

One approach is to deal with the threat itself. We have continued to reduce the risk against the country by capturing and killing al-Qa'ida leadership, by sharing intelligence in this country and with our allies overseas and by disrupting plots at home and abroad.

Another way to reduce risk is to decrease vulnerabilities. We do that by sensibly building barriers and strengthening the measures we have in place to protect our infrastructure if someone should be successful in carrying out an attack.

A third way to reduce risk is to reduce the consequences of an attack. We do that by enhancing our ability to respond, dispersing assets that could be affected by an attack and by finding ways to mitigate damage to human life and to the economy.

Everything we do at DHS is aimed at the goal of reducing risk and balancing these variables in a cost-effective way. This committee's hard work and passing H.R. 1 is going to be of enormous help in continuing along this strategic path. Measures such as those enabling us to strengthen the Visa waiver program, which I previously identified as a potential vulnerability; making sure that people who report suspicious activity in good faith are protected against legal—possible negative legal consequences; and further moving in the direction of risk-based funding. These are very important measures in securing the homeland, and I want to thank the committee for its work.

Let me talk about a few specific areas, without suggesting this covers the whole waterfront, in which I think we have made some real, measurable progress in keeping the Nation safe.

First, let me address the issue of border security, a subject on which we could have a hearing all by itself. By way of perspective, on September 11th, we had about 9,000 Border Patrol agents in this country. When the President last year unrolled his strategy to regain control of the border in May of 2006, that number had grown to 11,740 Border Patrol agents. But, as of today, we now have 14,471 Border Patrol agents. We are on track to get 18,300 Border Patrol agents sworn to duty at the end of calendar year 2008. That is what we promised last year. That promise will be kept.

We have also put infrastructure in place. Among other things, we currently have more than 120 miles of fence in, pedestrian fencing, and 112 miles of vehicle barriers along the southern border. We expect to have 145 miles of fencing in place by the end of this month, by the end of September, which is again what we promised. That promise will be kept. By end of calendar year 2008, again as we promised, we are on track to have 370 miles of pedestrian fencing in place.

Another promise we made last year was to abolish the policy of catching and releasing non-Mexicans who are apprehended at the border. We ended that practice last year and have kept that practice ended for a year that has transpired since last summer. We are now in the domain of catch and remove for those who are caught at the border.

And we are continuing to work to deploy 21st century technologies as part of SBInet. We anticipate—and there was some delay in this because we were insistent on making sure everything works properly. We anticipate beginning acceptance testing on the first 28 miles of this high-tech program in Arizona in about a month.

Now, has all this effort had an impact or result? Over the last fiscal year, overall apprehensions have fallen by 20 percent. South-western border apprehensions have dropped by 21 percent. Border Patrol non-Mexican apprehensions are down 39 percent. Yuma sector apprehensions were reduced 68 percent. Del Rio sector apprehensions are down 48 percent and El Paso sector apprehensions by 40 percent.

A recently released Pew Research report not only agreed that apprehensions have been declining but looked to other anecdotal information, including interviews with people operating south of the border, to conclude that the foreign-born population of illegal immigrants has been increasing at a slower pace than in previous years.

Other measures of the success we have had in driving down illegal immigration have been reductions in financial remittances overseas. I have to say I think our foreign partners will find that not happy news, but it happens to be a metric that shows that our enforcement measures have bite.

These are all signs that illegal cross border migration is declining and the method is moving in the correct direction.

I would be remiss if I didn't express my disappointment in the fact that Congress didn't choose to move forward with comprehensive immigration reform. I think without a temporary worker program we will start to see economic consequences of enforcement,

but I am sworn to enforce the law as it is and continue to do so to the full extent of my power.

And I also want to observe in the last fiscal year our ICE officers removed a record 198,511 illegal aliens in this country. I estimate over 3,900 administrative arrests in the last fiscal year; and this year we are on track to have over 790 criminal arrests in the work site enforcement cases, which builds upon the 740 we had last year, both dramatic increases we saw over prior years.

Of course, we worry not only about people entering between the ports of entry but coming through our ports of entry where traditionally we see the terrorist threat focused. One thing we talked about last year that we are currently implementing is the deployment of 10-print fingerprint scanning capabilities through our US-VISIT program. This means for people who come to the U.S. it is no longer going to be simply two fingerprints that we capture and read but 10 fingerprints, and the advantage of this is it allows us to compare those fingerprints against latent fingerprints that we pick up in the course of investigations overseas. So that allows us a better ability to determine whether an unknown, unnamed terrorist is entering the country.

We currently have rolled out 10-print scanning capabilities at 106 U.S. consulates around the world, which is half of the number that we have to do; and we are beginning the process of putting this 10-print capability at 10 American airports beginning this fall.

I can tell you we have already seen results; and, in one case, we were able to compare a latent fingerprint from a piece of paper found in the course of a search as—in one of the investigations of acts of terrorism overseas against the fingerprints taken by somebody who wanted to come into the United States and we found a match. Now, in this case, there—it turned out to be an innocent explanation for the fact that that fingerprint was found in the particular safe house. But the point is it was good to know that we had that fingerprint, it was good to be able to ask those questions, and I think this is an example of the kind of dramatic increase in security that 10-print capability gives us.

Of course, we are continuing to move forward on a matter very important to this committee, which is the secure freight initiative, which is the initiative to put radiation detection equipment around the world to make sure that we can detect radioactive material coming into the United States. In compliance with the Safe Port Act, we currently have three overseas ports that will be scanning 100 percent of U.S.-bound cargo into the United States; and we have agreements with four other foreign ports to begin somewhat more limited scanning in the very near future.

Here at home, we have deployed more than 1,000 radiation portal monitors at our own ports. By the end of this calendar year, we will have the ability to scan almost 100 percent of sea cargo arriving in our major seaports; and by the end of next year, nearly 100 percent of all ports of entry, including the land ports of entry, will have these radiation portal monitors.

Now, while we have made some very significant steps in securing the homeland in these respects, I have to say there are some gaps that require our attention; and we are moving forward with those. Two of those gaps have to do with general aviation, that is, private

planes and small boats. The very trait that makes these attractive as modes of transportation for people in the private sector also make them potential sources of a threat.

We do worry about the fact that someone could lease or occupy a private plane overseas and then use that as a way to smuggle in a dirty bomb or weapon of mass destruction to the United States. We do worry that, having locked the front door, so to speak, against dangerous containers, someone could simply put the dangerous cargo in a private ocean-going vessel and take it into a U.S. port.

Therefore, I will surely be unveiling a plan to tighten security standards for general aviation operators coming in from overseas. This will involve, among other thing, conducting more screening overseas and working with our overseas allies in the private sector to enhance security measures to enable us to screen for radiological and nuclear material before a private aircraft comes into the United States.

We will begin this process in the very near future by proposing a rule that will require private aircraft coming in from overseas to send us lists of their passengers and crews before they take off so we can vet them before they become airborne.

With respect to small boats, which I have indicated is a potential threat vector, we are beginning a program—pilot program on the west coast in the very near future to screen small boats for radiological nuclear material. Our Domestic Nuclear Detection Office has partnered with Seattle in the State of Washington to equip local officials with radiological and nuclear detection equipment and to test passive detection equipment at key choke points in the Seattle harbor, port of Seattle through which all the traffic, whether it be container traffic or private traffic, has to pass. And as we work out the operational details with respect to that program it is one that we intend to roll out at other locations, including New York, where we have our secure-the-cities effort to bring nuclear detection capability into urban areas to make sure we have another measure in which we can protect against a dirty bomb in a big city.

Another initiative, of course, has been the need to protect our infrastructure in the interior of the country. Last year, we released our national infrastructure protection plan to provide an overarching framework working with the private sector take make sure we are protecting our infrastructure. Through the individual sector specific plans we have identified a couple of thousand key assets and are working to develop and further implement increased protection for those assets.

In April of this year, we released a comprehensive regulation to secure high-risk chemical facilities across the country. We have also looked to protect the security of chemicals in transit by reducing the standstill time for railcars that carry toxic inhalation hazards around the country.

One example of how this partnership with the private sector has been helpful I think can be illustrated by the recent JFK airport plot. As part of the investigation leading up to the arrests in that case, we worked with the private sector to identify whether there were any vulnerabilities in and around the pipelines that were the target of that plot to make sure that we didn't have exposure

should the plot be successful; and that is an example of a partnership across not only the Federal government but with local authorities in the private sector.

Finally, before I leave the issue of infrastructure, let me say that one very big issue I remain concerned about is cybersecurity. Much of what I can say about this is classified and cannot be discussed in this setting, but I can assure you that we are working with other elements of the Federal government and giving the highest priority to putting together an enhanced strategy with respect to cybersecurity that will deal with a threat that has enormous potential to damage the United States in the years to come.

Finally, let me turn to improved response capabilities. In the wake of Katrina, I think we recognize the serious deficiencies we have had over the last 20 years in planning for and building the capabilities necessary to respond to a catastrophic event, whether natural or man made. I am happy to say we have dramatically improved our response capabilities in the last couple of years under the capable leadership of FEMA.

I am also pleased to say FEMA is now at better than 95 percent staffing and that we have permanent, experienced emergency managers in all 10 FEMA regions who are working closely with their State and local counterparts. I think, as we have seen in the run-up to some of this year's natural disasters and natural events, we are much quicker, we are moving much more rapidly to put capabilities in place in advance of a storm, and I think planning is beginning to pay off.

Finally, let me talk a little bit about what you mentioned, Mr. Chairman, in terms of where we stand moving forward. I want to leave this Department with a legacy of a mature, well-formed organization 5 years after this Congress created what is now the third largest department in the United States government; and I am pleased to say that as we get into the final lap of the President's term we are very focused on continuing to add personnel, including experienced career personnel at all the senior agencies of the Department so that we do have a capable transition team able to move into the next administration.

We are working to reduce to writing many of the lessons learned, some of them painfully learned, over the last 2 1/2 years so the next team that comes into place under the next President has the benefits of the experiences that we have had.

As far as my own plans, Mr. Chairman, all I can say is, like everybody else in a Senate-confirmed position, I serve at the pleasure of the President. So long as it pleases him to have me serve in this position—and, of course, God willing—I am happy to continue to do this job up until the very last day of the administration.

For all of the reasons I have laid out here, I believe we are much safer than we were prior to 9/11, but we need to continue to work with Congress to make sure that we build the tools and resources to adapt to new challenges as they come about. Legislation such as the recent Protect America Act of 2007, which amended the Foreign Intelligence Surveillance Act, provides our intelligence professionals with the tools they continue to urgently need to gather information about our enemies and detect and prevent attacks before they happen. As you know, the Act is temporary; and building on

legislation such as this is vital to continue the progress we have made so far.

Finally, I want to thank the 208,000 men and women of the Department of Homeland Security. They deserve our support, moral support, material support and our legal support as they carry out their tireless commitment to safeguarding our Nation 24 hours a day, 365 days a year. And as we approach the sixth year anniversary of September 11th we should not only continue to support everybody in all agencies who work to keep this country safe, we should recognize the heroism and dedication of average Americans every day. Every month we hear stories about people who see something that is suspicious and say something about it, and time and again it is that alertness that turns up dangerous threats and allows to us frustrate plots.

I want to thank the committee for inviting me here, and I look forward to answering your questions.

Chairman THOMPSON. Thank you very much. I thank you for your testimony.

[The statement of Secretary Chertoff follows:]

TESTIMONY OF SECRETARY MICHAEL CHERTOFF  
U.S. DEPARTMENT OF HOMELAND SECURITY  
BEFORE THE HOUSE COMMITTEE ON HOMELAND SECURITY  
WASHINGTON, DC  
WEDNESDAY, SEPTEMBER 5, 2007

**INTRODUCTION**

Chairman Thompson, Ranking Member King, and Members of the Committee: I appreciate the opportunity to testify today about the progress of our efforts to secure our homeland.

Before I continue, let me acknowledge the partnership between our Department and your Committee. Given the reality of rapidly evolving threats from terrorism and other dangers, our Department must respond creatively and comprehensively, but it cannot do it alone. It is only through your assistance in the legislative arena that we can continue to thwart the plans and strategies of our enemies in our post-September-11 world.

So let me take a moment to thank you for passing legislation that enhances the security of our Visa Waiver Program, protects people who report suspicious activity or behavior to the authorities, and allows for greater amounts of state Homeland Security grants to be distributed on a risk basis.

Next Tuesday will mark the sixth anniversary of the September 11 attacks. We will honor the memory of those who died that day, and remember in particular the heroic actions of those who gave their lives to save thousands of their fellow Americans.

On September 11, 2001, no one could have predicted the passage of six years without further attacks on our homeland.

By any measure, this is a remarkable achievement. It is the result of our comprehensive efforts to secure our safety, while maintaining our liberty and way of life, including our privacy. It is a tribute to the successes of our armed forces abroad and to our law enforcement efforts at home. It is a testament to our Customs and Border Protection (CBP) officers in keeping dangerous individuals and groups away from our country, to our Immigration and Customs Enforcement (ICE) personnel in removing those who got in, to our Coast Guard in protecting our ports and waterways, and to our Transportation Security Administration in the guarding of our airports and transit networks. It highlights the importance of improved information sharing across Federal agencies, and between Washington and our states and localities. It bears witness to the benefits of integration within our own Department. It is the result of the tireless efforts of our federal partners in homeland security, including the Department of Justice, the FBI and the Department of State. It underscores the importance of our relationship with Congress and particularly with this Committee.

Yet despite this accomplishment, our nation remains at risk. Clearly, our terrorist foes continue to plot against us and target our people and infrastructure. Over the past year, we helped disrupt a number of planned attacks, notably the plot last summer in London to hijack planes heading for America.

The good news is that these plots were thwarted. The more sobering news is that, these operational successes notwithstanding, the terrorist threat remains a potent one. This is further evidenced by the results contained in the July 2007 National Intelligence Estimate. According to the NIE report, America faces a continued threat from ideologically driven terrorist networks like Al Qaeda, which, while weaker than it was on 9/11, is growing again in strength. Moreover, we cannot discount the danger posed by homegrown terrorists, isolated individuals or groups that initiate their own plots after becoming radicalized.

The risks we confront continue to evolve and the potential targets across our nation are numerous indeed. If we tried to eliminate every risk, we would obviously fail. Moreover, we would become so heavy-handed with security, we would end up destroying exactly what we are trying to protect -- the normal, daily fabric of life across our nation.

So instead of trying to eliminate risk, our overarching strategy is to reduce and manage it. Risk management lets us identify what should concern us most in terms of threats, existing vulnerabilities, and potential consequences.

Our risk management philosophy drives all that we do. Accordingly, my testimony will refer to it frequently. I will focus on both our successes and our challenges. Mostly I will discuss threats that are man-made, but I will also note the challenges we face from nature. I will summarize what we have achieved over the past year, highlight what we aim to accomplish this year and for the future, and suggest how Congress can help us in these critical efforts to secure our nation.

#### A YEAR OF ACHIEVEMENTS

Last year, our Department formulated five specific goals to help us advance our mission of securing our homeland. These five goals include protecting America from dangerous individuals, protecting it from dangerous things, protecting our critical infrastructure, building a 21<sup>st</sup> century emergency response system and a culture of preparedness, and strengthening and unifying DHS operations and management.

I want to talk about this past year's achievements in the context of these five goals or priorities.

##### 1. Protecting Against Dangerous People

The first of these priorities deals directly with individuals who seek to enter this country and do us harm.

Expanding our Perimeters/Intercepting Our Enemies Overseas

In response to this threat, our strategy begins by expanding our perimeters so that America's actual borders are not our first line of defense. Our aim is to intercept dangerous enemies abroad, before they reach our borders.

In order to do this, we need relevant information about travelers. To that end, this July, we reached a Passenger Name Record (PNR) agreement with the European Union in which the EU agreed to continue to provide our Department access to pertinent data from airliners on passengers taking transatlantic flights to and from the EU. We also collect this information on arrivals from other regions as well.

And just last month, responding to a recommendation of the 9/11 Commission, we enhanced our Advanced Passenger Information System (APIS) by publishing a final rule requiring international air and sea carriers to provide Customs and Border Protection (CBP) passenger manifest information prior to boarding, rather than when planes are already in flight, and cruise ships are underway.

Obviously, our PNR and APIS initiatives work in tandem. With both of these types of information, combined with the Automated Targeting System for Passengers, we have identified overseas passengers who have posed a real danger and prevented them from boarding planes destined for our country.

Since 9/11, PNR data have helped us significantly in combating potential threats.

In April 2006, at Boston's Logan Airport, CBP officers used PNR information to identify two passengers whose travel patterns exhibited high-risk indicators. During the secondary interview process, one subject stated that he was traveling here on business for a group that is suspected of having financial ties to Al Qaeda. The examination of his baggage revealed images of armed men, one of them labeled "Mujahadin." Both passengers were refused admission.

PNR and APIS will help us identify previously known overseas enemies before they can board a plane bound for our country and fingerprinting can also be useful in this process. Under our US-VISIT program, millions of non-citizens arriving here through ports of entry have their fingers scanned and then checked against the fingerprints we have from prior entries and their visa records in order to make sure that they are to whom the visa was granted and they're not felons or terrorists.

But what about detecting unknown enemies? Recently, we've taken a quantum leap forward and are poised to identify them for the first time. We are transitioning to 10-print collection, which we will run not only against databases of known dangerous individuals, but also against those we're collecting from battlefields, safe houses, and terrorist training camps around the world. This creates a powerful deterrent against any terrorist seeking to enter our country from any of these places.

Through our US-VISIT program, we're also continuing to run terrorist and criminal watch list checks, often across multiple databases maintained by separate agencies. Our goal is to ensure that US-VISIT is interoperable with the FBI fingerprint database. We're integrating our watch lists and recently we created the Traveler Redress Inquiry Program (DHS TRIP) to enable people who have been mistakenly placed on such lists to petition to be removed from them.

*Secure Identification*

Through PNR, APIS, and US-VISIT's 10-fingerprint initiative, we now have critical new or enhanced tools to help us identify lethal enemies -- including those previously unknown -- from among the numerous travelers who arrive from overseas.

But what do we do about enemies who deliberately masquerade as legitimate passengers? We address the critical need for secure travel documentation.

The 9/11 Commission spoke directly to this issue when it wrote these words, "[S]ources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists."

The Commission put it well when it added, "For terrorists, travel documents are like weapons."

Indeed, when we investigated the 9/11 attacks, we discovered that 18 of the 19 perpetrators had been issued U.S. identification documents and that some of these documents had been obtained fraudulently.

Fraudulent documents are undeniably a growing problem. Since 2005, our CBP officers have intercepted more than 90,000 fraudulent documents and apprehended more than 60,000 people trying to enter our country with such documents.

Our CBP officers must wade through nearly 8,000 different kinds of travel documents we currently accept at our land border. There is no way these officers can quickly or effectively tell whether those documents are real or fraudulent. Obviously, this puts our nation at risk.

In response to this problem, in January of this year, we implemented our rule for the air travel portion of the Western Hemisphere Travel Initiative. WHTI requires people traveling to and from Canada, Mexico, the Caribbean, and Bermuda to present a passport or other approved identification document in order to enter or re-enter the United States. Secure documents are a national imperative that will prevent dangerous people from entering our country using fraudulent identification. WHTI will enhance our ability to assess threats and confirm identity at ports of entry, while continuing to facilitate lawful travel and commerce.

In June of this year, we published the proposed rule for WHTI's land and sea portion.

*Border Security*

Over the past year, we have continued our efforts to secure our homeland by taking strong steps to secure our land borders.

Since President Bush took office, our nation has added 5,000 new Border Patrol Agents, bringing the current total to more than 14,000. By the end of 2008, we will have more than 18,300, double the number we deployed before 2001.

Moreover, as part of *Operation Jump Start*, thousands of National Guard members have been deployed to the southern border since June of last year. Up to 3,000 Guard members will continue this operation through July of next year.

We have also been putting more infrastructure in place. Today we have nearly 113 miles of fencing and 112 miles of vehicle barriers have been erected along the southern border. By the end of the current fiscal year, we expect to have 150 miles of fencing in place.

Besides adding more boots on the ground and more infrastructure, last year we abolished the practice of catch-and-release at the border and replaced it with catch-and-remove. We ended the practice in which non-Mexican aliens who were first apprehended were then let go after receiving a notice to appear in court. They are now being detained for as long as it takes to send them back to their home countries.

Recently, we awarded the contract for SBInet, the high-tech component of our border security efforts. It includes the building of a virtual fence with a full array of ground-based radar, cameras, and unmanned aerial systems. Through Project 28 in Arizona, we are in the process of deploying and validating the first 28 miles of what will be another key element in our border security strategy.

Building the virtual fence should fuel the progress we've been witnessing at the border, chiefly the decline in illegal border crossings, since launching our other initiatives. Over the past fiscal year, overall apprehensions by our Border Patrol have fallen by 20%. Northern border apprehensions have declined by 7%, while southwestern border apprehensions have dropped by 21%. Moreover, Border Patrol OTM apprehensions are down 39%. Yuma Sector apprehensions have plunged by 68%, Del Rio Sector apprehensions by 48%, and El Paso Sector apprehensions by 40%.

A recently released Pew research report concurred that apprehensions have been declining since the second quarter of last year. The study also indicated that foreign-born Hispanic employment showed the smallest increase since mid-2003. And it revealed that after rising steadily for several years, the growth in remittances to Mexico slackened markedly in mid-2006 and the rate of remittance growth diminished through the first quarter of this year. Taken together, these measures strongly suggest that cross-border migration from Mexico continues to decline significantly.

Interior Enforcement

As mentioned, our battle to protect America from dangerous individuals begins overseas. It does not, however, end at our land borders. It is the job of our ICE agents and officers to ensure that those who have succeeded in crossing our border illegally, including those who pose a threat to our security, are apprehended and removed to their home countries. In fiscal year 2006, ICE removed a record 198,511 illegal aliens from the country.

Over the past year, we have stepped up our efforts to hold employers accountable for illegally hiring some of these individuals. Indeed, ICE has made 3,942 administrative arrests and 790 criminal arrests in worksite enforcement cases this year alone.

E-Verify

Most employers do not want to hire illegal workers. To help them avoid doing this inadvertently, we have a voluntary program, called E-Verify, that lets them check the work status of their new hires online. This system compares information from the I-9 Employment Verification form, which establishes work eligibility, against the Social Security Administration and DHS immigration databases. The system is quick, easy, and free and more than 21,000 employers rely on it.

Last month, we announced our intent to expand this successful system. Beginning on October 1, 2007, all federal departments and agencies must begin verifying new hires through E-Verify. We also are encouraging contractors to enroll in E-Verify. In addition, we plan to modify our Homeland Security Acquisition Manual to include a vendor's participation in E-Verify as a consideration during the DHS procurement evaluation process. Finally in order to prevent document fraud and identity theft, E-Verify will include a photo screening tool. This tool will work by allowing an employer to check the photo on the Employment Authorization Document or Permanent Resident Card presented by their new hire against the photo DHS has for that document from the 14.8 million photo images stored in DHS immigration databases.

SSN/No Match

As part of our announcement about expanding and enhancing E-Verify, we also issued a final regulation that outlines specific steps employers should take upon receiving a "no-match" letter from the Social Security Administration informing them of an employee whose name and Social Security Number do not match government records. There can be many causes for a no-match, including clerical errors and name changes. One potential cause might be a submission of information for an alien who isn't authorized to work in the U.S. and who may be using a false Social Security number or a Social Security number assigned to someone else.

This regulation is currently in litigation and we are defending it vigorously.

*Legal Immigration*

Thus far, we've focused on how we're enforcing our immigration laws so we can secure our borders and protect our country. Through our U.S. Citizenship and Immigration Services (USCIS), we are also committed to creating a more efficient, effective process for those who are seeking to come here legally.

By the end of September of last year, USCIS reached a tremendous milestone. Its caseload backlog dropped to less than 10,000 from a high of 3.8 million cases in January 2004. In addition, over the past year, it developed and implemented a new fee schedule which will give it the necessary resources to process more than 7 million immigration cases annually.

*Thoughts on Immigration Reform*

No summary of our progress in protecting America from harmful individuals would be complete without some brief comments on the comprehensive immigration reform bill that stalled in the U.S. Senate.

The failure of the Senate bill to become law meant the defeat of a number of vital, constructive provisions. I want to focus on two of them that could have strengthened our efforts to protect our country from its enemies.

The first of these was the Temporary Guest Worker Program (TWP), which would have established a steady, legal, temporary channel of workers whose skills were in demand by our economy. The second provision sought to deal with the 12 million people who were already here illegally. Those who arrived prior to January 1 of this year and were willing to step out of the shadows, obey the law, and pay a penalty, would have been granted a work visa, renewable after four years, and an opportunity to return to their home country four years later after the first removal and apply for a green card.

Both provisions would have freed our immigration enforcement officers to focus more of their time and effort on apprehending violent criminals, drug traffickers, gang members, and potential terrorists who pose an immediate threat to this country and its people. Without the kind of immigration reform that includes these provisions, our hardworking CBP and ICE officers will instead be compelled to continue their pursuit of hardworking immigrants whose sole crime was coming here illegally.

**2. Protecting Against Dangerous Things**

As we guard our homeland against threats from individuals, we are simultaneously working to protect it from dangerous cargo. Here, too, we employ a layered approach to security. Our strategy is to keep out dangerous goods by creating rings of protection around our ports of entry and throughout our maritime supply chain, from point-of-origin abroad to point-of-destination here.

*An Expanding Perimeter: Overseas Measures*

Our outermost security layer is overseas.

One step we've taken is to create a public-private and international partnership with more than 7,000 businesses, including most of the largest U.S. importers. Through our Custom-Trade Partnership Against Terrorism, or C-TPAT, we are reviewing the security practices not only of companies that ship goods, but also those that provide them with services. Our goal is to inculcate a security-consciousness among firms that are involved at every point in the supply chain.

As of the last fiscal year, C-TPAT participants, combined with Importer Self-Assessment (ISA) participants, accounted for almost half of all import value and 31% of all entries.

With respect to the cargo itself, we employ risk-based targeting, where we use an automated targeting system to screen 100% of U.S.-bound containers prior to their arrival here. This is done by collecting information about every incoming shipment 24 hours prior to the container being loaded at a foreign port. This information includes content, manifest, shipping history, and other data. We have made great progress, in partnership with industry and trade groups, toward obtaining additional data elements that will enhance the targeting systems. Through our Container Security Initiative or CSI, CBP officers, working with port officials, examine this information in order to identify those high-risk containers that require further inspection. These efforts underscore the necessity of a layered, risk-based approach to global supply chain security.

Over the past year, we have expanded our CSI program. By the end of this year, CSI will be active in more than 58 overseas ports, covering 85% of U.S.-bound cargo.

In our efforts to detect dangerous cargo overseas, we remain particularly concerned about nuclear terrorism, specifically about a radiological or nuclear device -- or the material needed to make one -- entering our country.

Since 9/11, our Department, the Department of Energy, Department of State, and other interagency partners have taken significant steps in conjunction with the private sector and our overseas allies to counter this lethal threat to maritime commerce.

We have done so with the vital cooperation of Members of Congress, who earlier last year passed the SAFE Port Act to further institutionalize these efforts.

In order to build on these efforts, last December, we launched our Secure Freight Initiative. Under this initiative, the U.S. government is placing radiation detection equipment, imaging machines, and optical character readers at terminals in an initial set of seven foreign ports. Three of these ports will scan 100% of the cargo coming to this country, fulfilling the requirements of the SAFE Port Act. Operation testing on a more limited basis will take place at the four remaining locations, providing us information on

how we can address the security challenges associated with larger and more complex ports.

The goal of the Secure Freight Initiative is to allow us to identify radiological or nuclear threats well in advance of a container's arrival to our country. It will provide host governments with greater visibility into potentially dangerous shipments moving across their territory. It will help carriers, shippers, and terminal operators have greater confidence in the security of cargo they move and unload. And by applying our risk management and reduction strategy, it will help resolve threats in a way that keeps safe cargo moving.

*Protecting Against Dangerous Cargo At Home*

Our layered approach against the threat of nuclear terrorism starts with such overseas measures as the Secure Freight Initiative and continues at our U.S. ports, where we've been significantly expanding our radiation detection capabilities.

Earlier this year, we reached a milestone in that we now have installed 1,000 Radiation Portal Monitors (RPMs) at major seaports and land ports of entry across the nation.

In just two years, we've more than doubled the percentage of incoming containerized cargo being scanned for radiological and nuclear threats at our land borders (from 40% to 97%) and more than quadrupled that percentage at seaports (from about 20% to 91%). By the end of next year, we will scan nearly 100% of inbound cargo containers for such deadly material.

And to help us reach this goal, we are continuing to test what we expect to be the next generation of scanning technology – Advanced Spectroscopic Portals, or ASP. The ASP program is designed to automatically distinguish between naturally occurring radioactive material and dangerous nuclear material that actually poses a threat.

These advanced systems are not only meant to provide enhanced detection capabilities, but also to improve the efficiency of the scanning process. Currently, when a container activates an alarm, our CBP officers must examine the container and the enclosed material to determine whether it poses a threat or is a legitimate import with naturally occurring radiation. It is our hope that ASP technology will reduce false alarms and increase the flow of commerce through our ports, while enhancing security.

ASP systems remain promising. Our next step will be to complete additional field testing and other rigorous certification measures in busy environments. Once we are done, we will report back to Congress with our results before doing a full-scale procurement.

**3. Protecting Critical Infrastructure**

Dangerous individuals and goods pose a continued threat to our homeland in fundamental ways. One way is by putting our nation's critical infrastructure at risk.

Passenger Planes

The September 11th attacks underscored how much damage dangerous individuals can inflict by getting control of passenger planes.

Since 9/11, we have taken substantial steps to improve aviation security, while maintaining the efficiency of air transportation for the traveling public. Highly trained Transportation Security Officers screen passengers and baggage at airports across the country. Federal Air Marshals protect hundreds of domestic and international flights every day. We have hardened cockpit doors, armed pilots to defend the flight deck, and strengthened air cargo security.

Nonetheless, the disruption in August 2006 of the London plot to blow up U.S.-bound transatlantic planes serves as a stark reminder that the threat to air travel remains. Due to this crisis and other events occurring in the United Kingdom, our Transportation Security Administration (TSA) increased Federal Air Marshal deployment to the U.K. as well as other foreign destinations. TSA has also deployed Visible Intermodal Protection and Response (VIPR) Teams to increase security at passenger rail and mass transit locations.

Responding to that threat and to a 9/11 Commission recommendation, last month I announced our Secure Flight rule that would transfer responsibility for watch list checks from the airlines to TSA.

Under this rule, if implemented as proposed, TSA will receive limited passenger information from airlines as early as 72 hours before a flight, check it against the watch list provided by the Terrorist Screening Center, and transmit the results back to aircraft operators. In the case of a watch list match, TSA will have time to coordinate the appropriate action, including, if necessary, preventing a person from boarding the plane.

Essentially, this takes an already-existing security measure – comparing passenger information against the terrorist watch list – and streamlines the process by giving this responsibility to TSA rather than dozens of different air carriers. This will ultimately enhance security, create a more consistent and uniform pre-screening process, and reduce potential misidentification issues for passengers.

What this will not do is harm privacy, use commercial data, assign a risk score to passengers, or predict behavior.

TSA will only collect the minimum amount of personal information necessary to conduct effective watch list matching and prevent misidentification.

We have also issued a Privacy Impact Assessment and Privacy Act System of Records Notice that outlines how TSA collects, uses, stores, protects, and retains personally identifiable information as part of the Secure Flight Program.

In addition, our Traveler Redress Inquiry Program – or DHS TRIP – is available for passengers who feel they have been improperly delayed or prohibited from boarding an aircraft.

We will test this system and work with the travel industry, airlines and other stakeholders in the development of the Secure Flight program and will take public feedback during the comment period.

Our concern about passenger planes is not limited to the problem of dangerous people boarding them. We are also focused on the risk of dangerous cargo entering them. Last year, we issued a new air cargo regulation that mandates 100% inspection of passenger parcels that are presented at airport counters. We also put in place stricter inspection requirements for air cargo shippers and indirect carriers.

In the next fiscal year, we plan to invest \$56 million to fund 300 air cargo inspectors, K9 teams and technology which will allow us to track carriers, shippers, and support risk-based air cargo screening across the entire supply chain.

Sector-Specific Plans/NIPP

Passenger planes are an integral part of our transportation system, which under Homeland Security Presidential Directive 7 is one of the 17 sectors that comprise our critical infrastructure.

Each of these 17 sectors is different, with its own unique needs, risks, and interdependencies.

The private sector, not the federal government, owns and operates most of this infrastructure. Government and the private sector must work together to set goals and priorities, identify key assets, assign roles and responsibilities, target resources, and measure our progress against national priorities.

In June of last year, we released the National Infrastructure Protection Plan (NIPP) to provide an overarching framework. The NIPP is our unifying structure for understanding and managing risk to the nation's infrastructure – created in partnership with the private sector.

A critical part of the NIPP includes the Sector Specific Plans, which drill down to the sector level and provide the nuts and bolts of how each of the 17 critical sectors identifies key assets, develops and implements protective programs, and measures progress.

In May of this year, we saw the completion of all 17 Sector Specific Plans of the NIPP. It represents the first time in our nation's history that the government and the private sector have come together on such a large scale – literally, across every major sector of our economy – to develop a joint plan to protect key assets and resources.

The goals of the Sector Specific Plans are to define roles and responsibilities within each sector, catalog existing security authorities, institutionalize security partnerships already in place, and set clear goals and objectives to reduce risk.

The completion of the Sector Specific Plans is a tremendous milestone for our Department, the private sector, and the American people.

Of course, a plan is only as good as its implementation. We look forward to continuing our work with our private sector partners as we work under these plans to manage the risk to critical infrastructure.

#### Chemical Security

Let me focus on our progress in protecting one of our 17 sectors, the chemical sector.

One of the things we are most concerned about are industrial chemicals being used as weapons – whether through an attack against a chemical facility or an attack against chemicals in transit.

We must tackle this challenge comprehensively. That means securing not only chemical sites and facilities, but chemicals in transit. It means securing the end points of the system as well as the links in between.

The vast majority of chemical shipments do not pose a threat to people. In fact, less than one percent of all shipments traveling by rail are Toxic by Inhalation (TIH), which means if attacked, they could create an airborne hazard and endanger a lot of people.

For this reason, last December we put forward a proposed regulation to reduce the standstill time for rail cars carrying TIH hazards around our major cities. This regulation formalizes a set of agreements we've reached with rail carriers to make sure that the relatively small number of cars that carry TIH chemicals on a given day are not left unattended, can be efficiently tracked, and take the safest, most economically practicable route.

This is risk management in action: targeting the highest-risk chemicals and working with industry to demonstrably reduce that risk without breaking the system.

In April of this year, we published an interim final chemical facility security rule. We are now enforcing that regulation, which, for the first time, sets national risk-based standards for chemical security.

Facilities that fail to meet our performance standards could face penalties of up to \$25,000 for each day a violation occurs, or they could be ordered to halt operations until security is brought up to a level that meets certain performance standards.

I am confident that most chemical plants will accomplish what we need to get done in the area of security. That is because this industry understands that investments in security help protect its operations.

Ultimately, chemical security is not solely a federal responsibility; it is a shared responsibility, not just among federal, state and local governments, but also with the private sector.

*Field Applications: HITRAC, JFK Plot Detection/Disruption, Hurricane Scenarios Analysis*

No discussion of critical infrastructure protection would be complete without talking about how we are applying our capabilities to actual threats.

One way is through the Homeland Infrastructure Threat and Risk Analysis Center (HITRAC), a shared program between our National Protection and Programs Directorate (NPPD) and our Office of Intelligence and Analysis (I&A). Through HITRAC, we are improving information sharing by developing three new product lines tailored to meet the intelligence needs of the private sector and state and local governments, including sector-specific documents, unclassified communication with the private sector and quarterly suspicious activity reporting analyses.

Last June, through information sharing and close coordination between DHS and the FBI, as well as with pipeline owners, the U.S. government was able to announce the thwarting of an alleged plot to attack the fuel tanks and pipelines at New York's JFK Airport. During the investigation, we were able to identify vulnerabilities that might be targeted by the plot.

Another application of our strengthened critical infrastructure capability concerns threats posed by natural disasters. We now have an enhanced capacity to map out the various scenarios of a predicted hurricane making landfall in a particular area. We have strengthened our ability to predict the probable effect on existing infrastructure of hurricanes of various categories, enabling us to tailor our disaster responses accordingly.

We are also continuing to strengthen the security of our cyber infrastructure.

#### **4. Building an Effective Emergency Preparedness and Response System**

As we work to protect our critical infrastructure by preventing disasters from occurring, we must also ensure that our nation is well-prepared to respond to disasters – natural as

well as man-made – when they do occur. We are reminded of this as we reflect on the recent second anniversary of Hurricane Katrina.

*Improving Interoperable Communication Among First Responders*

When it comes to disaster preparedness and response, one of our most important priorities at DHS is interoperable communications. This refers to the ability of first responder agencies – whether fire, police, or emergency medical services – to communicate during an emergency or disaster. Interoperability means having radios and other devices that can talk to each other, protocols and procedures for communication, and clear lines of authority.

Improving interoperable communications is a subject that the 9/11 Commission discussed in its final report and said must be a priority for all levels of government.

Much progress has been made since 9/11 to achieve tactical, command-level interoperability in our major high-threat urban areas. Over the past two years, DHS has assisted 75 urban or metropolitan areas in developing and exercising tactical interoperable communications plans. Our Interoperable Communications Technical Assistance Program has been instrumental throughout this process.

Through our Public Safety Interoperable Communications (PSIC) grant program, which we will co-administer with the Department of Commerce, we will provide an additional \$1 billion in interoperability grants by the end of 2007. By the end of this year, DHS will have provided over \$4 billion to state and local governments to develop interoperable communications. We are requiring that each state and territory submit a communications plan by December 1 to ensure eligibility for the PSIC grants.

And in April of this year, our new Office of Emergency Communications began operations in accordance with the Homeland Security Act of 2002. Its job is to improve interoperable communications for our public safety partners and across federal, state, and local governments.

A good example of a region with effective interoperable communications is right here in the National Capital Region. Today, all first responders in this region – whether in Maryland, DC, or Virginia – are able to communicate with each other. Fire fighters and police not only can talk to each other within the same jurisdiction, they can communicate across jurisdictions.

So how is the rest of the country faring on interoperability?

Last December, we released the findings of our national baseline survey, the first-ever nationwide assessment of interoperability across our country.

We found that roughly two-thirds of emergency response agencies across the nation use interoperable communications at varying degrees. Specifically, response agencies tend to be more developed in their use of technology; interoperability at local levels tends to be more advanced than it is between state and local agencies; and law enforcement, fire response and EMS agencies reported similar levels of development in most areas of interoperability.

In January of this year, we issued interoperability scorecards to 75 urban and metropolitan areas that looked at three things: governance, standard operating procedures, and equipment.

Overall, the scorecard findings show that urban and metropolitan areas have made progress in improving their interoperable communications capabilities. The findings also identify gaps and areas for continued advancement. Key findings include:

- o Policies for interoperable communications are now in place in all 75 urban and metropolitan areas.
- o Regular testing and exercises are needed to effectively link disparate systems to allow communications between multi-jurisdictional responders (including state and federal).
- o Cooperation among first responders in the field is strong, but formalized governance (leadership and strategic planning) across regions needs further improvement.

One particular urban area that scored well in our survey was Minneapolis/St. Paul. That area's capability and training were put to good use in delivering a prompt response to the recent collapse of the I-35 [bridge](#).

We are confident that by the end of 2008, all 75 of our country's largest urban areas, 50 states, and 6 U.S. territories will have demonstrated a minimum level of emergency response interoperable communications, thus fulfilling a major post-9/11 national goal.

*FEMA: Reorganization, New Leadership, Enhanced Capabilities*

Besides improving interoperable communications among our nation's first responders, we are also committed to continued progress in the way our own Department deals with emergency preparedness and response through FEMA.

While Congress mandated changes to FEMA's organizational structure, we have made modifications to create a more nimble, better equipped organization. FEMA now includes the U.S. Fire Administration, the former Office of Grants and Training, the

Chemical Stockpile Emergency Preparedness Program, the Radiological Emergency Preparedness Program, and the Office of National Capital Region Coordination.

We have created an Office of Health Affairs outside of FEMA to coordinate the Department's medical preparedness efforts. This office will work closely with FEMA and all of our component organizations as well as our external partners such as Health and Human Services.

We have created the National Protection and Programs Directorate to unify our infrastructure protection, risk-management, cyber security and communications, and US-VISIT border management functions.

FEMA is no longer stove-piped into Response and Recovery Divisions. It now has new Directorates of National Preparedness and Disaster Operations which will focus on long-term preparedness and response planning. It also has robust Logistics Management, Disaster Assistance, and Disaster Operations Directorates.

We have also strengthened FEMA's 10 regional offices, led by regional administrators who work directly with state and local emergency management communities. All 10 regional directors are now in place.

Ultimately, FEMA's success is tied to the relationships it builds within FEMA regions with emergency managers and state and local communities. In this regard, under the new structure, we now have a National Advisory Council to serve as an avenue for our partners to provide input into the Department's policies and programs, and we will create Regional Advisory Councils to work at a regional level.

Of course, we must continue to implement the National Incident Management System (NIMS) to ensure a common framework for emergency response across our country. We all have to be on the same page when disaster strikes. Over the next two years, we will continue to work to strengthen the NIMS and to work for its full adoption.

USCG Deployable Operations Group (DOG)

In addition to FEMA, the U.S. Coast Guard continues to play a vital role in the building of a 21<sup>st</sup> century emergency response system. Two years ago, in response to Hurricane Katrina, the Coast Guard helped save over 33,000 lives, a remarkable feat.

Over the past year, we have strengthened the Coast Guard's capabilities by creating a Deployable Operations Group (DOG) consisting of six Coast Guard elements: the National Strike Force, Port Security Units, Maritime Safety and Security Teams, Tactical Law Enforcement Teams, Naval Coastal Warfare Personnel, and Maritime Security Response Teams.

Each of these elements has unique capabilities, including search and rescue, hazmat, biological and chemical response, counterterrorism, law enforcement, and port security

expertise. By bringing them under a single command and training them for rapid deployment in any environment, we are strengthening our ability to respond effectively to any disaster. Moreover, by coordinating this group with other DHS assets, such as FEMA Search and Rescue teams, ICE officers, and CBP agents, we can create an efficient, tailored, DHS-wide response to any incident.

#### **5. Strengthen and Unify DHS Management**

If we are to strengthen our ability to protect America from disasters and to respond effectively when they happen, we must continue to improve our own internal operations at DHS.

##### *Integration*

When our component agencies entered the department on March 1, 2003, we faced one of the greatest integration challenges of modern times. The Department effectively had 22 separate human resources offices, 8 payroll systems, 19 financial management centers, and 13 procurement systems.

We have made remarkable progress to integrate these functions. We are working to consolidate 17 major data centers into just two. This will give us robust, resilient data management and save millions of taxpayer dollars.

Of course, a Department of our size must have straightforward, transparent, and well-managed contracting and procurement practices and vehicles. Otherwise, we are leaving the door open to fraud, waste and abuse.

We have implemented two programs that will help make sure our IT procurement and contracting houses are in order – FirstSource and EAGLE. FirstSource consolidates our IT portfolio and establishes Department-wide contracts for commodity purchases. EAGLE will allow our agencies and components to meet their IT needs on a competitive and as-needed basis, rather than ad-hoc or through large, wasteful contracts.

To coordinate all of this work and ensure the prudent annual investment of over \$3 billion in information technology, it is essential to have a strong Chief Information Officer who is empowered to make decisions, control spending, and ensure consistency. In March of this year, we issued a management directive elevating the authority of our Department's Chief Information Officer. By doing so, DHS will be at the forefront of fulfilling the promise of the Clinger-Cohen Act of 1996 which established the role of the CIO at major federal agencies.

Each DHS component will be required submit its IT budget to the CIO, who will make recommendations to me for final inclusion in the Department's budget request.

##### *Ensuring Excellence and Diversity in the Workplace*

Besides having an integrated Department, we must continue to recruit and maintain a first-class homeland security workforce.

One way of measuring our progress is by looking at vacancy rates in critical areas of our Department. DHS is clearly on track to fill all vacant positions in mission-critical occupations this fiscal year. As of last month, the vacancy rate was 2.92% for frontline occupations in CBP, 8% at ICE, and 4.3% at FEMA.

In July of this year, the Majority Staff of this Committee issued a report claiming that 24% of our Department's top-level executive positions were vacant, but this percentage was artificially inflated due to OPM's recent authorization of 73 new SES positions. Without the 73 new positions, the vacancy rate for top positions would only be 12%. Moreover, even when we include the OPM authorization, the vacancy rate has already fallen to 22% as of last month. In addition, 97 of 125 vacant positions are in the process of being filled.

We believe that a first-class workforce should reflect the diversity of our nation and so several of our component agencies have active minority recruitment programs, including the Coast Guard, Secret Service, Customs and Border Protection, and the Transportation Security Administration, among others. We continue to seek minorities and students from Historically Black Colleges and Universities (HBCUs). We are also entering partnership agreements with the Black Executive Exchange Program (BEEP) of the Urban League, the National Association of Hispanic Federal Executives (NAHFE), and the Hispanic Scholarship Fund Institute. We are pursuing the services of an executive search firm with a proven record in attracting and recruiting people from diverse backgrounds for executive positions.

In addition, our Science and Technology Directorate's University Centers of Excellence program has partnered with three HBCUs to conduct vital homeland security-related research and to educate the next generation of homeland security experts and scholars.

Since our inception, we have made a commitment to provide opportunities for small businesses to participate in our procurement program, including those small businesses owned by minorities, women, disabled veterans, veterans, and those located in economically distressed areas.

#### *Transition Planning*

Along with promoting integration and workplace diversity and excellence, we also continue to implement our plans to ensure our Department's transition to the next administration in January 2009.

As we have seen recently in the U.K., terrorists seek to exploit any perceived weakness that may occur during a period of government transition. DHS simply cannot afford to have a "down period" between the end of this administration and the start of the next.

So we are establishing detailed continuity plans, and ensuring protocols and procedures are in place for the next leadership team. But more importantly we're training and cross-training our senior career employees to ensure that each component and office within DHS has capable leadership ready to take the reins as new appointees adjust to their positions.

#### **GOALS FOR THIS YEAR AND THE FUTURE**

As we look to the future, we are determined to continue advancing the priorities of our Department in fulfillment of our homeland security mission. Rather than providing an exhaustive list, I'd like to cite a few key examples of how we intend to build on the past year's accomplishments as outlined in this testimony.

##### **1. WHTI Implementation and REAL ID**

As I noted, if we wish to secure our homeland, secure documentation is essential. That's why we will continue to move forward on our Western Hemisphere Travel Initiative. As I mentioned, in January of this year, we implemented our air travel rule and this June, we announced the proposed rule for WHTI's land and sea portion.

As early as the summer of 2008, we will start to require WHTI-compliant credentials – a passport, PASS card, a NEXUS card, or other acceptable documents as defined in the final rule. We will provide at least 60 days notice before final implementation.

Since this is a significant change, we are going to be reasonable and flexible in implementing the WHTI provisions. We're taking a phased approach that will allow people to get the necessary documents and adjust to the requirements. And we're also making accommodations for children and groups of minors crossing the border, as well as members of our armed forces, round-trip cruise ship passengers, and first responders.

And as part of WHTI, we are also working with the states to develop an enhanced driver's license. Since they will serve as an alternative to a passport or passport card at land and sea borders, enhanced driver's licenses will only be issued to U.S. citizens. They must also incorporate the technology that DHS specifies in order to aid the legitimate movement of travelers.

Our goal is to make enhanced driver's licenses fulfill the requirements of REAL ID. More than two years ago, Congress had passed the REAL ID Act in response to the 9/11 Commission's recommendation that the federal government "set standards for the issuance of...sources of identification, such as driver's licenses." Secure driver's licenses are essential for secure identification.

Last March, in accordance with the REAL ID Act, I announced a rule that proposed specific minimum standards for state-issued driver's licenses and identification cards to be accepted for federal purposes, such as air travel.

Under these standards, applicants for driver's licenses would need to bring documents to their state DMV office for the purpose of validating five things: their identity, date of birth, legal status in the United States, Social Security number, and address.

The DMV offices would take photos of applicants, scan or copy the documents the applicants are providing, and then go through a common-sense process of verifying the accuracy or legitimacy of the information contained in those documents.

Now as for the licenses themselves, we proposed standards for the states to ensure that the REAL ID licenses being produced would be hard to tamper with, counterfeit or duplicate for fraudulent purposes.

And finally, we wanted to ensure that drivers couldn't hold multiple licenses in multiple jurisdictions, so our rule would require that each state check to make sure that no other state already had licenses issued to them.

Personal privacy will be protected by states issuing REAL ID driver's licenses. Our proposal requires that each state conduct name-based and fingerprint-based criminal history record checks on DMV employees who will be involved in REAL ID in relevant ways.

Through REAL ID, we're not only preserving people's privacy but strengthening it. By improving the quality of our ID documents, we're protecting against one of the fastest growing crimes in America today – the crime of identity theft. There is no greater violation of privacy than when criminals gain total access to personal information in the process of stealing someone's identity. In the same vein, REAL ID should also offset the cost of reissuing new licenses through the savings that people will realize by the reduction of identity theft crimes.

When we announced the REAL ID rules in March, we said that states which seek justifiable extensions and timetables will have through December 31, 2009 to come into compliance.

We believe that delay in implementing REAL ID could be detrimental to our national security. In the National Intelligence Estimate that was released in July, it clearly states that Al Qaeda will "intensify" its efforts to put operatives inside our country. Clearly, time waits for no one and neither do our enemies. Across the nation, the American people support the creation of secure driver's licenses and other forms of identification that cannot be exploited or forged by terrorists. Our states have an obligation to their people to respond to what the 9/11 Commission recommended and what this Congress affirmed. They have a duty to help us repair the security gaps that were so tragically exploited on 9/11 by implementing REAL ID as quickly as possible.

## **2. Border Security**

I also testified about how we are securing our homeland by strengthening our border security. As I mentioned, as part of that commitment, we will have more than 18,000 Border Patrol agents by the end of 2008, double the number we had before 2001. By the end of next year, we also intend to ensure that there are 370 miles of fencing along our southern border, 300 miles of vehicle barriers, three additional UAVs, and 105 camera and radar towers. We will also work to ensure that 1,700 more Border Patrol Agents and an additional UAV are added in 2009.

### **3. General Aviation and Small Vessels**

When I discussed earlier how we are working to protect our infrastructure from dangerous people and cargo, I mentioned passenger planes. We need to address these issues.

Accordingly, this month, we are publishing a Notice of Proposed Rule Making that proposes new passenger screening requirements for private aircraft entering into and departing from the United States. Currently we only receive very basic information from private aircraft entering the U.S. These proposed requirements would bring private aircraft into closer alignment with the passenger screening requirements that currently apply to commercial air carriers under CBP'S APIS regulation and allow inspectors more time to fully pre-screen travelers and crews and take necessary actions to resolve threats, whether that means denying entry into U.S. airspace, re-routing an aircraft, or meeting the aircraft upon arrival.

We are also concerned about four potential security threats with regard to the more than 17 million small boats, ranging from commercial enterprises to passenger ferries to canoes and personal watercraft.

First, we're concerned about their use to smuggle weapons, including a weapon of mass destruction, into our country. Second, we're concerned about their use as a water-borne improvised explosive device, a use which was actually deployed in 2000 through al-Qaeda's attack on the U.S.S. Cole. Third, we want to prevent the use of a small vessel to smuggle dangerous people into our country. And finally, we're concerned about these boats being used as launching pads for an attack on the maritime industry or on critical infrastructure.

Now how do we defend against these threats? The short answer is by applying the same risk-management, partnership, and layering principles I've already outlined.

Through the various initiatives I've already discussed, we are indeed making strides in protecting our ports from these kinds of threats. But we also need to consider measures that are specifically geared to small vessels.

We need such measures to enhance protection and yet balance our need for freedom of movement, privacy, and economic vitality.

#### **4. Fusion Centers**

If we're going to progress in our efforts to protect people and critical infrastructure across our nation, we need to concentrate more on how we share accurate, timely, actionable intelligence, particularly with state and local governments. To that end, we are increasing our participation in state and local fusion centers (SLFCs). Our goal is to help build a national fusion center network.

In June of last year, I designated our Office of Intelligence & Analysis (I&A) as the Executive Agent to manage a program that is designed to advance our SLFC mission. Last month, this program was codified in law implementing the 9/11 Commission's recommendations.

We are now working with the Department of Justice and other members of the Information Sharing Council to gather and assess responses provided by every state and major urban-area fusion center to a capacity assessment of fusion centers. To date, DHS has assessed 25 Fusion Centers, 13 of them in the past year. We plan on conducting assessments at 10 more centers in fiscal year 2008.

Based on the results of the assessments and other factors, DHS has deployed 17 intelligence officers to 17 State Fusion Centers as well as to major city or regional centers in New York City, Los Angeles, and Dallas. DHS plans to have officers in as many as 35 sites by the end of fiscal year 2008.

#### **5. Continued Integration**

And finally, if we want to meet our goals in the coming years, it is essential that we continue our efforts to build a unified, integrated Department of Homeland Security.

Through our OneNet program, we are consolidating seven legacy Wide Area Networks into a single Departmental network. OneNet will give us a secure, standard platform to facilitate information flow and streamline our IT infrastructure. We expect to complete OneNet integration by October 2008.

Under HSPD-12, we are also creating a single, tamper-proof smartcard for all DHS employees. And we have put in place a plan to transition the Department's headquarters to a single campus over the next ten years.

One of the key benefits of a fully integrated Department is the ability to apply joint doctrine, planning, training and exercising across our agencies.

As mentioned earlier in my testimony, over the past year, our U.S. Coast Guard created from six of its teams a single Deployable Operations Group which combines their search and rescue, hazmat, biological and chemical response and other capabilities and trains

their members for rapid deployment in the event of a disaster. We intend to make this a model throughout our Department as we seek to apply fully the benefits of integration.

And we also intend to keep moving forward on our National Strategy for Maritime Security. Issued in September 2005, it seeks to align federal government maritime security programs into a comprehensive national effort involving federal, state, local, and private sector entities. The eight supporting plans address the specific maritime threats and challenges. For example, the October 2005 Maritime Operational Threat Response (MOTR) plan describes the U.S. government's plan to respond specifically to maritime terrorism threats or incidents, including the roles and protocols of the various agencies, and the need for additional planning.

Clearly, a unified, integrated DHS is essential to the security of this nation. Earlier this year, it was a unified, integrated DHS that worked with our international partners to ensure an appropriate response to the London/Glasgow vehicle-borne IED attacks.

#### CONCLUSION

Since its inception more than four years ago, our Department has worked hard to fulfill its mission of protecting our homeland. While challenges remain, from terrorism to natural disasters, we have made our country safer and our people more secure.

From the beginning, we have understood that we cannot fulfill our mission alone. That is why we continue to value our partnerships, including our relationship with Congress. Indeed, Congress has been invaluable in helping us advance our goals and will remain a key partner in the months and years to come.

Members of Congress have played a vital role in many areas. We appreciate their efforts to help us reorganize FEMA. Now it is time to let a reorganized FEMA do its job.

We are grateful for their passage of REAL ID. Now it is time to consider passage of other critical 9/11 Commission recommendations, including Congressional oversight reform, as well as legislation authorizing us to regulate potentially hazardous chemicals such as chlorine.

I want to thank this Committee and Members of Congress again for their support and I look forward to our working together in the future to fulfill our mandate on behalf of this nation and its people.

Chairman THOMPSON. I remind each member that he or she will have 5 minutes to question the Secretary. I will now recognize myself for questions.

Before I do that, let me again remind, under the committee rules, cell phones should be put on vibrate. We love the ring tones, but they are quite distracting to the witnesses and the members. And I will direct Mr. Twinchek that, if he hears them, to go to the person who is violating committee rules.

Mr. Secretary, I was glad to hear that you say you plan to serve until the end of your term. But I also heard you say you serve at the will of the President. Perhaps he will, in addition, promote you to another position. Have you—can you share with the committee any thoughts on that?

Secretary CHERTOFF. I don't think, Mr. Chairman—it would be presumptuous of me to try to speak for the President. It would be presumptuous of me to discuss any conversations that I have had with anybody at the White House.

I think I have stated my position. We all serve at the pleasure of the President in the executive branch, at least those who were Senate confirmed, and, of course, God has to be willing that we complete our service as well. But I have indicated what my intent is and, you know, we will move on from there.

Chairman THOMPSON. Let us take it a little step lower then. Josh Bolten at the White House has indicated that he has requested of certain senior members that they provide him with a list of individuals as to whether or not they plan to stay on. Have you been provided that request from the Department?

Secretary CHERTOFF. Are you asking whether I was asked if I put—or whether I have asked others?

Chairman THOMPSON. No. For you to identify other people in the Department.

Secretary CHERTOFF. No, I haven't been asked to do that. Of course, I haven't formally asked people in the Department whether they intend to stay on in the sense of setting a cut-off. I have, however, had discussions with the senior leadership of the Department. I am confident that—again subject to the two limitations of Presidential pleasure and God's willingness—that the senior leadership team we have in place does intend to stay on, and I think we will shortly be filling the remaining gaps and vacancies, and I look forward to having a continuity through the end of this—

Chairman THOMPSON. The reason I ask that, Mr. Secretary, one of the, as you know, concerns expressed by members of this committee is the inordinate number of vacancies; and if in fact as we wind down this administration if that issue is elevated, it creates significant vulnerabilities for this country. So I am asking it in the spirit of you recognizing that it is a concern and that to some degree you put together some plan should that elevate itself to that level. I just put that out, and I am glad to say that you are on top of it, and I hope it does not become a problem.

Moving forward, the national response plan that was due June 1st, that is now a national response framework. Can you tell me at what time we can expect it?

Secretary CHERTOFF. Yes, we circulated—first of all, let me say we solicited literally hundreds of people, including many State and local responders, to have their input into this next version of the old national response plan. We then sat down and tried to distill all that advice into a document that would be readable, internally consistent and, frankly, somewhat shorter than the original plan that existed. We then circulated during the course of the summer a draft final version of the plan and received a lot of comments.

I am envisioning that this month we will be issuing the national response framework in its final form. It will not become effective immediately, obviously, because we will need to then train people to it and exercise people to the new framework; and I don't think we will want to do that in the middle of the hurricane season. But we will have it at this month, the month of September. In some ways, it will be—it's not going to be a radical change from the improvements we have already made, but I think what it will do is simplify and clarify some of the ambiguities that we discovered over the last couple of years.

Chairman THOMPSON. But you do recognize that it was due at the beginning of this hurricane season, and we are not there, and that is a major concern of the committee.

Project 28. You and I have had some discussions about why we are 2-1/2 months late from the initial pilot on that project. Can you give us any better time frame on Project 28?

Secretary CHERTOFF. Just to clarify for those members of the committee who may not have been part of this discussion, Project 28 is the first stage of this high-tech SBInet program that we have for the board. It was designed to allow us to test in real life—operational real life the way these systems work not only individually but as an integrated package. That is the cameras, it is the radar, it is the common operating picture and the ability to coordinate all of those in an automated fashion.

We tested various elements of this system, and the original plan was in the month of June to have the system at 28 miles of the Arizona border, have it fully integrated and beginning acceptance testing so we could make a determination that we were satisfied with the product and take possession of it the end of July.

Let me emphasize why the acceptance testing is important. It is a little bit like buying a car. We didn't want to get stuck with a lemon. So one of the lessons we learned from watching some of the less appealing contracting experiences of the past 10 years is that we should not accept something from the contractor and take responsibility for it unless we had really kicked the tires and not only taken it for a test drive but really gotten to drive it around for a while.

So we did put this through acceptance testing, and although the individual components of the system worked well the system integration was not satisfactory. And, therefore, the customs and border protection operators, the Border Patrol operators, said we are not satisfied with the system.

We then had a series of what I would describe as frank and candid conversations with the contractor, Boeing, including a conversation I had with the CEO of Boeing and the conversations we had at lower levels in which we explained our concerns about system integration. We said, if this is not going to work, if it is too complicated, we are prepared to go back to the drawing board and do something simpler; and they assured us that in fact it is not too complicated. This is all proven technology.

They retooled their team on the ground and replaced some of the managers at a very high level. They focused on this, and they are now working through the problems of systems integration as we speak. In fact, I spoke to the CEO about this yesterday. We are now looking to begin acceptance testing in about a month, meaning that is the point at which they will say to us we think you can test us and we will then kick the tires again.

Here is my pledge to you. I want to get this thing done quickly, but, more important, I want to get it done right. I am not going to buy something with U.S. government money unless I am satisfied it works in the real world. And if it can't be made to work, I am prepared to go and find something that will be made to work, although I will be disappointed.

I believe the contractor understands what is at stake in getting this to work properly, and I think they put their A team in place to do it. But my mandate to the head of the Border Patrol is I want to make sure that the people who actually have to operate it are satisfied with the way it works, and that is what we are going to do. We are going to start acceptance testing in about a month. We should get it done well before the end of the year.

Chairman THOMPSON. Thank you very much. But, on that point, I want to say the day before June 15th rolled out, we were—we had a hearing here and we were told the next day it would be ready to go. The only thing I share with you is we are concerned as well now it will cost the taxpayers more money. Whether or not this technology is somehow not proven to be what it is, if it is the contractor or whatever, that virtual fence is absolutely important to our overall border security mission and I would impress upon you that we need to do it.

Lastly, before I go to the next—the Simone contract, Mr. Secretary, we understand is a sole-source, no-bid contract. The committee staff has been trying to get a copy of that contract. Your testimony said that the Department is going to be transparent. If you would for the committee provide us with a copy of that contract. We got a copy late last night, and it was a redacted contract. It was not what we needed; and, in the interest of just being as transparent as we can in the Department, we need it.

I call your attention to your to-do list. I am sure James behind you has already made a copy of it. He is a good person, and I want to compliment him for the job that he does in communicating with us. I look forward to it.

[The information follows:]

FOR THE RECORD

SUBMITTED BY THE HONORABLE AL GREEN, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF TEXAS

CHERTOFF TO-DO-LIST

- **Critical Vacancies at the Department of Homeland Security—Develop a plan for the mass exodus that will occur due to an Administration Change.**
- **Containers Security Standards and Procedures (seals)—Draft the regulations as mandated by the SAFE Port Act of 2006 and mandated again by the 9/11 Bill.**
- **National Response Plan (NRP)—release long overdue NRP While ensuring adequate input from state and local officials.**
- **Transportation Worker Identification Credential (TWIC)—Issues the TWIC card as mandated by the SAFE Port Act of 2006.**
- **Explosives Detection at Passenger Screening Checkpoints—Issue the strategic plan that was required by the Intelligence Reform and Terrorism Prevention act of 2004 and mandated again by the 9/11 Bill.**
- **Complete Critical Border Security Initiatives: Complete Critical Border Security Initiatives: Implement US-VISIT biometric air exit by the end of calendar year 2008 and complete Project 28**

Chairman THOMPSON. I now yield to the ranking member for any questions he might have.

Mr. KING. Thank you, Mr. Chairman.

Mr. Secretary, one integral part of H.R. 1 was the reform of the Visa waiver program; and, as I understand the provisions we adopted, it was to permit you to waive the Visa refusal rate requirements for participating countries provided that the US-VISIT exit system for air travel was implemented with a 97 percent rate of accuracy and to verify the departure of international travelers. What is the status of that? Can you give us a timeline? And any other comments you have on the Visa Waiver Program, especially

based on what happened in Germany and Denmark in the last 2 days.

Secretary CHERTOFF. Let me begin by saying what happened in Germany and Denmark and what happened in the United Kingdom earlier this summer underscores what we have been saying for some time, that the Visa Waiver Program, while a wonderful program for the vast majority of people from the Visa waiver countries who just want to just come here for tourism purposes or benign purposes, does open a vulnerability. Because, by eliminating the visa process, we lose one of the barriers to terrorists or criminals that we would otherwise have. It means we first encounter the person when they arrive here in the U.S., as opposed to encountering them in a consulate overseas.

What the legislation this Congress passed does that is very important is it allows us to put into place an electronic travel authorization program. That is a program in which everybody, even from a Visa Waiver Program, will submit some information on line electronically in advance of travel. If we determine that someone needs to be interviewed because they are potential threats, we can direct them to get interviewed at a consulate; and the vast majority will have an authorization to travel over a period of time, whether it be a year or 2 years. It will not be particularly difficult or inconvenient because you can sign up for the program and then you will have an authorization that will last for an extended period of time, but it will give us something that we haven't had up to now with the Visa Waiver Program, which is an advance ability to check people who want to come into the United States. I think as we see the enemy trying to exploit connections in places like Western Europe to build a network of operatives, we have to make sure we stay ahead of that.

With respect to US-VISIT exit, we later this year will issue a proposed regulation that will cover putting in US-VISIT exit at airports. That is obviously under the law of certain required period of time for notice and comment, but our plan is to begin the process of implementation next year and have it completed by the end of next year 2008.

It is a very simple process as far as airports are concerned. It simply requires taking the existing fingerprint readers that we have and deploying them at kiosks or at check-in counters for people who leave the country so that instead of merely swiping their passports, which is what they do now, they also put their finger down there. I will be honest and tell you the airline industry will not be happy about it because they will worry that it is an additional requirement or there will be a line or something of that sort.

So I think it will be one of these issues that will test our commitment to security. Are we prepared to take what I think is really a minor inconvenience to give us a real picture of who is leaving the country or are we going to back down in the face of fact that people will say it is inconvenient? We are committed to getting it done, and I appreciate this Congress' support for that effort.

Mr. KING. Mr. Secretary, one piece of legislation which Chairman Thompson and I had sponsored and then became part of H.R. 1 was something which basically encourages and allows cooperation between the U.S. and our closest allies as far as perfecting tech-

nology, Israel, Britain, Singapore, Australia and four other countries that are mentioned. Can you tell the committee what steps are being taken to accelerate that level of cooperation and what you have in place and how you see that going forward?

Secretary CHERTOFF. I think it is very important—a very important measure, Congressman King, because I think it not only allows us to get the benefit and share the benefit of technology with our close ally, but it also builds strong relationships.

I can tell you we are working now with the British on ways in which we can further enhance technological exchanges of information as well as general information exchange. I recently signed an agreement with the Israelis under which we are going to be able to work to get the benefit of some of their expertise as well as giving them the benefit of some of our expertise. So, working with our science and technology director, we look to continue to accelerate the pace of this kind of information and technology exchange with our friends overseas.

Mr. KING. Mr. Secretary, I yield back.

Chairman THOMPSON. Thank you very much.

The Chair recognizes other members for questions they may wish to ask the witness; and, in accordance with our committee rules, I recognize members who were present at the start of the hearing based on seniority on the committee, alternating between majority and minority. Those members coming in later will be recognized in the order of their arrival.

The Chair recognizes the gentleman from Massachusetts for 5 minutes, Mr. Markey.

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

Welcome, Mr. Secretary.

Mr. Secretary, there is a new report out today from the Inspector General of the Department of Homeland Security. It is on the Department's oversight of passenger aircraft cargo and its conclusion is that security faces significant challenges. This is the redacted version of this blistering, scalding indictment of the Department's handling of a passenger—of cargo inspection on passenger planes. Let me summarize some of quotes from this report.

I am quoting now, that the current level of oversight does not provide assurance that air carriers are meeting congressionally mandated goals of tripling the amount of cargo screened for passenger aircraft.

Quote, TSA information reported to the Congress regarding air carrier compliance with legislative and regulatory requirements may be inaccurate.

Quote, TSA security programs are not clearly written. TSA's aviation security inspectors and air carriers to interpret and apply the regulations do so differently.

In other words, Mr. Secretary, your existing program for screening cargo going onto passenger planes is in a shambles.

Let me read a couple of other quotes.

It says that TSA is unable to make sure that third parties such as air carriers or shippers are following the rules. It calls into question TSA's ability to monitor and report air carrier compliance and screening regulations. It says that aviation security inspectors who are supposed to be monitoring compliance with the current screen-

ing requirements are poorly trained and lack the resources needed to do their important job.

So, Mr. Secretary, this is under the existing law. Now we just passed a new, tougher law that I am the author of; and what we have learned over the last week or so is that the TSA intends not on physically inspecting all of the cargo which goes onto passenger planes, 100 percent of which is required under the law, but instead Kip Hawley, who runs TSA at the Department under your leadership, is now saying that they are going to do a modified version of what they are already doing, that rather than having real screening for bombs looking inside of cargo.

So what I want to know, Mr. Secretary, is, is your Department going to follow this new law? Are you going to require 100 percent screening of the contents of all cargo going onto passenger planes? Or are we going to come back in another year and have another blistering, scalding indictment of this double standard where all of our bags are screened, all of our computers are looked at, all of our shoes are taken off but on the same plane goes cargo that has not been screened?

Secretary CHERTOFF. First of all, let me say the report in question, and sometimes as happens with these reports, reflects investigation and accumulation of information, some of which goes back well over a year ago. So many of the things that were raised in that report had already been corrected by the time the report was published. In fact, I think it may be that TSA itself asked for this kind of a study so they could begin the process of fixing some of these issues themselves.

By way of example, I think your report talks about the fact that there is an exemption for certain cargo being inspected. That exemption was eliminated some time back.

Some of the hiring issues that are raised in the report were correct. We have many more inspectors. Some of the issues about clarity and protocols have been corrected with new protocols.

I want to, first of all, ensure the public that many of the issues identified there have been happily corrected since the period of time the matter was studied.

Secretary CHERTOFF. Now we do have a new law. We are committed to 100 percent screening of air cargo. And you know some of the speculation in the papers about what we are going to do or not do, I think—

Mr. MARKEY. Are you committed to physical screening of the cargo that goes on the planes in the same way our bags get a physical screening?

Secretary CHERTOFF. A combination of either a physical screening either by government inspectors or by certified shippers who would have to conduct—

Mr. MARKEY. This report says that—in effect, you wouldn't trust a shipper to go onto the passenger section of the plane with their bags. Why would you trust a shipper to put cargo on the very same plane?

Secretary CHERTOFF. Let me ask you a question, when you flew down here from Boston to come to this hearing, you got on a plane that was inspected by the private sector. It wasn't inspected by the

U.S. Government. Every day, people get on airplanes where safety checks are undertaken by airlines or by—

Mr. MARKEY. My bags went through screening.

Secretary CHERTOFF. The plane itself, the engine, the avionics of the plane were checked by the private sector.

Mr. MARKEY. My bags were checked for a bomb. The cargo is not checked for a bomb.

Secretary CHERTOFF. My point is that while I agree with you, we have to check all the cargo, I do not agree that government inspectors have to do 100 percent of the checking themselves.

Mr. MARKEY. Mr. Secretary, my time is running out. All I am saying is it sounds to me like the Department of Homeland Security is cooking up a deal with the air cargo industry and the airline industry in the same way that they cooperated with them in the nonimplementation of the pre-existing law which wasn't as strong as this law. And I am very concerned that passengers in America thought that Congress was tightening the laws so that every piece of cargo was physically inspected with the same standard for bags. And what I am hearing is that you were reserving the right to allow the air cargo industry to continue to evade this law, as they have for the last 5 years.

Secretary CHERTOFF. I couldn't disagree more. I don't think that is what I have said. I think what I have said is that we do intend to execute the law and hold everybody to the standard of checking. The one thing I have said that I guess you may take some issue with is, that in much the same way that we direct the airlines to check the airplanes themselves to make sure they are airworthy, we are going to put into effect a certification program that requires shippers to check packages before they are palletized in shrink wrap so that we have the same standard of protection. Now if philosophically there is a belief where we cannot ever trust the private sector when we tell them to do something, then I have to say, frankly, Congressman, you have no business getting on an airplane because we do not physically inspect every airplane.

Mr. MARKEY. No one trusts me to get on the plane without checking my bags. That is correct. A Congressman should not be trusted in a passenger cabin on the plane. But you should not allow a shipper who is standing behind me in line because his cargo is going on and you trust him—

Mr. LUNGREN. Mr. Chairman, are we under a 5-minute rule?

Mr. THOMPSON. I said we are flexible.

Mr. MARKEY. You are saying you have—you want to think outside the box. That is okay with me, Mr. Secretary, as long as you check inside the box. And right now, you do not have a system that will check inside these boxes physically to make sure that there are no bombs. And the public has to have an expectation or else there will be a fire storm that comes from this committee and others in congress that you are not putting in place a law that implements the expectations of the American people. Thank you.

Mr. THOMPSON. Thank you very much. I now recognize the gentleman from Connecticut for 5 minutes.

Mr. SHAYS. Thank you very much. Mr. Secretary I don't want to spend too much more time on this issue. But as the chief Republican cosponsor on this legislation, we first checked carry-on. We

didn't check the luggage that went into the belly of the aircraft, and then we moved to screening all luggage. It is the intent over 3 years to do a third, a third, a third. And what we believe is that if we don't check the cargo, it is a huge—a huge flaw in the system.

So what I am unclear about is if you have paid people to inspect, and they aren't paid by the government but contractors to inspect but a disinterested party, then I think you are doing the spirit of the law. If you are basically saying the shippers have to check their own cargo, then I get a little concerned. And I want to make sure if you are saying that, we need to put it on the record. But if you are saying something different, then I would like to hear that.

Secretary CHERTOFF. That is a great opportunity to make sure we are clear about this. Now obviously we haven't written the regulation yet. So I am quite confident as we write the regulation and we get into the details, there is going to be a lot of pushback. So I don't want to jump the gun and start to articulate all the fine details of the rule. The concept is this, we do want to set for shippers who are prepared to undertake the obligation clear standards for what they have to do in terms of checking that which they are going to ship themselves, make sure that that is validated by inspection of their activities to make sure they are living up to what they are supposed to do, and therefore—and that validation being either by the government or by disinterested third parties so that we replicate in general terms the system that we rely upon for the safety of the aircraft.

Mr. SHAYS. But it can't be going back to the known shipper.

Secretary CHERTOFF. No. It is not the known shipper.

Mr. SHAYS. Well it seems to me that Mr. Markey raises a concern that I think we will want to follow. But I can just tell you, the belief of those who voted for this bill is that we would have a disinterested party doing the inspection.

Secretary CHERTOFF. Well, I think that—as again, we will see the rule as it comes out. And I am sure we will get comments on that. I think what we are talking about is a model where we have certification of the shippers and disinterested validation of the shippers, and that this process works with the same level of security and confidence that we use with respect to other matters of life and death, such as checking airplanes themselves.

Mr. SHAYS. Because I probably won't be allowed to run over as much, let me just get into another area. But I just want to say, you have got my attention, Mr. Markey has my attention because we know what we passed. And I am a little concerned that it sounds too much like known shipper. But I would like to ask you this question, we knew during the Cold War what our strategy was. It was contain, react, mutually assure destruction.

Obviously that has gone out the window. I mean, there were other aspects to it. It was we weren't going to let the Russians beat us economically and so on. But I would like to have you tell me what you think our strategy is, what the 9/11 Commission said. And by the way, I think it is a very inconvenient truth that we are having to confront Islamist terrorists. In other words, there is not just one inconvenient truth in this world about global warming. This is an inconvenient truth. What is our strategy? Tell me in

your own words what our strategy is to deal with Islamist terrorists?

Secretary CHERTOFF. In a nutshell, to reduce risks and by doing it by looking at all elements of chain of risks. It begins by looking at where the threat comes from. From the extent it comes from overseas, obviously if you kill or incapacitate those who are waging war, that reduces the risk. If you keep out people who are dangerous by having secure documentation and intelligence information, that reduces the risk. In terms of homegrown terrorism, our ability to detect and disrupt plots reduces the risk. Our ability—and maybe this is a longer term issue to counteract radicalization reduces the risk. And then it has to do with further layers of defense with respect to the strategy. To the extent that we have targets in this country, and we harden those targets, even if somebody penetrates our defenses, we reduce the risk.

To use the Cold War analogy, if an enemy bomber gets through the radar, then we want to have our most precious assets protected in bunkers that can't easily be bombed. And then finally the last element is having a vigorous response program that can at least mitigate the damage done. And because obviously we prefer there be no damage. But the less consequence there is, the less harm there is for the United States. So there is a continuum of risk, and we simultaneously address all elements of that, some of them in my department, some of them frankly are in the Department of Defense or the Department of Justice or the intelligence community. But all of them synchronized along that basic strategy.

Mr. SHAYS. Okay. Let me just close by saying that I think—and I appreciate your answer. But I think part of it has to be detect, prevent, preempt, and mutually assure—excuse me, and maybe act even unilaterally. If a small group of dedicated scientists can create an altered biological agent that can wipe out humanity as we know it, even Jimmy Carter is not going to wait for permission to deal with that threat. But I appreciate your response. Thank you.

Mr. THOMPSON. Thank you very much. The time of the gentleman has expired. We now recognize the gentleman from Washington, Mr. Dicks, for 5 minutes.

Mr. DICKS. Thank you, Mr. Chairman. And Mr. Secretary, we welcome you here again. I want to say—first of all, I want to compliment you on moving towards a 10-fingerprint system. This is something I advocated with others on this committee. It just gives you more accuracy, and it is a much better way to go. The 2print system is not adequate. The experts at the time said that. I was surprised initially that the administration put that in place. But I am glad that you are moving in the right direction.

Now, one thing you also mentioned in your testimony about small boats and an initiative out in Seattle, Washington. Can you tell us more about that?

Secretary CHERTOFF. I don't have a map in front of me. But as I understand it the way the port is configured in Seattle is, it is possible to direct all the traffic through a fairly narrow strait that brings you into the port. And the plan is to put passive detection equipment, both fixed and mobile, in that area so that we can identify vessels coming in that have radioactivity and then pull them over into secondary and have them inspected before they actually

get into the port itself where they could detonate it. The idea is essentially pushing the perimeter out a little bit. Assuming this works operationally, we would then take the concept to other ports that are high-risk ports. Some of it is going to be more challenging depending on what the geography is. Seattle happens to be configured in a way that makes it a pretty good test bed.

Mr. DICKS. Good. I want you to also know, we are concerned out there. We have the nation's largest ferry system and we know that the ferry system has been surveiled. And we are also concerned about the Cole-type incident with either the ferries or we have ships you know aircraft carriers like the Stennis that just returned where somebody could with a Jet Ski, anhydrous ammonia create a major problem. We are putting a much more secure system in with our trident submarines as they leave Bangor because of that potential threat.

One of the other issues that I wanted to raise with you, going to the US-VISIT Program, US-VISIT is one of the few ways that the government can track the entry and exit of foreign travellers, but it is not complete. As you remember, four of the terrorists were people who overstayed their visas. Now, what are we doing about that problem? What can you tell us about that, about checking these people who overstay their visas?

Secretary CHERTOFF. We have of course had biographic exit, meaning you swipe your passport when you leave. So we do have some capability to track people who are overstaying their visas. The difficulty has been, how do you hunt those people down? And what we tried to do is prioritize people who have overstayed where we have some reason to believe they are a threat to the country either because they are a terrorist or they have committed a crime or they are somehow threatening in some other way. I wish I could tell you that we have an automatic way to track down everybody who overstays their visa.

We are a large country. And it may surprise some people to hear that 40 percent of the illegals in the country actually didn't come in over the southwest border between the ports of entry. They came in legally and they failed to leave. What we are hoping to do as we get US-VISIT automated is make it available as a tool, and increasingly available as a tool to State and local law enforcement so they can, when they interact with somebody, identify that person as an overstayer and we can get that person removed.

Mr. DICKS. Are you saying there really isn't an organized program to check on people who have overstayed their visas?

Secretary CHERTOFF. I think there is an organized program, but it is prioritized based upon the particular threat. In other words, if a student overstays, we will look to see if there is some particular reason we are concerned about that overstay and then we will go to find that student. We have done that for example with students from certain parts of the world.

Mr. DICKS. Could you give us a percentage, a number, how many of these, of the people who are overstaying their visas are checked each year?

Secretary CHERTOFF. I will supply that to you. I don't have that off the top of my head.

Mr. DICKS. I would like to know that. I think we need to know that because this may be another area that we need to strengthen in terms of checking on these—

I find that in our office, a lot of the people who come and have problems are people who have overstayed their visas.

Secretary CHERTOFF. I will say we know—it is not—the difficulty here is not hard to know who overstayed. We know who overstayed not 100 percent but largely. The difficulty is finding them if they have overstayed. Because if you have 100,000 people who, let's say, have overstayed, they are not necessarily staying in the same place—

Mr. DICKS. Do they have to stay where they are going to be?

Secretary CHERTOFF. They do. I have some experience dealing with fugitives. It is not going to surprise you that many of these people flee and hide somewhere else. And it is a big country. So the challenge is when we are searching for them is prioritizing to search for the people we are most concerned about.

Mr. DICKS. Just one final comment. I don't expect an answer. I was somewhat taken back again when I looked at these infrastructure lists that some of the key infrastructure in the State of Washington was not on the list. And I made that clear to the State officials and to your people. But it still worries me that some of the key infrastructure was not listed. And it is a classified matter so I can't get into it. But I just want to bring that to your attention. Thank you, Mr. Chairman.

Mr. THOMPSON. Thank you very much. Mr. Secretary, during the 9/11 conference, we sought information on visa waiver, and overstays. And in light of what Mr. Dicks' questioning, we basically were told that no system exists for identification of individuals who overstay. So I look forward to whatever you can get back to us to shed some light on that issue. It is a problem, as your office has already identified, Mr. Dicks. We now recognize the gentleman from Texas, Mr. McCaul, for 5 minutes.

Mr. MCCAUL. Thank you, Mr. Chairman. I want to thank you, Mr. Secretary, for being here today. And let me say it was an honor to be with you in the Justice Department when you were assistant attorney general. I believe whether you return to the Department or stay in your current position, I know that you will serve your country well. And you have served your country well. I want to just echo the ranking member's comments on the 9/11 bill. As a conferee, we really tried hard to implement the recommendation. It had to do with Congress providing a principal single point of oversight. I know that you have had—you have about 88 different committees and subcommittees. You have had about 4,000 different briefings and hearings. And while we have the responsibility of oversight, I believe we need to conduct that in a responsible way. And I believe that recommendation should have been implemented. I am sorry that it was not. Your time is valuable. And I think you need to—you need ample time to do what you were supposed to be doing, that is tracking the terrorists and protecting the homeland. We had a very important debate last month in the Congress. You referenced to it.

But I wanted to get your—just your viewpoints not only as the head of the Homeland Security, but as a head Justice Department

official, and that is the FISA modernization. I worked on these FISAs, the national security wiretaps, when I served. You had to be an agent of a foreign power in the United States. What we were hearing is that even if you are an agent outside the United States talking to someone outside the United States in a foreign country, that we would still have to go through the FISA court.

Fortunately after a lot of opposition and a very healthy debate, we did pass that measure, and it was signed into law by the President. But the fact of the matter is, intelligence is the first line of defense in the war on terror. The old adage, we have to be right every time. They only have to be right once. Through your good work, we were able to stop the JFK plot, the London arrests, and now recently we have heard in Germany and Denmark the success. And people tend to forget about these things.

We all remember 9/11. We tend to forget about the successes we have had in stopping this. I don't know to what extent you can comment on these two plots and what was entailed. And also with respect to Pakistan, we have a very volatile situation brewing where we have the military, Pakistani Army being taken hostage by Islamist radicals. Obviously Pakistan has nuclear weapons, and the idea of Pakistan being taken over by Islamic extremists is of great concern to me and this Congress. So if you could just comment if you will on the impact you believe that this new law that we passed in the Congress, what impact that will have with respect to your new job.

Secretary CHERTOFF. Well, first of all, let me echo what you said about focussing oversight of the Department and this committee. Not only is it a matter of saving time, but I think this committee, and of course the appropriators who deal with us, are the two bodies in the House that are best situated to have a holistic view of what goes on here. And not to look at the Department as an accumulation of individual components that have, you know, where you have a little slice of jurisdiction but where you really have the big picture. And oversight is important, but it should obviously be disciplined and coordinated oversight. And anything we can do to help support strengthening this committee's ability to conduct its important mission is something we would be happy to do.

I think as you know from your own experience, Congressman, the best way to stop something bad from happening is to have the intelligence detected so you can intervene. Otherwise, you are relying upon your ability to spot something while it is underway. And I think in the modern world, the ability to intercept communications, both from my own experience doing criminal cases and from what I have seen in the national security areas, probably the number one tool. To use the analogy Congressman Shays used earlier with respect to the Cold War, this is like radar, and not to have this tool would be as if in the middle of the Cold War we had said, we are going to take our radar system down, and when the enemy bombers come over, you see them over the horizon, then we will launch our fighters. You would not have wanted to fight the Cold War that way.

I think it is important that the bill which Congresses passed over the summer be extended and made permanent so we can make

sure that our intelligence community can have the confidence that they will they will be able to use this tool going forward.

Mr. MCCAUL. And to the extent I have a little bit more time, is it possible to comment or elaborate on the two plots that were foiled?

Secretary CHERTOFF. I will limit myself just to what the foreign governments have said. I don't want to step on their toes. The Danish have confirmed that they saw al-Qa'ida connections with the people that they arrested. And I think the Germans have indicated that the people they arrested, the three individuals were connected with Jihad Islamic union, which is an affiliated group. And both countries have confirmed that there was some training activity that occurred in South Asia. I do think, as the National Intelligence Estimate said, we are very aware and concerned about training activities in certain parts of Pakistan. I think in the last couple of months, the Pakistani Army and government has been more vigorous in pressing on some of those locations where activities are taking place. But I don't think we should underestimate the challenge. You have groups of fighters who are collecting in Pakistan and perhaps in other parts of south Asia, and in Iraq, frankly, looking for safe havens in which they can train. And the more space they get, the more efforts we are going to see like what we have seen in Denmark or in Germany, particularly recruiting foreigners coming from western Europe, training them and sending them back in order to carry out missions. And it is only a 6-hour plane ride from western Europe to the United States.

That is why we are working not only to build up the—to toughen our visa waiver program up but we are working to get more intelligence and more signals intelligence so we can help our friends overseas protect themselves. Because that is good for us as well.

Mr. MCCAUL. Thank you. Thank you, Mr. Chairman.

Mr. THOMPSON. Thank you very much. Following up on your comment, Mr. McCaul, we will schedule a classified briefing at the committee SCIF to talk on this very subject.

We now yield the gentelady from California 5 minutes, Ms. Harman.

Ms. HARMAN. Thank you, Mr. Chairman. And welcome, Mr. Secretary. For my two cents, I hope you stay in this job until the end of the Bush administration. I think it has been a tough job for you and for the country. I think perhaps we were too ambitious in the way we set up the Department. But nonetheless, after the heroic effort you have made and the learning curve that you have, I think it would be a disappointment if you were to move elsewhere.

I would also just opine that should you move to the Justice Department, I think you would spend a year and a half digging out of a very deep hole. And I am not sure if I were you that that would be something I would really want to do. You don't need to respond. But I did want to put it out there.

I want to thank you on behalf of Los Angeles City and Los Angeles County for enormous effort made to keep that part of the country safer. I appreciate your three trips at my invitation out there to look at the port, to look at the fusion center, to talk to key people. I think it has made a big difference. And when I hear you tes-

tify this morning, I hear some of the material that we have discussed in the past and I appreciate the effort that you are making.

I agree with others, and I certainly agree with Mr. McCaul that the world is getting more dangerous. I want to commend the Department for the involvement it had in Denmark and in Germany and elsewhere with respect to the takedowns that just occurred. And I did appreciate briefings by Charlie Allen on those situations in my role as chairman of the Intelligence subcommittee. But now let me make a comment and ask a question.

My comment is that you are right, that it is critical for us to intercept conversations and e-mails in real time and to find out whether foreigners or Americans are plotting to harm us. But I strongly disagree that the best way to do this is through the legislation that Congress just passed. I think that legislation permits unfettered executive power, and I would prefer to restore the checks and balances that the Foreign Intelligence Surveillance Act put in place 30 years ago, and which, in my view, could be modernized and be a better way to go to get the same information than the way we are going.

And so I am working on a bipartisan basis to see whether we can amend the law we just passed to provide review by an Article 3 court—and I know you understand very well that Article 3 courts are separate from the executive branch—of the basic scope and parameters of the program to prevent any executive, not just this one, but any executive in the future from using what is a very valuable tool for the wrong purposes.

My question is this, in your testimony, you scarcely mentioned intelligence, your written system and your oral testimony. You mentioned it in response to Mr. McCaul. But the 9/11 bill, H.R. 4111 spends a lot of time on intelligence. And one of the things that it does is to try to improve the way the Department and our Federal intelligence community shares information with State and locals. In fact, it compels their participation in the National Counterterrorism Center through a means that we have agreed on called the Interagency Threat Assessment and Coordination Group, the ITACG and with the purpose of making certain that intelligence products incorporate their views of what they need and the form that would be useful to them.

So my question to you is, would you like to elaborate your testimony on the importance of information sharing vertically with state and locals?

Secretary CHERTOFF. And I didn't mean to slight it. Often when you get into discussion of intelligence, then you wind up getting into classified matters, so you really can't talk about the value of it except in generalities. Let me say that I do think that vertical intelligence sharing—I think we have done quite a good job horizontally with intelligence sharing. Unless you want to elaborate on that I won't get into that. Vertical intelligence sharing, particularly using fusion centers, is I think the next big step forward. And our vision is to have, you know, 20 to 30 fusion centers with our—having some analysts embedded in the fusion center before the end of the President's term.

Part of what we are trying to do is enable and empower local and State law enforcement to use the tools of intelligence themselves in

order to detect particularly homegrown threats, which they are more likely to be able to detect than we are because they are very low signature, they are not going to have necessarily international communications involved. And in order to do that, we do need to have an ability through the ITACG, I guess is the way we would say the acronym, to understand what the customer is looking for.

We have identified some people, some State and local law enforcement people who are currently assigned to DHS, to send over, and we are looking to have this stood up this month. I am hoping that as we develop the concept we will get greater and greater enthusiasm from more and more State and local law enforcement people for participating in this process. I want to be careful in how I say this, but I do want to give you one anecdote that supports this. My understanding is that because of the South Carolina fusion center, we were rapidly able to determine after the initial stop of the two south Florida students in South Carolina that this was a matter that would be of interest to a broader community than just the local traffic police.

And I think that that is a great example of how a fusion center should operate. It should take something that my might ordinarily, you know, traffic police might shrug his shoulders, and it gives that—creates a vehicle for sharing that information.

Ms. HARMAN. Well, I thank you for that answer. I would commend to you, Mr. Secretary, H.R. 1955, based on your testimony, which was unanimously—I believe unanimously reported by this full committee on homegrown radicalization. We think that commissions should be set up to study this carefully to understand the specific point of which someone who may be radical—being radical is permitted under our Constitution. But committing radical violent acts is not. We want to understand that the point at which someone changes. And I hope your Department will take a look at it, and I also applaud your support of the fusion centers. Thank you, Mr. Chairman, for allowing me to go over my time.

Mr. THOMPSON. Thank you very much. We now recognize the gentleman from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman, very much. Good morning, Mr. Secretary.

Mr. Secretary, last month, two students at the University of South Florida, close to my congressional district, were arrested in South Carolina, charged with carrying explosive devices. One student has since been indicted by a Federal grand jury with transporting explosives while the other was charged with transporting explosives and helping terrorists by aiding, teaching and demonstrating the use of an explosive device in furtherance of an activity that constitutes a Federal crime of violence. I know you can't comment specifically on the case. But there are several questions that need to be answered as soon as possible to better understand the larger homeland security implications of this matter. And I would like to ask these questions. To what extent is DHS working in conjunction with DOJ to determine whether this is an isolated case or whether there could be connections between these individuals and suspected terrorists or terrorist groups?

Secretary CHERTOFF. In every case like this, not only DHS and DOJ, but the intelligence community from the very moment that

something is detected, the first priority is to see what are the connections and linkages between the people who are looking at and anybody else? So I can guarantee you that from the, you know, literally the day of the arrest, priority number one was to examine any connections or linkages between individuals arrested and anybody else that might pose a threat. Now sometimes they turn out to be, you know, innocent linkages. But there is nothing that we could do that is more important than getting our arms around the full scope of a network if we focus on a particular threat.

Mr. BILIRAKIS. Thank you. Does DHS have the ability to monitor whether those here on student visas are actually complying with the terms of those visas and not simply using them as a way to gain entry into the country for other purposes?

Secretary CHERTOFF. We do to a limited extent. We rely upon the school. Once someone gets a visa, and they are supposed to enroll in a course of study and be attending school for a certain amount of time. If someone falls out of that status requirement, the school is obliged to notify us, and at that point we will pick up the student and deport the student. Many schools live up to that. Some schools do not. We have, from time to time, run operations to validate whether schools are complying with the rules or not. And in cases where we have found people for example out of status and it wasn't reported, we will obviously find the person and deport them.

Most schools try to honor their obligation. There are some that do not, and we have actually I believe yanked the privilege of hosting foreign students from some of the schools that are not living up to their end of the bargain.

Mr. BILIRAKIS. I don't know if you will know the answer to this question, but I need to know how many foreign students have entered the U.S. since 9/11 and enrolled in classes but not subsequently attended them? And if you don't know that question, if you could please provide that to us, maybe other members of the committee would be interested as well.

Secretary CHERTOFF. I will get back to you on that.

Mr. BILIRAKIS. Okay. Thank you. There are several different Federal agencies that process and monitor the entry of foreign students in the United States. My understanding is that potential foreign students must satisfy the DOS consular officials abroad and DHS inspectors upon entry to the United States, that they are not eligible for visas under the Immigration and Nationality Acts, grounds for inadmissibilities, which include provisions regarding one's past criminal history.

What criminal acts would preclude the issuance of a visa or deny entry into the United States of a nonimmigrant foreign student? And I understand that this may apply in this particular case that I am speaking of.

Secretary CHERTOFF. I don't think I could give you a comprehensive list off the top of my head. Obviously felonies would be a disqualifier. I don't know what misdemeanors would be. And there may be some variations in legal systems that make it a little bit complicated to categorize something as a felony or a misdemeanor.

Mr. BILIRAKIS. Can you please provide that information to me?

Secretary CHERTOFF. Yes.

Mr. BILIRAKIS. I would appreciate it. Do you believe that there is proper coordination and sharing of information between various Federal agencies responsible for the admission and monitoring of foreign students in the schools which they are attending? And you did touch on that. Can you expand upon that?

Secretary CHERTOFF. I believe there is very good sharing among Federal agencies. I don't think it is perfect or flawless. And given that you are dealing with thousands and thousands of people coming to the U.S. every year, just human error is going to result in problems once in a while. I think the harder issue is in dealing with the schools. I think some schools are reluctant to report students who drop below their course requirement or make themselves absent because they don't want to see themselves as enforcement tools for the U.S. Government. I think that the danger is that that creates a vulnerability in the program. And as a consequence, we do have to sanction schools. And I am not hesitant to do so.

Mr. BILIRAKIS. That is good to know. Thank you very much. Appreciate it, Mr. Secretary.

Mr. THOMPSON. Thank you very much. We now yield 5 minutes to the gentlelady from Virgin Islands, Ms. Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. And welcome, Mr. Secretary. Before I ask the question, I just wanted to let you know that on a positive note that I see that we have an Office of Health Affairs, and we had an opportunity to meet with Dr. Rungy a few months ago and see his mission and his jurisdiction becoming clearer and they have good goals, measurable objectives. And while they have probably still a few vacancies, I think that if all of the other directorates and offices were coming together like that, the Department would really be in good shape.

That being said, I still have a health question. And we had a hearing on May 15 where FEMA Director Mr. Paulison was here, and the chairman asked him then about formaldehyde in travel trailers. He had assured us at that hearing that there were no problems. Of course now we know differently. The committee also wrote to you recently asking if you planned on conducting a health assessment to determine whether or not the trailers are a problem and whether the people living in them are at risk. Could you tell us what you have done on that or how you plan to ensure that the trailer occupants are safe?

Secretary CHERTOFF. Let me begin by saying, and I know you know formaldehyde is a common building material. There probably is formaldehyde in the room here. And there is no—somewhat to my surprise, there is no standard for the acceptable level of formaldehyde in travel trailers. People have drawn analogies based on OSHA and other standards. The doctors I have talked to say that is really an imperfect analogy. So we don't really have an actual standard.

We have asked the Centers for Disease Control and EPA to put together a protocol to test and set a standard to determine what would be a safe level. But I didn't want to wait for the scientists. So I very clearly said a few weeks ago in New Orleans, if anybody is in a trailer and is concerned about formaldehyde, either because they are uncomfortable physically or because they are just because they are just anxious about it, we will get you out of the trailers,

no ifs, ands or buts. We will put you someplace else. We will have to find alternative housing, it may not happen immediately.

Those in greater distress, we will put in a hotel. We got about 1,000 people out of the total number that are left that requested to be moved. Ironically, we also got a significant number of people who asked if this meant they wouldn't be able to buy their trailer because they wanted to keep the trailer.

For the time being, until we get a satisfactory scientific answer, we will not sell or give trailers away. And I think for this year, we are not going to rely on trailers. I have always been skeptical of trailers certainly as a group housing solution. I think it is a very bad solution. So we will err on the side of safety here and look for alternative housing if people need to have that in the event of a catastrophe.

Mrs. CHRISTENSEN. I do think that in addition to asking what EPA and CDC can tell you what a safe level of formaldehyde might be, CDC, through their agency for toxic substance and disease registry can do health assessments to see if there is a problem and work backward from there, and I think that would be appropriate.

Secretary CHERTOFF. We have a 1-800 number where people can call up to get information. And if they have any questions about health, they can refer to a CDC person who will answer their questions and help them through the medical process.

Mr. DICKS. Just for a brief comment. A lot of people—some people have allergies, and the people that react to this have allergies.

Mrs. CHRISTENSEN. I guess it was when you did your second stage review you put TSA, Border Patrol and ICE directly under you in your reorganization. And I had questions about that at that time. Can you tell me how that has or has not improved their collaboration and their operation? And if you plan to continue that going forward or are you planning to change that?

Secretary CHERTOFF. No. I think that has actually worked very well. Let me give you a couple of concrete examples. First of all, we have created something called viper teams, which started out as a mobile TSA security unit, a quick response team that we could use to do surge security operations. And it has worked so well that we have expanded it to have a DHS viper team so we have Customs and Border Protection, Coast Guard and TSA working together to train and deploy mixed teams, depending on the particular environment. We have done similar kind of cross training and cross-exercising with respect to Coast Guard and Customs and Border Protection at our seaports where we literally have interoperability between Coast Guardsmen and Customs and Border Protection on inspections. All of this is part of a big element of what we are trying to do with the departments, which is try to build one DHS with interoperable elements.

Instead of having done it with this middle layer between the Secretary and the Deputy and the component heads, the way we work now is we have something we call the gang of seven, which all of the operating heads meet once a week either with the deputy or with me and we all discuss common policy issues and problems. And that is the way in which we actually make sure that the component heads are constantly talking to one another and we are getting the benefit of that collective wisdom. So I have to say I think

this was a good thing. It flattened the organization, it actually promoted cross fertilization.

And more and more we see the components themselves seeking out opportunities to plan and work together. Last thing, if I can be real quick, a big lesson for the Defense Department in Goldwater-Nichols was jointness. We have a management directive now that basically tells people who want to be SCS that in order to make their application more attractive for Senior Executive Service, they should plan to spend a rotation out of their component either in a joint activity of the Department or in another component to kind of build the sense of jointness. So this is what we are doing to kind of build that unity.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. My time is up, I believe.

Mr. THOMPSON. Thank you very much. We now recognize the gentlelady from Florida, Ms. Brown-Waite, for 5 minutes.

Ms. BROWN-WAITE. Thank you, Mr. Chairman.

Mr. Secretary, thank you for being here. I can only imagine putting together so many different agencies under one umbrella. It is kind of like herding cats. It is not an easy job to do.

There recently was, I believe, it was a GAO report, and I meant to bring it down with me to be able to actually quote it correctly, and I left it up in my office. But that said that customs lacks the ability to track cargo supposedly going through the United States. In other words, it comes into a port and it is then transported supposedly either to Canada or to Mexico, or possibly even over to the west coast. So we are losing a lot of Customs money that should be collected because these items are actually being dumped in the market in the United States. Are you familiar with this report?

Secretary CHERTOFF. I don't think I have seen that report. I can find it and I am sure the head of—the commissioners of Customs and Border Protection has seen it if it is out there.

Ms. BROWN-WAITE. Okay. If you could get back to us on what is being done to remedy this, number one. And number two, let me relate it to the potential dangers of some of the trucks coming in from Mexico. And if we can't track the cargo that is supposed to be going through the country, not being dumped into the country, I don't think that a lot of Americans have a lot of warm fuzzy feelings about the trucks coming in through Mexico as to what the contents may very well be.

Secretary CHERTOFF. Well, this I should make clear. In terms of trucks from Mexico, the new rule about trucking doesn't change what has always been the case, which is we inspect the cargo that comes in, and we target the cargo for inspection, you know, in the same way we do for any other cargo. All that the truck rule does is instead of offloading the cargo 25 miles inside the U.S. to a U.S. trucker, it allows the trucker to continue on into the interior. I know there are issues that are raised about the safety of the drivers, those fought with the domain of the Department of Transportation. But from the standpoint of the security of the cargo, allowing Mexican drivers to drive into the interior does not change, does not relax or in any way modify the existing security standards.

Ms. BROWN-WAITE. Do you not see a correlation between the cargo that we can't track that gets dumped into our economy because of a lack of a system there and a problem?

Secretary CHERTOFF. Not having seen the GAO report, and I don't know if they were talking about land ports of entry or sea ports of entry, I don't think the existence of—I don't think whether the trucker is Mexican or if they get a new driver to come in at 25 miles in necessarily tells you anything about what happens with trans-shipments. But I am flying a little in the dark because I don't have the GAO report so I probably will get back to you.

Ms. BROWN-WAITE. If you could get back to the committee, that would be very helpful. Let me ask another question, and that is sanctuary cities are an insult to law abiding citizens. If the Federal Government cut off any Federal aid to sanctuary cities, do you think that this would help stem the illegal flow?

Secretary CHERTOFF. I think—you know people use the term sanctuary city in different ways. So I am never quite sure what people mean. Some cities have a policy that if somebody comes in and is the victim of crime, they are not asked about their status. Others may go further and not report felons who are illegal to us to be removed. I think that is actually very a foolish and counter-productive policy. I am not aware of any city, although I may be wrong, that actually interferes with our ability to enforce the law. I certainly wouldn't tolerate interference.

I will tell you I think there is a proposal in one location to prevent us from using basic pilot in the city, and we are exploring our legal options. I intend to take as vigorous legal action as the law allows to prevent that from happening, prevent that kind of interference.

In terms of funding, I don't have the authority I think—I mean let's assume we have homeland security funds for particular city, I don't know that I have the authority to cut off all homeland security funds if I disagree with a city's policy on immigration. And of course, I have to say that the consequence of that might be to put the citizens at risk, you know, in the event of a natural disaster or something which—I don't want to put people's lives at risk. But I do think where the law gives me the power to prevent anybody from interfering with our activities, we will use the law to prevent that interference.

Ms. BROWN-WAITE. Mr. Secretary, I am not just referring to funds through your Department, but say transportation money, any Federal funds that would flow into a city that sets itself up as a sanctuary city, if that were done, do you think that there would be a tendency for areas to be considered sanctuaries?

Secretary CHERTOFF. I have to say, honestly, I don't know what the reaction would be depending on what was cut off. I think it would depend on the city. I mean I could probably guess there are some cities, they would become more stubborn. Others might change their policy. It is hard for me to guess in the abstract.

Ms. BROWN-WAITE. Thank you. I yield back the balance of my time.

Mr. THOMPSON. Thank you very much. We now recognize the gentlelady from Texas for 5 minutes, Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you, Mr. Chairman. Welcome Secretary Chertoff. Let me, first of all, quickly congratulate you for the increased numbers of border patrol. I think we have spoken about that over the years post-9/11, and a number of us had comprehensive immigration reform that included adding upwards of 15,000 or more border patrol agents. And you are certainly making that particular journey. Let me also acknowledge—and because our time is short, the anniversary of Hurricane Katrina. And I imagine that FEMA, under your leadership and Director Paulison who, by the way, was particularly attentive and responsive during the number of threats and continued threats of hurricanes, that it has now moved to HUD.

My simple question, or my simple point on the record is, New Orleans remains a calamity. The gulf coast remains a calamity, and pushing it from one agency to another solves no problems. And I just want to put that on the record for a possible brief comment.

But I want to focus on aviation. And I am very glad that Department of Homeland Security has itself recognized that transportation modes remain an attractive and conspicuous target for terrorists.

The JFK incident, and then, of course, in the last 48 hours, the discovery of the German plot. It is comforting that you have discovered that even though general aviators mostly of great means oppose any intervention, it is crucial that we assess the general aviation industry. And I might suggest we go further. I have videotape showing the complete penetratable opportunity in small general aviation airports across America. And frankly, I look forward to your committee and my subcommittee looking at this question very carefully. So I ask you the question about general aviation as a whole, the airports which are without security and can be penetrated. I would appreciate your response to that.

Let me finish one or two other points. The TWIC card has been difficult. It is about to be rolled out. There are benchmarks. Workers are concerned. They want to know what the procedures are. Are we going to remove people from their ability to provide for their family simply because they have had a traffic ticket or some other infraction? We need to be able to balance the homeland security with the civil liberties and civil rights of our workers. Then I know that there has been a legal action taken. But let me lay on the record for you the difficulty with the progress or the plan for the employee verification. I hate for people to mix apples and oranges and suggest how the Social Security process of employer verification is going to substitute for a comprehensive immigration reform and of course catch all the terrorists in America.

What it is going to do is to put restaurants out of business, it is going to put all of these small businesses who really need an extended period of time. So I have written the President asking for an extended assessment to see how we can ensure that we have homeland security, but we have a verification process that does not eliminate huge segments of the business community and not big businesses but restaurants and small construction contractors who are trying to do their best to answer this question.

So I would appreciate your answers to the questions I have laid out, and particularly with the focus on aviation security in the general aviation area. Thank you very much.

[The statement of Ms. Jackson Lee follows:]

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

Mr. Chairman, I thank you for convening this important hearing today regarding holding the Department of Homeland Security accountable for security gaps. I would also like to welcome our witness today, the Honorable Michael Chertoff, Secretary of the Department of Homeland Security.

The purpose of the hearing today is to receive testimony from Secretary Chertoff regarding his tenure as the Secretary of the Department of Homeland Security and his plans for the future of the Department during the time remaining in this Administration. Under the Homeland Security Act of 2002, The Department of Homeland Security and its Secretary are responsible for preventing and deterring terrorist attacks and protecting against and responding to threats and hazards to the nation. In examining the performance of the department, several pressing and critical issues rise to the surface. Along with the progress the Department has made under Secretary Chertoff's leadership I remain very concerned about several critical issues which have not yet been resolved.

First and foremost, no organization with a mission as critical as the DHS with a mandate to protect our citizenry from terrorist threats can afford to have a vast number of critical vacancies which still exist at DHS. In addition to the high critical vacancy rate, an issue of particular concern continues to be the number of important programs that have not met their deadlines. Also, recognizing that the need to stay ahead of the terrorists requires intelligence capabilities, one of my concerns regarding the Department is that while it develops intelligence and data-sharing capabilities, it should try to stay true to our essential American values such as preserving the privacy of our fellow citizens.

With regards to the critical vacancies continuing to exist at DHS and affecting its mission, the July 9, 2007 report of the Majority Staff of the Committee on Homeland Security entitled, "Critical Leadership Vacancies Impede United States Department of Homeland Security" found that nearly one quarter of the senior leadership positions located in the Department of Homeland Security are vacant.

According to the report as of May 1, 2007 there were 575 senior leadership or "executive resource" positions at DHS. One-hundred and thirty-eight of these were vacant (24%).

- 48% leadership vacancies at the Asst. Sec. for Policy
- 47% leadership vacancies at the Office of Gen. Counsel
- 36% leadership vacancies at the Asst. Sec. for Intelligence
- 34% leadership vacancies at US Citizenship and Immigration Services
- 31% leadership vacancies at FEMA
- 31% leadership vacancies at ICE
- 29% leadership vacancies at the Coast Guard

The report brings to the surface another unsettling pattern by establishing that an unusually high number of critical positions at DHS are filled by political appointees rather than career professionals. The quadrennial Plum Book by the Office of Personnel Management, states that "as of September 2004 the 180,000-employee Homeland Security Department had more than 360 politically appointed, non-career positions. These political appointees serve at the pleasure of this President. Therefore, at the conclusion of this Administration, each of the positions currently filled by a political appointee will become vacant. It is possible and in many cases preferable to have employees in career civil service position fill these executive level positions. For instance by way of contrast, the Veterans Affairs Department—the government's second-largest department, at 235,000 employees—had only 64 executive level political appointees. And the Defense Department—far and away the largest department in the government, at 2.1 million employees, including military and civilian—counted 283 appointed, non-career positions. That figure includes political appointees at the Army, Navy, and Air Force. Inexplicably, instead of seeking to reduce this over-reliance on political appointees, DHS' own reports show that since

<sup>1</sup>The terms "senior leadership and executive resource" refers to those positions in the highest salary bands of the Federal government.

2004, it has often added more political positions to its ranks, and more frequently, than other large departments.”<sup>2</sup>

I should note that the types of jobs filled by political appointees are of a critical nature. However, with an eye on the inevitable transition from the current administration to the next, the critical mission of the Department could be secured only if the department has a solid foundation consisting of career civil service professionals. I am concerned that with such a high ratio of political appointees with deep professional roots in the homeland security field, the American public could be made more vulnerable by the heightened disorganization and dysfunction caused by the precipitous departure of the current inordinately high number of political appointees.

Another issue of great concern to me is the great number of critical DHS programs that have missed their deadline for completion. The inability of DHS to deliver on time with regards to such critical items as providing a strategic plan for detection of explosives at airports or missing the February 2007 deadline to create the DHS Office of Emergency Communications certainly reveals the Department’s security gaps that Congress and this Committee has to address.

Similarly, the inability of DHS to make progress regarding vital homeland protection programs such as SEAL (Container Security and Procedures) and the National Response Plan, aimed at all-hazards approach to manage domestic incidents, suggests that the Department is not doing enough to protect the American public from very real threats.

As I have spoken in this Committee and the Committee on the Judiciary, while intelligence gathering is a critical tool in our efforts to combat terrorism, we must not sacrifice our American values in the process, especially constitutionally protected rights of privacy.

Given the unprecedented amount of information Americans now transmit electronically and the post-9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications. I have expressed these concerns during our recent debate about FISA and share them with you here now in the context of our discussion focused on DHS. The mission of the DHS will not be properly executed, unless all safeguards are in place when it comes to preserving our fellow citizens’ fundamental rights to privacy which are increasingly encroached upon, I am afraid, by an aggressive expansion of DHS’ intelligence sharing and data-sharing capabilities.

Thank you, Mr. Chairman, for holding this hearing. I look forward to Secretary Chertoff’s testimony. I yield the balance of our time.

Secretary CHERTOFF. I agree with you, general aviation is a concern. And in particular, we draw a distinction between aircraft that are, I think, 12,500 tons and those that are less than that. There is a certain cutoff because of the danger that the aircraft itself with the fuel could become a much more effective weapon as opposed to a smaller thing like a Piper Cup. What we are looking to do is begin with the biggest threat, which is a possibility of somebody smuggling something in from overseas.

We do have, through TSA, an ability to use security directives to tighten up on security at airports. And we are also looking at the possibility of some additional regulations with respect to vetting crews and who are flying in private aircraft, particularly in the larger private aircraft. Again, I mean, there seems to be a proliferation, particularly in very small light aircraft, and we are going to have to draw the line somewhere between aircraft that are a serious threat because of their size and their weight of their jet fuel and aircraft that are sufficiently light, like that unfortunate plane which had the incident in New York last year with Cory Lidle, where if it was a hidden ability, it would be bad, it wouldn’t be a catastrophe.

<sup>2</sup>“Homeland Security could face transition problem” by Shane Harris, *National Journal* June 1, 2007

On the TWIC card, I can assure you traffic tickets are not a disqualifier. The regulation we put out does list the crimes that are disqualifying. Some of them are disqualifying for life like treason or terrorism. Some of them are disqualifying if you have been convicted or served a sentence within a certain number of years. Some of them are not disqualifying. By way of example, there was a recent incident where, I think, a trailer truck overturned on an overpass in San Francisco and caused damage to the bridge. And it turned out to the driver had some old drug conviction and then some people said well, why did you let this person drive? Why can they get a commercial driver's license?

Again, I have to say we are going to have to balance. We are not going to treat every misdemeanor drug possession as a disqualifier. On the other hand, if someone has been a racketeer, they are not getting on the docks. So we are going to draw the line somewhere between those two. On the no match issue, I actually—obviously we have got a legal case here which I think may delay us a little bit.

I am convinced that this is not going to be a problem for legitimate workers. In fact, for people where there is a clerical error, it is going to be to their benefit to find that out and correct it so that they don't wind up 20 years from now not getting benefits they are entitled to. The larger question you raise is what is going to happen in those industries where it turns out that there is a lot of illegals being employed? And the answer is that is going to be a hardship. And I don't think I have been—I think I have been pretty open in acknowledging that fact. But here is what I can't do. I can't not enforce the law. We have told—we told Congress frankly you ought to find a way to address this issue.

Congress has not yet acted. The one thing I can't do, and I think this is the root of the problem we have had over the last 20 years is for us to simply close our eyes to the problem and get everybody off the hook by not enforcing the law. And then what happens is people turn to the agencies and they say the agency is derelict in its duty, the agency is failing. It is not fair to my agents to put them in that position. I have to tell my agents, I am going to support you in enforcing the law 100 percent even if it turns out there is going to be some negative consequence.

Secretary CHERTOFF. In the end, I think we are going to find this issue of immigration reform is a matter that has to be revisited, and I hope that it can be revisited. I don't claim to have the perfect solution. I hope it can be revisited sooner rather than later. In the meantime, we will carry out our oaths to execute the laws.

Ms. JACKSON LEE. Mr. Chairman, my last sentence simply is comprehensive immigration reform should be called upon by the administration, you should take the lead because what you are doing is destroying innocent families caught up in the illegal immigration, undocumented immigration system and probably undermining huge numbers of small businesses. And I yield back.

Chairman THOMPSON. Thank you very much. We now yield 5 minutes to the gentleman from Alabama, Mr. Rogers.

Mr. ROGERS. Thank you, Mr. Chairman.

Welcome back. I am glad to see you. I understand in your earlier testimony—I just came from the Armed Services hearing. But I un-

derstand that you had already testified to the border patrol training status.

Secretary CHERTOFF. Yes.

Mr. ROGERS. We, according to your testimony, now have over 14,000 trained border patrol agents.

Secretary CHERTOFF. That is correct. We have sworn in over 14,471.

Mr. ROGERS. And I understand further that your testimony was that within 16 months, at the end of 2008, we are going to hit the threshold of 18,003 that you have been targeting.

Secretary CHERTOFF. Correct.

Mr. ROGERS. That is admirable. I am pleased to hear that. That is an area I paid a lot of attention to and I hope that you are you right and you all hit that target.

But what I want to talk to you more specifically about today is canines. You have talked to this committee before about that and you have already expressed your respect for that asset and its efficiency and effectiveness. As you are probably aware, in the 9/11 Commission Act that we passed and was signed into law by the President, it requires the establishment of a national explosive detection canine training team and gives you 180 days to get that set up and begin producing these dogs. Do you know where that program is at present?

Secretary CHERTOFF. I don't. I do have to obviously say, as you know, money has to be appropriated in the 2008 fiscal year for this. So we don't yet have a bill. So obviously all this is contingent on Congress appropriating the money. Other than that, in terms where we are in the planning on that I would have to get back to you.

Mr. ROGERS. If you would. One of the things that I found in my visits to the various border ports of entry is that we are grossly understocked in canine assets. And because of that rotation of the dogs on and off, many of the spotters watching folks come across the border are able to alert their clients as to when is a good time to come across. So that is not acceptable. But we also found recently when I went down to Mississippi for a field hearing that they don't have enough cadaver dogs either in service.

One of the things I would urge you to consider is in addition to explosive detection dogs and of course dogs that can detect drugs we could look at cadaver dogs as well. As you know, post-Katrina, 9/11, the various hurricanes, we always have a need for this and we can establish some real partnerships with local governments to maintain them, be called into service when necessary.

From my understanding, these are very inexpensive dogs to train. They don't require the same sophisticated breeds, which brings me to the second point. And that is, in touring the various facilities around this country and seeing the teams, both in the Department of Defense and in Homeland Security, I find that most of the dogs that we have in service are obtained from overseas. We don't have a sufficient level of breeding programs here domestically. These dogs are brought in primarily from Germany and Holland and places such as that. And we urged in the bill that you all try to find ways to obtain an adequate source but also look at possibly establishing domestic breeding programs.

Is that something that you would feel comfortable pursuing, given that we have an over reliance of foreign sources for these assets?

Secretary CHERTOFF. First of all, I have a high opinion of the dogs and I would be, again subject to appropriations, happy to see what we can do to increase the supply. I recognize that not all the dogs succeed in training so you have to breed more than you can deploy. Time and again they seem to be in terms of reliability, portability and usefulness, about the top of the line on a whole variety of functions, human smuggling, as well as explosives and things of that sort.

So I would certainly be interested in pursuing whatever we can legally do. Some of this would be the Department of Agriculture, to promote breeding of these dogs.

Mr. ROGERS. Within your TSA organization, you have got some pretty sophisticated technology research going on at Lackland and there is other research going on domestically. But I am concerned about the fact that we are relying so heavily on foreign imported dogs and that frankly many of our allies in Europe are also. And that is just not prudent in my view.

I want to change gears. Recently, Chairman Carney and I had a field hearing on agriterroism in Pennsylvania and we had the Department's chief veterinarian testify before us. And we were concerned at the fact that he only had one full-time employee beside himself in there and some pretty aggressive planning and policy making goals set before him. And I understand that by 2010 he is to have 37 people. I know the challenges you have in getting personnel into the Department. But can you speak to this specific instance and what you think you can do to step up that personnel?

Secretary CHERTOFF. The foundation for setting this up—and let me lead by saying we recognized early on that we needed to have a focus on health and that involved not only human health but animal health and food safety which tend to be linked together. Now obviously the real expertise is in the Department of Agriculture and the FDA. But we needed to have our own capability, particularly through a system which is the integration of all of the intelligence. We now have an Office of Health Affairs set up. We put a veterinarian as the number two. And again subject to appropriations, and we have asked for a budget for this year that would grow that office. We are looking to expand it, not because we want to supplant the Department of Agriculture, because in doing our planning and coordinating for incidents we want to make sure we have enough in-house expertise so we can do it in an intelligent way. At the same time through our Operations Coordination Division and the President's Incident Management Executive order, we do have Department of Agriculture and HHS expertise on issues like food and animal health participating in our integrated planning and our incident management if we have an incident. So we can draw upon those existing resources to supplement what we have.

Mr. ROGERS. Thank you, sir.

Chairman THOMPSON. Thank you very much. We now recognize the gentleman from Pennsylvania for 5 minutes, Mr. Carney.

Mr. CARNEY. Thank you, Mr. Chairman. Welcome, Mr. Chertoff. Good to see you again. Back in February the Comptroller General and the Department's IG testified to Congress about difficulties they were having in getting DHS to cooperate with their work and response requests in a timely manner. In fact, my subcommittee investigated these allegations. And Mr. Rogers and I held a hearing in April to address these concerns. Your Department committed then to rectifying two of the GAO's primary concerns, the difficulty in getting access to documents and to program officials. Yet we are here almost 5 months later and the GAO has reported to my subcommittee staff that at the day-to-day level, nothing has improved. Even worse, at the senior level DHS appears now to be refusing to address the two primary difficulties they had previously committed to fixing. In fact, the nonpartisan GAO says of all of the Federal agencies and entities it deals with, DHS is by far the worst when it comes to cooperation and timeliness.

Perhaps, Mr. Secretary, when you meet with the Gang of Seven on your weekly meetings—I think it is a great idea by the way—you could please bring this up. I mean, it is imperative that we do our job and you have to help us in that. And timeliness and the cooperation is essential. So I would like to ask for your assurance that this is going to happen, sir.

Secretary CHERTOFF. I also have to say that if there is a particular issue that they have they are free to bring it to my attention. I am always a little surprised when I hear a complaint that comes in a roundabout way as opposed to somebody picking up the phone and calling me.

Mr. CARNEY. We have your phone number. That is good.

Secretary CHERTOFF. And as far as the Controller General, if he has an issue about a particular matter.

Mr. CARNEY. Good. Okay. We will remind him as well that they can call. Also, I was surprised to see no mention in your testimony of the upcoming TOPOFF exercises, TOPOFF for—we know that large scale exercises like TOPOFF IV generate lots of experiences and lots of insights and lessons learned. Certainly from my background in the military we call that—my understanding is that the after action report for TOPOFF III was completed about 6 months after the exercise; is that correct?

Secretary CHERTOFF. That sounds about right.

Mr. CARNEY. Yet it took another year at least for your office to review and to approve it for release. I checked with committee staff yesterday and they still haven't received a report.

Secretary CHERTOFF. I will find out where that is. The reason I didn't mention TOPOFF was not because it is not important, it is because there is a limit to what you want to read about in my testimony. Not only do we think these are important, but I personally participate in these and I encourage my Cabinet colleagues to do it and the President encourages them to do that because we do recognize the value of these exercises. I will find out where it is in the process.

Mr. CARNEY. Great. Because TOPOFF IV is right around the corner and we would like to have them in a timely manner, again those reports and the insight and the lessons learned, et cetera. We

all have a job to do and we have to cooperate and make sure we protect this Nation, sir.

Secretary CHERTOFF. I agree with you.

Mr. CARNEY. I appreciate your efforts. I yield back.

Chairman THOMPSON. Thank you very much. I appreciate you assuming the responsibility of the calls from Members on reports, but as you know, most of those come forward with the timeline already in existence. And I think it would help us if you would, without the extra communication from us, just implore your people under you that these timelines are not going away and we have to meet them. That is what we are looking for.

Secretary CHERTOFF. I have done that. Let me be clear. We have actually put a very focused effort on accelerating the pace of our response to congressional reports, and I think we are doing better because I have been tracking it. I think this was a much narrower issue having to do with GAO feeling that somehow they disagree with either how quickly we are responding or whether they agree or disagree with whether we are giving them the information they want. And as I was beginning to say, if the Controller General has an issue with this, he can call me. I am not hiding from him. I do direct that we cooperate. And I recognize sometimes GAO wishes we didn't have lawyers present. We feel we need them present and that is a disagreement. But I was not aware there was a particular problem or general problem with what they perceived as cooperativeness, and if the Comptroller General wants to raise that issue he should say to me I have a problem and be specific about it.

Chairman THOMPSON. Chairman Carney would like to make a comment.

Mr. CARNEY. Just briefly, Mr. Secretary. When we request and the committee actually requests from DHS some documents, we are told we have to go through a process. I don't know that we should have to do that, sir. We are the oversight committee and we should be able to see these documents, in fact, unredacted. I mean, we had that earlier. We just brought this up an hour ago or so. But still I think this is part and parcel to a larger problem, that you want the transparency and so do we certainly and then we must work toward that.

Secretary CHERTOFF. I will find out about that issue.

Mr. CARNEY. Thank you, sir.

Chairman THOMPSON. Thank you very much. And we will follow up on that because in the interest of transparency, and Mr. Carney is chairman of the oversight committee, we need a reasonable time frame to get information and once committee staff on the majority or minority side request it, it is just like it is coming from the committee.

Secretary CHERTOFF. I understand.

Chairman THOMPSON. I will now recognize the gentleman from Washington for 5 minutes, Mr. Reichert.

Mr. REICHERT. Thank you, Mr. Chairman. Mr. Secretary, good to see you again, thank you for being here. I just want to make a general comment to start out with.

We had talked about lawyers and laws and policy and reports and hearings, all those things that we are all involved in. But really the bottom line is that when it gets down to doing the job the

people in your organization are the people that we depend upon to do the job, and I know early on, a couple of years ago, when we began the discussion about Homeland Security in 22 departments and almost 200,000 employees, there was a morale issue. And I know that has been touched upon a little bit. I think Congress need to do a better job. Having you and your department report to 85 committees and subcommittees is ridiculous, and we need to do something about that. How is morale, though, in your organization today and are those 22 departments finally coming together and looking at themselves as the protector of this Nation?

Secretary CHERTOFF. Let me say, first of all, we have looked at the question of morale. It was kind of a negative report out a few months back. I asked management to do a more in-depth survey and try to understand what was positive and what was negative about morale. One positive statistic that came out more recently is apparently, putting to one side TSA, our turnover is lower than average of Federal departments and even TSA compares favorably with the private sector among those areas of industry that do the same kind of work. So that is positive. But I have made a big focus for management here to try to understand what we can do to build morale.

As far as unity, though, I think there we have made a lot of progress. As I said earlier, we now plan to integrate across the Department. Our intermodal security team, our VIPR teams which began as a TSA operation where we brought people together to do surge security has now become a DHS-wide operation. Interestingly—since we are talking about the State of Washington—as a consequence of some of the issues with the ferry system, we put a DHS VIPR team, Coast Guard and TSA and FBI working jointly together, planned and executed in the Seattle ferry area. And we are—and increasingly the components themselves are finding opportunities to plan and train jointly. Customs and Coast Guard are now interoperable in a number of ports with respect to how they deal with ship boardings and things of that sort.

Our airframe platforms for helicopters in Customs and Border Protection and Coast Guard are now the same. And through this so-called Gang of Seven mechanism, the chief operating officers of each of the components, or CEOs of each of the components, meet weekly with either the deputy and/or me to talk about common issues and common approaches.

Finally, we have a management directive now that strongly encourages those who want to be applicants for Senior Executive Service to serve out of their component, either in a joint activity or in another component, as part of building their resume for the purpose of becoming an SES. This is a concept we borrowed from DOD through Goldwater-Nichols.

Mr. REICHERT. I am glad to hear that. I sensed that myself as I traveled around and visited the different fusion centers across the country, and I think there is a partnership that is very strong amongst the partners in the fusion center which makes up the Federal agencies, DHS included. You know, we in the King County sheriff's office use the Coast Guard platform for our helicopters. So there is a partnership there and I think as we look at the canines

and further partnerships with locals, I think that would be a great opportunity for us.

But just if I could touch on one more thing, Mr. Chairman. In H.R. 1, we allowed the States and localities to use Homeland Security grant funding for hiring intelligence analysts. Is that program moving along? Where do you see that today and into the future, here in the near future?

Secretary CHERTOFF. Well, we will allow use of Homeland Security money to hire intelligence analysts and we are also embedding—we are looking ultimately to have between 20 or 30 of our own analysts embedded in fusion centers around the country and we also we have developed a fellowship where we are bringing law enforcement people from State and local government into DHS not to simply represent their community, but to actually work here for a period of time and get the benefit of the experience and the expertise they develop here before they go back. So I think—I mean, the best value we can get in terms of particularly detecting home-grown threats is to enhance the capabilities of State and local intelligence gathering so that they can detect the kind of thing that we won't pick up with a satellite or overseas communications.

Mr. REICHERT. Thank you, Mr. Secretary. And thank you, Mr. Chairman.

Chairman THOMPSON. Thank you very much. We now recognize the gentleman from North Carolina for 5 minutes, Mr. Etheridge.

Mr. ETHERIDGE. Thank you, Mr. Chairman. Thank you, Secretary. Welcome. With an agency so broad and so diverse and so much to take care of, I commend you. It is difficult. But I want to shift a little bit because all of the issues are important. We are in the midst of hurricane season, another major area of your Department. And right now we just missed Dean hitting Texas and Central America is being devastated again by the second hurricane, Felix.

Can you share with us briefly, Mr. Secretary, as a result of the high alert that FEMA went on in DHS as related to Dean in the wake of the near miss after the fiasco of 2 years ago where we—what our preparedness was then and what gaps do you think still remain in our preparedness. Because there is another disturbance now churning in the Caribbean that could very well turn into one that we might not miss next time.

Secretary CHERTOFF. This is my least favorite time of year now. I think Dean was actually a good exercise in terms of where we are and to take us out of the realm of simply planning exercise and training and into the realm of actual operations. What we did during the period of time when we thought there was a real risk of Dean hitting south Texas is we worked—first of all, the President authorized a pre-disaster declaration so we could fund prepositioning of items in advance of the hurricane. That was not an authority that existed or was exercised 2 years ago during Katrina.

The second thing that we did was we had partly through some prior work with the Texas emergency authorities quickly identified gaps that they had in terms of capability to evacuate people with compromised medical positions, making sure they had adequate buses for people who didn't have transportation, making sure we

had an airlift plan for people that we wanted to be able to move further away. And we actually were able to either preposition or have readily at hand the assets necessary to do all of that work. And we kept them in place until the point in time it came that we were confident that this storm was not going to hit and then we released them.

So that was a good exercise and frankly a pretty dramatic illustration of the benefit of advanced planning which we did not have 2 years ago. So I think those capabilities are there. We did move into place communications equipment as well as interoperable communications equipment, mobile communications, trucks and those, of course, have now been returned to where they are typically housed, Thomasville, Georgia, or elsewhere.

So I think it was a good fire drill. No doubt—as they say, no battle plan survives first contact with the enemy. But I think it is a much better plan than it has ever been.

Mr. ETHERIDGE. I would like to ask you about the FEMA Reform Act which passed Congress overwhelmingly. How would you assess the Department's progress in implementing those reforms, and I am particularly interested in the Department's ability to make those changes with—in connection with how DHS is going to implement the 9/11 Commission that the President signed last month? Because all of these things coming together at once, I know you can, as someone said, you can swim and talk too, but we need to make sure this is so critically special when this season is at its highest level right now.

Secretary CHERTOFF. There is no question we had a little bit advance sense of the FEMA Reform Act. So we did put some preparation into effect to do the transition. As I said earlier, we are over 95 percent fully staffed at now FEMA. We have permanent people heading each of the regions. We have got GOG planners in the regions.

So I do think we have got that implemented. And the 9/11 reforms will be another challenge. We are going to get that implemented too. But I guess underlying the question is you are accurately recognizing that every time we have a reorganization there is a cost in money and time. And it is easy to always say every time there is a change, oh, let us reorganize again. I think we are at the point now where we would benefit greatly from a pause in organizational churn to allow us now to not only implement, but to really get people acclimated to the current structure, which is a good structure. I am not saying it is the best of all, but I think it is good and it needs a chance to work.

Mr. ETHERIDGE. I will close, Mr. Secretary, and I will say as you look at the number of vacancies across the Department along with the political appointee vacancies, I would encourage a lot of attention be paid to that in the months and time to come so that at the end of this term of the President there is not a big gaping hole as we try to continue to make an agency work in the broad section it has to work with. Thank you.

Thank you, Mr. Chairman. I yield back.

Chairman THOMPSON. Thank you very much. We now recognize Mr. Brown of Georgia for 5 minutes.

Mr. BROUN. Thank you, Mr. Chairman. Mr. Secretary, we haven't had the opportunity to meet yet. I am Paul Broun from Georgia.

A few moments ago you were talking about the illegal aliens. In your testimony you said you changed from having a—excuse me—You have changed from having a catch and release program for the non-Mexican aliens to catch and remove. Now, does that mean that you are still doing the catch and release type program for the Mexican aliens?

Secretary CHERTOFF. No. First of all, as you say this is at the border. Mexican aliens—we have always removed them because it is really something we do in 24 hours. You catch them, you fingerprint them, you photograph them and you send them back. The problem with catch and release came because non-Mexicans—we couldn't just put them back across the border in Mexico. We had to send them back to their country of origin. And it took so much time to arrange that that we ran out of bed space. So what we did was we cut the amount of time to remove people, increased the number of beds, we managed the beds more effectively, and that allowed us to get to the point that now everybody caught at the border who is eligible to be removed is detained until their removal occurs.

Mr. BROUN. So this is all illegal aliens, they are removed immediately?

Secretary CHERTOFF. Right.

Mr. BROUN. The next question is under the interpretation of the 14th amendment babies of illegal immigrants that are delivered here in this country, the so-called anchor babies, are being given citizenship. Do you believe that this amendment is being interpreted correctly? And then second, do you believe that legislation like the Birthright Citizens Act that I am a cosponsor of would have a measurable impact on decreasing the magnet for these people to come here?

Secretary CHERTOFF. I can't say I have studied the law enough on this to give you a legal opinion. I will say that one of the issues when we debated comprehensive immigration reform that we did focus in on as part of the proposal was this issue of whether people would try to have children in the country in order to bring extended families in. And the suggestion we had was to actually transition the system from one that is based principally on family relationships to one that is based on work or other considerations.

So as you look at this issue, the question may be not so much whether you legally can affect citizenship or people born in the U.S., but whether you extend the privilege to someone born in the U.S. of the legal parents, whether you extend them the privilege of bringing in their family as under the existing immigration laws. That isn't a 14th amendment problem. I think that is just a question of how you write the immigration laws.

Mr. BROUN. Well, in my opinion, first thing they shouldn't be granted citizenship to begin with. I think this is an improper application of that amendment. And hopefully one of these days we will get the Birthright Citizenship Act put into law so that there won't be any question. But I believe it is, at least in my area of Georgia, a strong impetus to bring people into this country illegally. And

these people are draining the health care system. I am a medical doctor and I know the health care system is being drained tremendously in our area. The educational system is being drained tremendously. And I hope that the administration will help to promote the Birthright Citizenship Act so we can bring a legal determination of this and stop this flow of these illegal aliens into this country.

Mr. Chairman, I thank you and I yield back.

Chairman THOMPSON. Thank you very much, Mr. Brown. We now recognize Mr. Green of Texas for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman. And I thank you, of course, and the ranking member for hosting this hearing. It is exceedingly important. Mr. Secretary, it is an honor to see you again. And I know that you have a tough job and I would like to talk to you for a moment, if I may, about some deadlines and timelines. In fact, timelines can become deadlines or they can be lifelines and I have before me a document that if we were in court I would say do you recognize this and can you tell me what it is.

Secretary CHERTOFF. I see it up here. I haven't gotten my copy yet.

Mr. GREEN. Having an opportunity to see it before, I suppose I could share this one with you.

Secretary CHERTOFF. I actually can't read it.

Mr. GREEN. May I approach, Mr. Chairman?

Chairman THOMPSON. Please.

Mr. GREEN. In court I say Your Honor.

Chairman THOMPSON. You may approach.

Mr. GREEN. Thank you. I have checked off items 3, I believe, and 4. And I would like to as a predicate indicate that there is an adage that one must plan one's work and work one's plan and a corollary of this adage is a failure to plan is a plan to fail. Number 3 on the checkoff list which is styled, I believe, the Chertoff checkoff list, Number 3 on that list deals with the NPR, National Response Plan. And for edification purposes, there was a deadline or timeline I believe of initially June 1, 2007 that was extended to July 1st. And it is my belief that we still do not have a final National Response Plan in place. The National Response Plan is of vital importance, as you and I will agree, because it coordinates the efforts of the State, the local, the tribal governments and the private sector if we should have a dastardly deed perpetrated by some human or if we should have a national disaster comparable to Katrina, which we just celebrated the second anniversary of.

So the question that we have to embrace, Mr. Secretary, is that of the timeline and what assurance do we have that we can have a timeline that we can be assured of?

Secretary CHERTOFF. First, let me say we actually do have a national response plan in effect currently as we speak. We updated it and retooled in light of Katrina in 2006. That remains in effect. The new national response plan which we actually called the National Response Framework, we completed the draft about a month or so ago. We circulated it—this was the product of a lot of work among State and local stakeholders. We then wrote it up, circulated a draft, received comments and I expect the final version to be circulated this month. It will not immediately become effec-

tive, of course, because once you issue the plan or the framework, people have to then train to it and exercise to it and we don't want to actually do that in the middle of hurricane season. So everybody has been told if the existing NRP remains in full force and effect through this hurricane season, the new framework will come out this month and then people can train and exercise to it for next—

Mr. GREEN. If I may, Mr. Secretary, am I to assume that the end of this month, which, of course, is September, at the end of September, we will have the new plan that we were—we were indicated would occur—indicated to us would occur in July and then before that June?

Secretary CHERTOFF. Yes.

Mr. GREEN. Now, moving to another topic if I may. The TWCC cards. Some of our friends in labor have some concerns about the TWCC card. One concern is the cost, of course, and the second is who will bear the cost. But more importantly, the whole concept of one accepting the responsibility for the cost and how this will in the long run impact one's commitment made because many times we start out anticipating that we will pay an initial cost, but then other things are added on to it and what became a cost for a card becomes a cost for a number of security measures. Will the TWCC card first of all be—the ports be announced to us at any time soon, what 10 ports, and will this be just the first of many fees that will be imposed upon workers?

Secretary CHERTOFF. I don't think it will be the first of many fees. We are going to start issuing these cards beginning I think in Wilmington, Delaware this fall. We should have 10 ports done by the end of this calendar year.

Mr. GREEN. Quickly I will say this. Much is said about the southern border, but much also should be said about the northern border. The 9/11 hijackers did not come in through the southern border. The Millennium bomber did not come in through the southern border. Mr. Rexam had his foray into Europe and decided he wanted to covertly come back into the country. He did not come in through the southern border. Northern border. At some point I think we have to make it abundantly clear to the public that the southern border, while it is important, it is not the border of paramount importance to the exclusion of the northern border, to the exclusion of the Virgin Islands, which is the southernmost border.

So if you would quickly, tell me how do you plan to handle the northern border and how do we plan to let the public know as well that the northern border has a great importance to us?

Secretary CHERTOFF. I couldn't agree more. I think that we do have to be mindful of the northern border and I say that recognizing that Canadians have been great partners on law enforcement and intelligence. That is why we have been very aggressive with the Western Hemisphere Travel Initiative, to make sure we do have secure documentation for people who are coming through our ports of entry. We have put more assets up on the northern border. Now, the flow in the northern border tends not to be between the ports of entry but through the ports of entry. But we do find that—for example, I think Peace Bridge in Buffalo has the highest number of terrorist watch list hits of any land port of

entry, meaning people that we pick up and we send back. So although I think the strategy in the northern border may be a little different than the Southwest because of the flow between the ports of entry, the security concern is every bit as important. And that is why even though we get pushed back sometimes frankly from some of the communities in the north, we are insistent on continuing to raise security measures on the northern border as well.

Mr. GREEN. Thank you, Mr. Chairman. I yield back the balance of my time.

Chairman THOMPSON. Thank you very much, Mr. Secretary. Since you mentioned the Peace Bridge in Buffalo, we are going to give the lady who knows more about it than probably anybody else here, the gentlelady from New York, Mrs. Lowey, for 5 minutes.

Mrs. LOWEY. Thank you very much, Mr. Chairman. I want to as this hearing winds down express my appreciation to the chairman for holding this hearing and the fortitude of our Secretary and all of us who are here to pursue these very important issues. So I thank you very much.

Before I get to my question, which concerns FEMA and Indian Point in Westchester County—and we can talk about the Peace Bridge another time. I just wanted to review again—and I am glad that you have the to-do list, because as an appropriator, I know firsthand that all of these items on the list have been funded adequately and we are concerned that there is still critical vacancies at the Department that should not exist; two, the container security standards and procedures should be put into place immediately. There is funding for it. There has been mention by my colleague of the National Response Plan or Framework. This is really serious because as you know not only do many of the Federal agencies not have the plan, State and locals don't have a final plan. And if you are expecting them to follow certain routines, they should have the final plans. And this has been discussed. I won't go into it again. I would hope this can be concluded immediately.

Also there has been mention of the TWCC cards. I just want to say in my contact with current workers at the port they are very concerned about bureaucratic problems. They are very concerned as to the speed of an appeal process. So I think it important that we move ahead on this issue. Again, this has all been funded. And there must be a strategic plan for explosives detection at passenger screening checkpoints as required by the 9/11 bill. I am very concerned about this issue. My constituents are very concerned about this issue. Again, there has been funding for this.

And lastly, I would hope that you could properly implement the US-VISIT programs and Project 28, which has been referenced by our Chair. I don't understand why this is taking so long. But since I want to get to FEMA and Indian Point, we can discuss this at another meeting. We certainly can't complain that delay in implementing these programs is for the lack of proper funding. As you know, they have been funded.

So with regard to Indian Point, FEMA, which is under your jurisdiction of course, has a role in reviewing emergency plans for nuclear facilities. And this is of particular interest to me as an incident at the Indian Point nuclear facility located in New York metropolitan area could adversely affect 15 million people living within

50 miles of the plant. Entergy Nuclear Northeast owns and manages the plant. They missed three deadlines to provide FEMA with information to test its warning sirens. And I won't go into all of the other problems at this plant. Most recently the person in charge of the command post was found sleeping. There have been leaks, real problems there. But this is related to FEMA and the sirens. This is just unacceptable.

Last month I wrote a letter to FEMA Administrator Paulison urging an expedited review of operational data related to the emergency notification system at Indian Point after Entergy finally submitted the information. And this is just one recent example of FEMA allowing Entergy to operate a nuclear facility without adequate emergency planning. Former FEMA Director James Lee Witt, the State of New York and local emergency managers have asked FEMA not to certify Entergy's emergency plan but FEMA has inexplicably certified its response plans allowing it to continue to operate.

To me this is a failure of leadership and an utter disregard for the safety of the community. FEMA and the Nuclear Regulatory Commission should not allow a nuclear plant to operate if none of the surrounding jurisdictions have confidence in emergency response plans and if the plan has no way of warning its employees or the general public of a possible disaster.

If you can tell me, why does FEMA certify emergency response plans for a nuclear plant such as Indian Point when those charged with implementing the plant have no confidence that they will be affected?

Secretary CHERTOFF. I am going to have to take up with Administrator Paulison exactly what the sequence is with respect to Indian Point. Obviously in certifying plans, the capability of warning is an important element of the plan. I don't know how Indian Point satisfied FEMA on that point if they did. I will have to get back to you on that.

I do want to make sure, though, I make one point clear so there is no misunderstanding. There is a national response plan that is final and in effect as we speak. It is the plan that is currently in existence. The new plan which is coming out this month will not be effective immediately because we will have to train and exercise to it. But I don't want anybody in the emergency management community to be under any illusion. If tomorrow we had an event there is a national response plan which everybody has, has trained to and exercised to, and until such time as a new plan becomes effective that is the final plan that is in effect.

It is the same way as when you pass a new law, you know, the old law remains until the new law is effective. So I don't want anybody to be confused in the community out there.

Mrs. LOWEY. Well, if we can get back to FEMA, or if you'd rather get back to me on that, that would be fine.

Secretary CHERTOFF. I will on Indian Point. Let me get back to you on that.

Mrs. LOWEY. Again, on the issue of the emergency response plan, there seems to be some confusion, certainly in the reports I am getting from State and locals. So thank you for clarifying. I would hope the word can get out.

Secretary CHERTOFF. We will push that word out.

Mrs. LOWEY. One other point. On September 11th, American Airlines Flight 11 flew over Indian Point en route to the World Trade Center. And in 2002, al-Qa'ida stated that a nuclear plant was initially set as a target. In 2003, former FEMA Director James Lee Witt wrote an independent report that found major deficiencies in the emergency preparedness plans in this facility, Indian Point. That is why I have introduced legislation with my Hudson Valley colleagues that would grant DHS the authority to declare a no-fly zone over Indian Point. Now, this would extend the same authority DHS has to implement no-fly zones for special events such as the Super Bowl to nuclear facilities. It seems to me if you can do it for the Super Bowl, you can do it for the nuclear facility.

Do you consider the operations of a nuclear facility in the most popular region of the country a risk worthy of examination by DHS?

Secretary CHERTOFF. I think of all the sectors we deal with in infrastructure protection, certainly the top tier things to worry about are nuclear facilities now. A lot of that work is done through the Nuclear Regulatory Commission which we treat as the government lead on this, but we—I have had, myself and others, have conversations with the NRC leadership to make sure that in terms of issues like design and required safety measures, they are constantly upgrading what they do. Because I do agree that—although I think it would not be the easy thing to attack or destroy a nuclear plant because of the measures already in place, this is an area where the consequence is so great we need to be a little more focused than we might be on a movie theater or restaurant.

Mrs. LOWEY. Thank you very much. I thank you for your generosity and I thank you for your comments, and I look forward to continuing the discussion on the items on the checklist and your review of a potential no-fly zone over Indian Point, again which affects 15 million people in a 50-mile radius. And I thank you very much again. We are all aware of the tremendous responsibility you have, And I do hope you stay here too.

Secretary CHERTOFF. Thank you.

Mrs. LOWEY. Thank you very much.

Chairman THOMPSON. Thank you very much. I also have in my district, Mr. Chairman, an Entergy nuclear facility and I think Mrs. Lowey has kind of struck something that I would ask that you provide the committee with whatever compliance requirements that FEMA and DHS has in its authority for all of the nuclear plants we have in the country.

Secretary CHERTOFF. We will do that.

Chairman THOMPSON. Thank you. We are now yielding to the gentleman from Rhode Island for 5 minutes, Mr. Langevin.

Mr. LANGEVIN. Mr. Secretary, thank you for testifying today, for your patience. I know it has been a long morning. I know one thing is for certain, you have been waiting to get to my questions. And since I am last, I will be brief. I wanted to just say I basically agree with your philosophy that rather than trying to eliminate risk, that we need to basically try to reduce and manage it—that should be our strategy. As the chairman of the Subcommittee on Emerging Threats, Cybersecurity, Science and Technology, that has been my

philosophy. I put it in terms of identifying those clear vulnerabilities and to then moving quickly to close those gaps. It would be difficult, if not impossible to protect against every contingency. I am pleased that you touched on in your testimony two of the things that concern me right now the most, and that is the issue of nuclear weapons or nuclear material potentially being smuggled into the country, and that is why we need to have the radiation portal monitors deployed as quickly as possible, making sure that they are operational. Also you addressed the issue of cyber security. So those are the two areas that I wanted to focus on.

We have held several hearings in my subcommittee on the deployment of radiation portal monitors. I have great respect for the work that Director Oxford is doing. I have had the opportunity to travel to California. I have seen the radiation portal monitors in action. I recognize that it is vitally important that we both have the detection in place, that we can detect nuclear material if it is being smuggled into the country. Equally important, that we are not slowing down commerce or interfering with commerce. And it looks like we have a good plan in place. We are anxious, of course, to get the ASP deployed as quickly as possible, make sure that they obviously can do what they say they can do.

That is—we wanted to go with my first question. I would like to discuss the certification process of DNDO's advanced spectroscopic portal program with you. This program is important to our nuclear protection capabilities and we must be assured that the review process is conducted with the highest levels of scrutiny. While I am supportive certainly of your recent decision to have techno experts from outside DHS conduct an independent review of the ASP program, I am concerned about a few aspects. Again as chairman of the subcommittee responsible for oversight of the ASP program, let me assure you that I don't intend at all to interfere with the investigation. However, it is essential that Members of Congress have information about the members of this panel, I believe, and their backgrounds and their qualifications.

So my question and my comment would be by disclosing the makeup of the review panel, I believe you will increase the confidence the American public has in this process, as well as the committee itself. Would you please provide the committee with the list of members that make up this review panel? And if you can't provide the list now, can you assure us that you will do so by the end of the week? That is the first question.

The second thing I wanted to ask is in May I, along with members of this committee, sent a letter to GAO requesting an independent review of the ASP program prior to certification, recognizing that GAO is going to be involved at some point. I am a big believer—before we go ahead in spending an enormous amount of money, \$1.2 billion, let us hear what GAO has to say, let us dot our I's and cross our T's. As you know, we recently sent a letter to your office requesting that you consider GAO's findings in addition to the third party review that you recently convened.

So to that point, do you intend to give equal consideration to GAO's findings and those of the third party panel of experts?

Secretary CHERTOFF. First of all, I am not sure if every member of the third party panel has been selected. But as soon as they are selected, we will give you the names. I have no problem with that in the background. And I will certainly consider any findings from GAO along with the findings of the panel before I do a certification.

Mr. LANGEVIN. That is great news. By the way, for the record, we have been assured by GAO that they can do their review within a matter of weeks. We are talking in the order of 2 or 3 weeks from what they tell us. I will insist that they are held to that because, like you, I want to get this ASP equipment deployed as quickly as possible. It is the right thing to do to protect America. And I appreciate the work that you are doing.

The other thing I wanted to get to is the issue of cyber security. As you are aware, my subcommittee recently held a hearing on cyber security vulnerabilities at DHS. I was extremely disappointed at the Department of Homeland Security, the agency charged with being the lead in cyber security, had suffered so many significant security incidents on its network. In fact, DHS reported to the committee that it experienced 844 cyber security incidents in fiscal years 2005 and 2006. Those incidents are occurring everywhere. And we have heard recently that yet again forge in hackers have infiltrated the systems at the Department of Defense just like they have done at virtually every government agency. When I asked if the Department's Chief Information Officer—who I met with in my office and we had testified reports—whether he received briefings on cyber threats, DHS information networks, particularly including cyber security vulnerabilities and penetrations at the Department of Defense and Department of State, meeting with his counterparts, his response basically was that you don't know what you don't know. And the question included cyber attacks by the Chinese. That is where my question was going. I will ask you the same question. Have DHS computers ever called or phoned home to Chinese servers, number one? And have you ever requested or received intelligence briefings about Chinese hackers penetrating Federal networks? And on a scale of 1 to 10, how concerned are you about this threat? And do you think that there needs to be more aggressive oversight and leadership in departmental management specifically to address these concerns?

Secretary CHERTOFF. This is an area which is heavily intertwined with classified information. So I am limited in what I can say in this setting. Let me say this. I would say that starting earlier this year or late last year, as we were kind of looking at, you know, where we are in the Department, where we made a lot of progress, where we have progress that needs to be made in terms of our overall mission, the one significant area I was not fully comfortable with was cyber security. It is a very hard area to deal with. Since then, I and senior leaders with the Department have intensively been in discussion with other agencies in the government at a very high level about this whole issue and how we as a government as a whole can deal with it and what our strategy ought to be to pursue this, which we are currently in the process of developing, and doing it with a considerable amount of urgency. I can tell you it is an issue which receives consistent attention at the very highest levels of the United States Government. We are,

of course, at the same time dealing with the old—the separate but not unrelated issue of integrating our own IT into a one-net structure and limiting the number of entry points in different systems, which I think will be good for IT management but good from also a security standpoint. So we have now within the Directorate of National Protection and Programs centered a program office to be focused with our Cyber Security Division on how to work with other agencies to take necessary steps to increase not only the protection of government computers from intrusions, whatever the source, but also to help the private sector with that as well. And it is a matter that we are going to focus on as one of the highest priorities or the highest priority level of the Department over the next 16 months.

Mr. LANGEVIN. I think it is one of those areas that falls into the category of clear vulnerabilities and something that we need to address in an aggressive and comprehensive way. And we look forward to working with you on that issue.

Mr. Chairman, I know I have gone over my time, but since we are in the hurricane season, I have one more related to FEMA and evacuation plans if you would indulge me with additional time.

Chairman THOMPSON. The gentleman requests additional time. Granted.

Mr. LANGEVIN. Thank you, Mr. Chairman. Mr. Secretary, my only question. On August 6, 2007, my staff met with FEMA and the Office of Civil Rights—Civil Liberties regarding FEMA's plans to provide evacuation plans for special needs communities. During this meeting it was revealed the FEMA disabilities coordinator, Ms. Cindy Daniel, that I had an opportunity to meet with myself, that she has not seen a draft of the National Response Plan that has been put together by the Department. First of all, would you make sure that she has seen this plan? This is a great concern given that we are in the height of this year's hurricane season right now. Can you please tell us the status of the Department's evacuation plans for special needs communities and the status of overall efforts to assure that special needs and disabled populations are able to effectively evacuate during a major event?

Secretary CHERTOFF. First off, I will make sure if she hasn't already seen it that she sees the most recent annex draft for the new plan. We are working under the existing plan. But I will tell you this. There is probably no area of evacuation planning that gets more focused attention than the issue of special medical needs. I was just down at the Gulf last week. Starting September 1, as part of our emergency communication system, we now have capability to deliver warning messages to people with hearing impaired using modern technology on the computer. Every one of the evacuation plans has specific attention paid to the method in which people who cannot evacuate on their own because of physical impairment will be evacuated. And when we did Dean—and I was part of this personally—we sat down—not literally in the same room, but virtually in the same room—with the State of Texas talking about making sure we had adequate assets, ground ambulances, air ambulances and other transportation vehicles so we could make sure people who are disabled have an ability to evacuate or people who have special needs of any kind and if they can't be moved because

moving them would itself imperil them, to make sure there are facilities that are capable of withstanding the storm so people can shelter in place because that has to be an option as well.

So we are looking at the whole range of issues relating to special medical needs and we will continue to do that. That is a very high focus area for FEMA.

Mr. LANGEVIN. Thank you. I appreciate your answer and the attention given to this. With that, I just want to thank you for your leadership. I know you have a very difficult job to do, and I appreciate your passion and dedication to the Department and to protecting the country. Thank you.

Secretary CHERTOFF. Thank you. And I enjoy working with the committee and enjoy appearing here as well.

Mr. LANGEVIN. Thank you, Mr. Secretary.

Chairman THOMPSON. Thank you very much. We now yield 5 minutes to the gentleman from California, Mr. Lungren.

Mr. LUNGREN. Thank you very much, Mr. Chairman. And thank you for your testimony, Mr. Secretary. Sorry I had to leave, but we had a Judiciary Committee hearing on FISA, which is also rather important that we not only keep the law that we passed but that we re-enact a law in 6 months. And I know you touched on this, but I would like to get into it specifically. I was home in the district and just before that I had a teletown hall and three town halls back home. And the biggest question I have on immigration has to do with the confidence in the Federal Government that we are going to do something about securing the border. I share your objective in getting a comprehensive approach. I don't think the Senate bill in its form was what we needed, but I share your belief that we need an overall global approach to it. But we are not going to get that unless we have the confidence of the American people on security.

The one thing they kept asking me is the fence, the fence, the fence. I know there is a lot more than the fence and I argue that, but that has become a symbolic icon and in these presidential debates there is some criticism saying they have only completed 13 miles of fence and you are laying down on the job and not doing it. For the record, can you give us exactly how much fence we have, when we will have a significant amount of the fencing done, and the Congress authorized 700 miles. As I recall, it is a 1,960-mile border on the southern part. 700 miles is what we have asked for. Can you give me some figures specifically so I am not just the one giving it, I can actually say Secretary Chertoff said this is where we are and this is where we will be?

Secretary CHERTOFF. As of today, we have 120 miles of fencing and 112 miles of vehicle barriers along the southern barrier. As of the end of this month, September, we will have approximately 145 miles of fencing in place along the southern border. That is exactly what we promised to have at the end of this fiscal year. As of the end of the calendar year 2008 we will have 370 miles of fencing along the border. I can't tell you exactly what the amount of vehicle barriers will be, between 2—and 300 miles.

I should observe that just as some people are passionate about the fences as an icon, if you go to certain communities in Texas people are up in arms saying they don't want to fence. So we won't

make everybody happy. But I will say we are on track to build the fencing and the delta between the 20—120 miles currently in place and the 145 miles will be closed rapidly because we have the bollards in place along almost the entire border. We are building it close to a rate of two miles a day. So if you do the math there is about 25 miles we have to do to hit the target and we should be able to do that in about 12 to 15 days barring an act of God.

Mr. LUNGREN. When you say 120 miles of fence is that along the border? In some places it is double fencing?

Secretary CHERTOFF. Border miles covered.

Mr. LUNGREN. Okay. Secondly, with respect to the project of what I call the virtual fence, the integrated strategy, you testified before with respect to—I will use the word “disappointment,” that you couldn’t complete it at this point, you couldn’t take delivery because it wasn’t there. Are we learning things on the southern border with respect to that integrated approach that will help us on the northern border?

Secretary CHERTOFF. Yes. The reason we went forth and did it with 28 miles first is so we could really experience operationally how it worked and take those lessons and take them elsewhere. Now, obviously the exact array is going to be different depending on where you are geographically, whether the south or the north. For example, parts of the northern border are really maritime domain. So that is not going to be an issue for land based radar and things of that sort. Parts of the northern border are best really handled using unmanned aerial vehicles or air assets. And we are going to deploy those along there. There other parts of the northern border where some kind of virtual fence or, you know, we do use sensors already up there. So whatever we can do to integrate better will be helpful. But the idea is to get this right in the 28 miles and then deploy those lessons as we extend it along the other parts of the southern border and the relevant parts of the northern border.

Mr. LUNGREN. Mr. Secretary, two areas. What is the state of the cooperation you are getting from the railroad industry on enhanced security and the chemical industry?

Secretary CHERTOFF. Both have been very cooperative with us. The chemical industry I think has always been cooperative. We always worried a little bit about a few outliers, but I think the regulations we have in place now, you know, once we issue the final appendix that lists the cutoff quantities will give us the authority to police people who might not do what is in their own self-interest. So I am—I think we have made progress with both industries.

Mr. LUNGREN. Mr. Secretary, I just want to say I echo the comments of the chairman that I am pleased you made a commitment to stay through the last day of the administration. As much as I think you would be qualified to be Attorney General, I think it would be a big mistake to remove you from the position now because I have the sense that the Department of Homeland Security is moving in the right direction. You have more than gotten your sea legs, you have given it direction. We need follow-through. And I would view it as a detriment to the country if you were to be replaced there before the end of your time because we spent a lot of time treading water and I think we are now moving in the right direction, and I thank you for your service.

Secretary CHERTOFF. Thank you.

Chairman THOMPSON. Thank you very much. On a sad note, we have just been notified that a former member of this committee, the original select committee, Representative Jennifer Dunn, has passed. And as you know, Mr. Reichert replaced her when she left Congress. And in addition to that, Representative Gillmor has also passed since this hearing has started. So it has been a tough morning for a lot of us.

Mr. Secretary, we want to thank you. We agreed to 3 hours. We have met the timeline on that. You have been most gracious for giving us that 3 hours and there will be some follow-up, as you know, to the area. But I also ask unanimous consent to insert into the record the Secretary Chertoff's to-do list which we share with you.

I would also like to remind the committee that tomorrow we will be holding a hearing on what I hope will be a series of hearings on spy satellites, the homeland and related issues. We have invited the Department of Homeland Security, privacy and civil liberties experts, and the DNI to testify. I know Ranking Member King is as interested in this issue as I am and welcome his support for these hearings.

Hearing no further business, the committee stands adjourned.  
[Whereupon, at 1:04 p.m., the committee was adjourned.]

## Appendix: Additional Questions and Responses

QUESTIONS FROM THE HONORABLE BENNIE G. THOMPSON, CHAIRMAN, COMMITTEE ON  
HOMELAND SECURITY

RESPONSES FROM THE HONORABLE MICHAEL MICHAEL CHERTOFF, SECRETARY, U.S.  
DEPARTMENT OF HOMELAND SECURITY

**Question 1.:** In the 9/11 bill, the expansion of the Visa Waiver Program is closely tied to the completion of not only a biometric entry-exit system, but also an electronic travel authorization (ETA) system. The Committee has been briefed by the Department that it can have an ETA system online within 6 to 12 months, yet we have heard from industry that this timeline might be overly optimistic. **What is the current status of the ETA? Does the Department have a plan for implementing ETA and, if so, what specific steps will be taken? Which office within the Department will be responsible for its implementation? When will ETA be operational?**

**Response:** A working group was established to develop a concept of operations and project plan, and to begin the project management process for initiating development and investment. Currently, the initiative requires start up funding to cover system development costs and contracted support in the project management area. Once funding has been identified, and based on the project plan, which is already developed and which outlines the policy decisions and general requirements of the system, a Request for Proposal would be issued to solicit industry involvement in the development. Approximately 8–12 months after funding is made available, the system would be ready to begin operations. U.S. Customs and Border Protection, in cooperation and coordination with all stakeholders, will be responsible for implementation.

**Question 2.:** In May, the Department announced that it intended to implement a new biometric air exit procedure that would be incorporated into the airline check-in process. GAO has questioned the planning documents for this new process and it has not even been piloted. **How are you going to ensure that the Department will not be handing over an unfinished system to the next Administration?**

**Response:** Between January 2004 and May 2007, US–VISIT piloted biometric exit procedures at 12 airports and two seaports. The Department of Homeland Security's (DHS) final evaluation of the pilot program determined that traveler participation was low because exit procedures were not embedded in the existing travel process.

DHS plans to issue a proposed rule by the end of this year proposing to implement biometric exit procedures at air and sea ports of departure. This regulatory action will include a public comment period, and these comments will be considered as the final rule is developed. We anticipate issuance of a final rule and implementation of the exit program by December 2008, before the end of the current Administration.

**Question:** Mr. Secretary, in your testimony you state that up to 3000 National Guardsman will continue to be deployed along the southwest border. This is roughly half of what was initially deployed. While I understand that our Guard is already stretched very thin with the ongoing war, I am concerned about reports that describe Border Patrol Sector Chiefs asking for volunteers to build fences and to fill other non-frontline posts. **Can you describe how the loss of 3000 Guardsmen will affect Border Patrol operations and why we need to ask for fence builders when we are supposed to be bringing nearly 18,000 new agents online in the near future?**

**Response:** Operation Jump Start was a two year initiative to assist Border Patrol in gaining operational control of the border during a period of enhanced hiring of

agents and deployment of tactical infrastructure. New hires and the redeployment of personnel have offset any reduction in Guard personnel due to the drawdown, and approximately 3,000 additional agents are expected to be on board by the end of CY07.

The deployment of Border Patrol Agents to assist in building portions of fence was a short term deployment to overcome factors that could have prevented timely completion and address shortfalls to include weather and delays in material deliveries, and is not in relation to the OJS drawdown. These agents have been returned to border enforcement operations now that the fence building program is back on schedule. The tactical infrastructure completed by OJS and the Border Patrol's temporary augmentation will remain in place far beyond the drawdown to assist in gaining operational control of the border.

**Question: In the August/September 2007 issue of the U.S. Immigration and Customs Enforcement Update there is an article which states, "In addition to the increase in FOTs, ICE ended the practice of catch and release along the border in September 2006." Mr. Secretary, can you please clarify if catch and release has ended only the border or if DHS has ended the program in the interior?**

**Response:** ICE has effectively ended "catch and release" along the Southwest Border and Northern Border. This was accomplished by increasing efficiencies within the immigration removal process, including rapid activation of additional detention capacity, expanded use of expedited removal authority, substantial reduction in the cycle time required to remove aliens, and increased use of the Justice Prisoner and Alien Transportation System (JPATS).

In an effort to maximize detention capacity supporting the end of "catch and release," ICE has worked closely with the Department of State and foreign governments to streamline ICE repatriation efforts. ICE has made technological advances, such as Video Teleconferencing (VTC) and the Electronic Travel Document (eTD) program, available to foreign governments to facilitate their issuance of travel documents used in the removal process, further increasing the efficiency of this process, while minimizing the length of stay in detention.

In order to optimize the use of its nationwide detention capacity, ICE has created the Detention Operations Coordination Center (DOCC). The DOCC transfers detainees from field office jurisdictions with detention capacity shortages to jurisdictions with surplus capacity, thus ensuring that aliens subject to removal proceedings are not released solely due to a lack of detention space.

Generally all aliens apprehended by ICE's Office of Detention and Removal Operations (DRO) or turned over to DRO, whether at the border or in the interior of the U.S., are taken into DRO custody. Having said this, ICE must also make efforts to manage funded and available bed space in support of the DRO mission. In order to remain within funded limits, DRO must actively manage its detained population using alternatives to continued detention when appropriate.

**Question 4:** Under the SAFE Port Act, the Department was supposed to initiate a rulemaking proceeding to establish minimum standards and procedures for securing containers in transit to the United States. This rulemaking was supposed to be initiated by January 13, 2007 and the interim final rule was supposed to be completed by April 13, 2007. **This deadline was not met. Why was the Department unable to meet this mandate? When is the Department going to initiate the rulemaking?**

**Response:** On May 18, 2007, the Department of Homeland Security (DHS) notified appropriate members of the U.S. Senate and U.S. House of Representatives of its decision not to initiate a rulemaking proceeding to establish minimum standards for securing containers in transit to the United States within the mandated timeline. Although DHS readily acknowledges that the process of securing the container is a critical component of a multi-layered strategy to secure the entire supply chain, the department does not believe, at the present time, the necessary technology exists for such a comprehensive solution. Accordingly, no date to initiate a rulemaking proceeding to establish minimum standards and procedures for securing containers in transit to the United States can be established until adequate technology exists.

**Question:** Section 201 of the SAFE Port Act required a Strategic Plan to Enhance the Security of the International Supply Chain. This plan was supposed to include protocols for the expeditious resumption of the flow of trade in the event of a transportation disruption or a transportation security incident. According to GAO, the Department did not achieve success with this plan. Secretary Chertoff admitted this fact at an August 16, 2007 meeting of the Advisory Committee on Commercial Oper-

ations for U.S. Customs and Border Protection. He told COAC members that day that the final product “not a detailed plan.”

**When is the Department going to produce a detailed plan?**

**Response:** The Strategy to Enhance International Supply Chain Security, delivered to Congress on July, 13, 2006, explained how the Department’s layered strategy for cargo security operates, as well as the interplay between multiple initiatives and programs. The Department provided this information in satisfaction of Section 201 of the Act as an initial submission. The final Strategy is due for delivery to Congress in July 2010.

The plan provides overarching protocols for the prioritization of vessels and cargo, identifies incident management practices specific to trade resumption in support of the National Response Framework, and describes guidance for the redeployment of government resources and personnel. In doing so, the strategy recognizes that there exist many different types of incidents which might impact the supply chain, but that resumption itself is an “all hazards” requirement.

The U.S. Coast Guard and U.S. Customs and Border Protection are, under a joint Senior Guidance Team, developing both tactical protocols for communications with the trade, and agency-specific plans for resumption activities. Further, in keeping with the Maritime Transportation and Security Act of 2002 (MTSA), the Area Maritime Security Committees are in the process of developing resumption annexes to each of the Area Maritime Security Plans. These revisions to the area plans are being conducted within the timelines of the mandated review and update cycle, with completion scheduled for mid-2009.

**Question 6.: How much money did the Department spend on this less-than-successful document?**

**Response:** The Department expenses associated with this plan were principally in the area of staff time. A writing team of roughly 30 individuals from across the components and agencies worked on the document over the 270 days of its development. Some individuals contributed greater amounts of time than others, depending upon their organizational involvement in the subject matter. At the Department headquarters level, the project lead, who conducted the majority of the review, consolidation, and drafting work, was a U.S. Coast Guard O-5 detailee. An estimated 40% of his time over the development cycle was devoted to the project.

**Question:** According to Philip Spayd in an August 27, 2007 article in the Journal of Commerce, “many in the trade community anticipated an operational plan that would clearly set out the roles and responsibilities of government officials who would manage a trade security incident. What they received was a 128-page plan that would receive a high grade as a research project for a graduate school class in international logistics, but which lacks any operational grounding.” **What is your response to this critique?**

**Response:** While we welcome Mr. Spayd’s input, it is clear that he misinterprets the intent of the document and the requirements of the Act. The DHS Strategy to Enhance International Supply Chain Security, especially in its initial form, is intentionally a high-level strategic document. It is not a detailed plan, as detailed plans have been and are being prepared by the specific components with authority and jurisdiction over the supply chain. With respect to Mr. Spayd’s opinion that the strategy lacks operational grounding, it is worth noting that the writing team which developed the document consisted of roughly 30 individuals from the involved agencies, each with decades of field level operational experience. Their operational expertise greatly informed the process.

**Question 8.:** It has come to my attention that Colonel Velez, Acting Director of the Office of Emergency Communications is expected to resign from her post in the next couple of weeks.

**Could you please confirm if there is any truth this?**

**Who do you have in place to fill this critical post?**

**What are the specific accomplishments of the Office of Emergency Communications to date under the leadership of Colonel Velez as it related to the mandates outlined in the Post-Katrina Reform Act?**

**Response:** Col. Victoria Velez resigned from her position as Acting Director of the Office of Emergency Communications (OEC) effective on September 14, 2007. She had been on detail from the Air Force to the Department of Homeland Security (DHS) since August 2005.

A new director has been selected and will be named in the coming weeks. Currently, Mr. Michael Roskind, Deputy Director of OEC, is serving in the role of Acting Director.

Colonel Velez led the Department's efforts to stand up the OEC. Title XVIII of the Homeland Security Act, as amended, assigns OEC the critical and difficult mission of advancing interoperable and operable emergency communications through collaboration with Federal, State, local, and tribal partners.

Through Colonel Velez' efforts and the hard work of the DHS team, OEC became operational on April 1, 2007. Since that time, OEC has stayed focused on meeting its mission requirements and integrating three interoperability programs that transferred from other DHS entities: the Federal wireless programs under the Integrated Wireless Network; the Interoperable Communications Technical Assistance Program (ICTAP); and outreach, guidance, and tool development by the SAFECOM program.

Col. Velez' service to the Department and public safety community will ensure that OEC's mission will have lasting effects upon the safety and security of the Nation.

Key OEC accomplishments include:

- Worked with key OEC stakeholders at the Federal, State, and local level to identify their needs and gain a better understanding of the ever-changing interoperable communications environment—including working to bridge interoperability gaps among Federal, State, and local governments. As an administrator of external Federal wireless programs, OEC has begun establishing and implementing projects through the Federal Partnership for Interoperable Communications, a cooperative partnership of Federal, State, and local agencies with a public-safety mission, to enhance the operability and interoperability of Federal departments and agencies.
- Built relationships with our Federal, State, local, and tribal partners as part of our extensive stakeholder outreach and engagement mission. OEC participated in and supported several stakeholder forums and initiatives to promote awareness and help build consensus among Federal, State, and local entities on policy and technical issues affecting interoperable communications.
- Collaborated with the Federal Emergency Management Agency (FEMA) on establishment of the Public Safety Interoperable Communications (PSIC) Program and the Fiscal Year 2008 Homeland Security Grant Program (HSGP). Made significant progress in the area of statewide interoperability planning.
- Laid the groundwork for a partnership with FEMA and the National Telecommunications and Information Administration (NTIA) to develop a peer review process for the evaluation of the Statewide Communications Interoperability Plans (SCIPs). This process will enable States and territories to receive meaningful feedback from their peers on how to improve their interoperability planning efforts. As a result, the Department expects the SCIPs to become living documents that States and territories regularly update and enhance—not a one-time commitment that becomes “shelf-ware.”
- Coordinated the accelerated delivery of communications equipment and training services three months early to several hurricane-prone States in preparation for the 2007 hurricane season. This training addressed the use of the equipment in its designated communications planning environment, as well as the need for coordination, governance, and a regional set of standard operating procedures for communications. OEC also provided technical assistance support to 48 of 56 States and territories for their SCIPs or with the Communications Asset Survey and Mapping tool.
- Participated in the Golden Phoenix Interoperability Joint Training Event, which included participation by Los Angeles City and County multi-jurisdictional emergency responders, the California National Guard, and the Department of Defense (DOD). OEC ICTAP provided technical evaluators and planning assistance to measure and evaluate communications interoperability across the continuum of first responders, DOD, participating State and local government entities, and Non-Governmental Organizations. The event underscored the need for training opportunities among the various response groups and the challenges that might be encountered.

**Question 9.:** Section 901 of H.R. 1 says that the Department “may develop guidance or recommendations and identify best practices” to “foster action” by the private sector in order for it to be prepared for a human-made or natural disaster.

**What is the status of the guidance and recommendations?**

**How are you working with the private sector to better understand “best practices”?**

**How will these guidance and recommendations encourage the private sector to plan to recover from an event in order to resume its operations?**

**Response:** Within the Department, FEMA has been assigned the responsibility to make recommendations regarding how the Department will implement Section 901. At this stage, the Department has not decided exactly how it will develop guidance or recommendations and identify best practices as discussed in HR 1. Many of the operating elements of the Department, including FEMA, Science and Technology, Infrastructure Protection and others have extensive relations with various private sector organizations through which the Department learns and can learn about best practices for preparedness. In particular the 17 Critical Infrastructure and Key Resource Sector Councils are and will be a source of best practices.

Until the potential guidance and recommendations are created, it is premature to speculate on how they will “encourage the private sector to plan to recover from an event.” Given the vast number of mandated taskings that are called for in the 9/11 Act, we are focusing first on what we must do by certain deadlines, and then will turn our attention to suggested taskings in the 9/11 Act.

**What is the Infrastructure Data Warehouse (IDW) and how is it different from the National Asset Database (NADB)?**

**Response:** Some functions of the previously existing National Asset Database (NADB) will combine with new, advanced capabilities to form the Infrastructure Data Warehouse (IDW). Instead of a single database (the NADB), the IDW will establish a distributed IT architecture using a Service Oriented Architecture (SOA) to integrate existing data sets from Federal, State, and commercial sources through a rapid ingest capability that will improve data collection time/cost efficiencies. The SOA will virtually eliminate the need to copy and paste information from other data stores into a single DHS database (NADB) by providing the capability to link the existing data stores through a larger, virtual IT architecture. This architecture will reduce duplication of effort and improve the robustness of existing information at a lower cost, while facilitating data maintenance and verification by numerous partners and entities within the homeland security community.

The IDW will require, maintain, and publish comprehensive DHS Enterprise Architecture-compliant metadata on all data products under its control. Metadata will include detailed information on the content, provenance, context, precision, and accuracy of all data records. These records will be openly accessible to the SOA through a dynamic (live, synchronized) connection between the IDW data stores and a metadata catalog service. This service may be operated at the enterprise level or maintained locally in synchronization with approved DHS standards for federated metadata catalog resources. Role-based access controls will ensure that all appropriate records and products within IDW are transparently accessible to the entire DHS SOA user community.

**Will the National Asset Database, codified by the “Implementing Recommendations of the 9/11 Commission Act of 2007,” be used to inform the IDW? If so, to what extent?**

**Response:** The information previously maintained in the National Asset Database will be incorporated into the Service-Oriented Architecture of the Infrastructure Data Warehouse. This pre-existing information will be coupled with information collected through other means, such as the Automated Critical Asset Management System, which is used by State and local law enforcement partners, or existing Federal databases, such as the Army Corps of Engineers’ National Inventory of Dams, to offer a robust and more complete data set that all infrastructure protection and incident management personnel can use.

**The law requires that the Secretary “shall use the database established under [it] in the development and implementation of Department plans and programs as appropriate.” What is the status of the construction of the data collection guidelines, per the language of the law?**

**Response:** The Office of Infrastructure Protection’s (IP’s) Infrastructure Information Collection Division (IICD) was established to lead IP’s efforts to provide standardized, relevant, and customer-focused infrastructure information to homeland security partners. A primary focus of the division is to establish a collection-management process to identify and prioritize information requirements and drive data collection efforts. A strategic collection management process was developed in fiscal year 07 and is currently being implemented. Request for Information (RFI) templates are being used to outline customer requests for geospatial and informational products. In addition, IICD has begun working with various infrastructure protection partners to identify information requirements. This has been initiated with primary IP partners such as those that conduct risk analysis (Infrastructure Analysis and Strategy Division) and incident management (Contingency Planning and Incident Management Division). During fiscal year 2008, the coordination on RFI templates will expand to other DHS components and the Sector-Specific Agencies

(SSAs). Additionally, IP will collaborate with the SSAs to update the Infrastructure Taxonomy, which outlines the categories of infrastructure types within each of the 17 Critical Infrastructure–Key Resources sectors. This effort was initiated in 2005 and is updated annually to ensure an accurate representation and categorization of assets within the sectors.

**How will you engage State homeland security officials in order to acquire relevant and appropriate information about assets to inform the National Asset Database?**

**Response:** DHS will continue to work through the State and Territorial Homeland Security Advisors (HSAs) to conduct data calls and requests for information, which include requests to verify or validate portions of infrastructure. One such annual data call focuses on the Tier I/II effort to collaboratively work with the HSAs to identify infrastructures of highest national significance. Guidance and criteria is established to provide awareness and detailed instructions to the State and Territorial HSAs.

Additionally, HSAs can coordinate through their respective Protective Security Advisors to review the infrastructure information within the Infrastructure Data Warehouse (IDW) for accuracy and relevance. This can be done at any point, and feedback can be provided to IP to update the data store. Once the IDW is operational (Initial Operational Capability is planned for September 2008 and access is provided to the HSAs through a Web-based portal, State and local personnel will be able to access the IDW holdings directly for review and can provide recommendations for additions, deletions, and updates as needed. These recommendations will proceed through a quality control and approval workflow prior to acceptance for all users to access.

In addition to the data calls and verification and validation efforts, HSAs will also be requested to identify existing data stores that may be integrated with the IDW through the Service Oriented Architecture. This will improve information robustness and accuracy, while reducing the collection burden on Federal, State, local, and private-sector entities through more effective and efficient information sharing.

**How will you work with the Homeland Security Advisors from the States?**

**Response:** DHS will continue to work through the State and Territorial Homeland Security Advisors (HSAs) to conduct data calls and requests for information. Homeland Security Advisors will be the primary conduit to all State and territorial agencies and organizations, as well as some private-sector owner and operators. IP will work with the Department's Office of Intergovernmental Programs to help ensure proper communication and coordination with the HSAs.

Under the framework of the National Infrastructure Protection Plan (NIPP), the recently established State, Local, Territorial, and Tribal Government Coordination Council (SLTTGCC) will be a vital collaborative partner in the establishment or processes and guidelines to facilitate effective and efficient information exchange and sharing.

**How will you work with the State, Local, Tribal, and Territorial Government Coordinating Council?**

**Response:** The SLTTGCC will serve as the primary strategic level partner for IP in national-level policy and program development.

IP will also work with other State, territorial, tribal, and local organizations such as the National Governors' Association Homeland Security Advisors Council, National Sheriffs' Association, International Association of Fire Chiefs, National Association of Counties, and American Legislative Exchange Council on national level policy and programs. In working with all of these groups, IP's senior leadership recognizes that the SLTTGCC will remain the primary organization to help IP achieve the strategic goal of working collaboratively with its State, territorial, tribal, and local partners in the development and implementation of infrastructure-protection policies and programs. The SLTTGCC should serve as a means to reach back and into many of the above organizations and associations to ensure their full input and impact.

**As you know, the private sector owns and operates a large portion of critical infrastructure in this country. What methods will you use to acquire relevant information from the private sector to inform the database? How will you use the Protected Critical Infrastructure Information (PCII) Program?**

**Response:** The private-sector owners and operators have various options to enable DHS information management and collection. Information for inclusion in the Infrastructure Data Warehouse can be collected through the use of the Risk Analysis and Management for Critical Asset Protection tools, Vulnerability Identification

Self-Assessment Tool, and other National Infrastructure Protection Plan-compliant methods. This will enable users, whether private-sector owners and operators or State and local entities, to assess their infrastructure using common metrics and methods that provide comparative results within and across sectors or jurisdictions. Private sector owners and operators may also leverage their Local Law Enforcement and First Responders to collect and manage infrastructure information. DHS has made available the Automated Critical Asset Management System (ACAMS) for use by State and Locals to collect and manage infrastructure information.

Additionally, the private sector can work under the framework established by the National Infrastructure Protection Plan (NIPP) to provide information through their respective Sector Coordinating Council (SCC). The SCCs, which are made up of sector-specific private entities, associations, and owners/operators, are the primary method for private sector participation and input.

IP recognizes that information security is a vital concern. IP will continue efforts to ensure that private-sector collection tools are certified by the Protected Critical Infrastructure Information (PCII) Program Office and that, as applicable, information is designated and protected as PCII. The Automated Critical Asset Management System exemplifies this effort. This operational tool enables State and local law enforcement and first responders to collect information that can be designated and protected as PCII by DHS where applicable. The PCII program and designation system is vital to the collection of information and detailed coordination between the Federal Government and private-sector entities.

**Question 11.: What is the status of the National Infrastructure Protection Consortium? Do you have some prospective members?**

**If so, then who?**

**Response:** The Implementing Recommendations of the 9/11 Commission Act granted the Secretary the authority to establish a National Infrastructure Protection Consortium in newly enacted Section 210E(f). I have not yet exercised this authority and no action has been taken. No prospective members have been identified.

**Question: The Homeland Security Act of 2002 requires that the Department “carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks. . . .” Furthermore, the H.R. 1 requires that the Department provide Congress with “a report on the comprehensive assessments” for fiscal year 2007 and each subsequent fiscal year.**

**How effective have these comprehensive assessments been?**

**Response:** The Office of Infrastructure Protection’s (IP’s) Protective Security Coordination Division (PSCD) has developed several programs that include vulnerability assessments of critical infrastructure and key resources (CI-KR): the Site Assistance Visit (SAV) and the Comprehensive Review (CR). Both the SAV and CR examine the vulnerabilities of specific CI-KR to attack and the potential consequences of such an attack, and ultimately provide recommendations for enhancing the preparedness of the surrounding jurisdiction and the security posture of the site. As 85 percent of CI-KR throughout the Nation are privately owned and operated, IP has designed the SAV and CR programs as holistic, non-regulatory initiatives that foster interagency coordination and cooperation among Federal, State, and local governments, and private industry.

The SAV program is designed to facilitate vulnerability identification and mitigation discussions between the Government and owners and operators of CI-KR sites. SAV brings together Federal partners, State and local law enforcement, other emergency responders, and CI-KR owner/operators to conduct an “inside the fence” assessment that identifies critical assets, specific vulnerabilities, and security recommendations. Since 2003, IP has conducted 722 SAV assessments throughout all 17 CI-KR sectors.

The CR is a cooperative, regional, IP-led analysis of high-consequence CI-KR. The CR considers potential terrorist actions for an attack, the consequences of such an attack, and the integrated preparedness and response capabilities of the owner/operator, State and local law enforcement, and emergency response organizations. The results are used to enhance the overall security posture of the facilities, their surrounding communities, and the geographic region using short-term improvements and long-term risk-based investments in training, processes, procedures, equipment, and resources for the community. In July 2007, IP completed Chemical Sector CRs for six regions throughout the Nation. The regions selected have significant concentrations of high-consequence chemical facilities. Additionally, in September 2007, IP completed Nuclear Sector CRs for all 65 of our Nation’s commercial nuclear

power plants. Currently, IP is planning and developing the California Water Project CR, the first system approach to a comprehensive assessment.

The SAVs and CRs have been effective in identifying vulnerabilities of the Nation's CI-KR and improving the security and preparedness posture of the surrounding jurisdiction. The effectiveness of these assessments is contingent upon the collaboration of Federal, State, local, and private-sector owner/operators to identify vulnerabilities, capabilities, and potential consequences, and to provide collective protective measures to secure the Nation's CI-KR. Furthermore, the information captured in SAVs is used to publish sector-based Common Vulnerabilities (CV), Potential Indicators of Terrorist Activity (PI), and Protective Measures (PM) reports. These reports help owners and operators detect and prevent terrorist attacks. CV reports provide insight into the common characteristics, general vulnerabilities, and likely consequences of an attack for representative facilities in a given sector. PI reports identify possible signs of an attack to better facilitate early detection, reporting, and prevention of terrorist activities on a sector-by-sector basis. PM reports describe likely terrorist objectives, methods of attack, and corresponding protective measures and their implementation in accordance with the Homeland Security Advisory System, on a sector-by-sector basis. All of these reports are available for use by law enforcement, security professionals, and asset owners and operators upon request.

Additionally, the Department of Homeland Security (DHS) has aligned SAVs and CRs with the Buffer Zone Protection Program (BZPP). Results of the SAVs and CRs provide substantive justification for the distribution of BZPP grant funding, as BZPP grant money is provided to mitigate specific vulnerabilities identified during SAVs and CRs.

**Who has carried them out?**

SAVs are conducted by IP and tailored to meet unique requirements of each CI-KR, such as the scope of the assessment, State and local involvement, and other requirements from the owner/operator. IP uses a combination of Federal employees with contract support to conduct these assessments. Generally, a SAV team consists of a Federal team lead, assault planner/physical security specialist, and systems/interdependency specialists.

The core Federal team tasked to conduct CRs consists of representatives from the Federal agencies responsible for security and response efforts of CI-KR. The team composition is contingent upon the unique attributes of each CI-KR sector and the assets located in the CR footprint. For example, the inter-agency teams for the Nuclear and Chemical sector CRs included representatives from IP, the State, the Chemical and Nuclear Sector-Specific Agencies, United States Coast Guard, Federal Bureau of Investigation, Nuclear Regulatory Commission, Transportation Security Administration, industry-based Sector Coordinating Councils, and the Federal Emergency Management Agency's National Preparedness Directorate. IP is currently coordinating a multi-agency CR team for the California Water Project CR.

**To what extent are you receiving cooperation from the private sector and State and local governments?**

Private-sector and State and local government partners have been integral in IP's CI-KR assessment activities. Because SAVs and CRs are voluntary, non-regulatory assessments, the cooperation of the private sector and the integrated efforts of the Government are essential components of these programs. SAVs are conducted at the request of the owner/operator or DHS and typically incorporate law enforcement and other first responders. Many SAVs have brought together owners/operators and emergency responders who have had little to no interaction prior to the assessment. The SAV also provides an avenue for open communication among Federal, State, local, and private industry security partners, providing the foundation for integrating efforts in the protection of CI-KR. CRs require extensive coordination among Federal, State, and local governments, the Sector Coordinating Councils, Sector-Specific Agencies, and numerous private sector owner/operators.

**How have you attempted to encourage their involvement? What difficulties have you found and what measures have you taken to eliminate those difficulties?**

The effectiveness of all IP programs is contingent upon the collaboration of Federal, State, local, and private-sector owner/operators to identify vulnerabilities, capabilities, and potential consequences, and to provide collective protective measures to secure the Nation's CI-KR. Such collaboration and cooperation is essential, as IP vulnerability assessments are not required; rather, these assessments are conducted on a voluntary basis. Significant portions of the most high-consequence CI-KR Sectors are regulated by other organizations that have the capability to impose addi-

tional requirements or penalties upon these sites. For this reason, the private sector has been (at times) reluctant to host DHS-led assessments.

IP has 68 Protective Security Advisors (PSAs) deployed across the Nation, covering 60 districts. IP PSAs work daily to establish relationships with Federal, State, local, and private-sector partners, and discuss information sharing, coordination, collaboration, and IP programs—including comprehensive assessments of CI-KR. PSAs have been deployed to represent DHS at the Federal, State, territorial, local, and tribal levels, serving as the Department's onsite critical infrastructure and vulnerability assessment specialists, and as vital channels of communication among DHS officials and private-sector owners and operators of CI-KR assets.

As a result of their locations throughout the United States, PSAs are often the first Department personnel to respond to incidents. Consequently, PSAs are uniquely able to provide early situational awareness to DHS and IP leadership during an incident, often performing duties as the Infrastructure Liaison at the Joint Field Office in support of the Principal Federal Official. PSAs also coordinate requests from CI-KR asset owners and operators for services and resources, including training, SAV scheduling, Buffer Zone Plans, CRs, and verification and technical assistance visits.

Because information sharing is voluntary, the Protected Critical Infrastructure Information (PCII) Program, also within IP, is designed to encourage private industry to share its sensitive security-related business information with the Federal Government. PCII is an information-protection tool that facilitates information sharing between the Government and the private sector. DHS and other Federal, State and local analysts use PCII in pursuit of a more secure homeland, focusing primarily on:

- Analyzing and securing critical infrastructure and protected systems;
- Identifying vulnerabilities and developing risk assessments; and
- Enhancing recovery preparedness measures.

If the information submitted satisfies the requirements of the Critical Infrastructure Information Act of 2002, it is protected from public disclosure under the Freedom of Information Act and State and local disclosure laws. The information is also protected from use in civil litigation.

**Given that the private sector has not provided you a lot of information regarding its assets, do you feel that these comprehensive assessments adequately assess the vulnerabilities of the key resources and critical infrastructure of the United States?**

Because 85 percent of CI-KR throughout the Nation are privately owned and operated, DHS/IP has designed the SAV and CR programs as holistic, non-regulatory initiatives that foster interagency coordination and cooperation among Federal, State, and local governments, and private industry. DHS/IP believes that these assessments provide significant value to private sector owner and operators. The findings of IP assessments have been used as short-term improvements and long-term risk-based investments, helping secure our Nation's CI-KR.

**Question 13.:** Mr. Secretary: The tragic events of September 11, 2001, the Madrid and London bombings, and Hurricane Katrina each demonstrated the need to not only protect against different types of hazards, but to also prepare to recover from such events. In fact, the private sector and local levels of government have been encouraging the Department to broaden its focus from protection and prevention to recovery and continuity planning. You, too, Mr. Secretary appeared to pick up on this theme during a speech at the Center for Risk and Economic Analysis of Terrorism Events in Los Angeles on July 20, 2007. When speaking about the Strategy to Enhance International Supply Chain Security, you said that "... importantly, [the strategy] specifically focuses on resumption of trade following an incident." Unfortunately, though, this theme of "resumption" following an incident does not seem to manifest itself in many other areas of DHS planning. For instance, it does not appear to be a strong theme in the 17 Sector-Specific Plans that were released under the National Infrastructure Protection Plan earlier this year.

**How has DHS been encouraging the private and public sectors to focus on the resumption of operations following an incident rather than only focusing on protection and prevention?**

**Response:** The protective programs for CI-KR identified in the National Infrastructure Protection Plan (NIPP) and the Sector Specific Plans (SSPs) may include actions that mitigate the consequences of an attack or incident, such as recovery. Actions under these plans are focused on the following aspects of preparedness:

- Mitigate: Lessen the potential impacts of an attack, natural disaster, or accident by introducing system redundancy and resiliency, reducing asset dependency, or isolating downstream assets;

- Respond: Activities designed to enable rapid reaction and emergency response to an incident, such as conducting exercises and having adequate crisis response plans, training, and equipment; and
- Recover: Allow businesses and government organizations to resume operations quickly and efficiently, such as using comprehensive mission and business continuity plans that have been developed through prior planning.

As a specific example of addressing recovery for CI-KR, DHS released the “Pandemic Influenza Preparedness, Response, and Recovery Guide for Critical Infrastructure and Key Resources” in September 2006 as part of the Department’s pandemic preparedness strategy. The guide supports the efforts of the public—and private-sector CI-KR community to develop and execute their essential pandemic contingency plans and preparedness actions. Working closely with its private-sector partners, DHS designed the guide based on the principle that disaster planning and preparedness is a fundamental requirement of good business practice. All organizations must ensure that the capability exists to continue essential operations in response to potential operational interruptions, including a pandemic influenza.

The compounded effects of health impact assumptions, proposed disease mitigation strategies, extended duration, and resultant implications for all businesses place a severe pandemic at the extreme end of a disaster continuum. Pandemic influenza has the potential to cause levels of global illness, death, economic disruption, and social disturbance like no other. To date, business continuity plans have integrated most of the known disaster scenarios but, until recently, have generally not included a pandemic influenza. The CI-KR Pandemic Guide recommends an exhaustive review of all existing continuity of operations (COOP) plans to update and address the specific impacts and implications for pandemic influenza, including updates to address the extreme case, called a Continuity of Operations Plan-Essential (COP-E).

DHS designed COP-E as an extension and refinement of current business contingency and COOP planning that fully exploits existing efforts and integrates them within the suite of business disaster plans. The COP-E process assumes severe pandemic-specific impacts to enhance and complement existing business continuity plans. COP-E integrates the additional actions needed to identify and prioritize essential functions, people, and material within the business, across business sectors, and as important for the community and the Nation. It highlights actions and options to protect and sustain these at each pandemic phase from preparation to recovery. In addition, COP-E incorporates a measured approach for “survival” and recovery of operations under distinct COP-E scenarios.

COP-E planning assumes a major disaster of national significance, like a pandemic, cascades into a national and international catastrophe. It assumes planning for degrees of “essential” operational requirements based upon a dramatically worsening situation and the need to sustain not only the business but also the community and the Nation. Thus, the scale and scope of the impacts and possible outcomes demand a dedicated level of effort, investment, and planning beyond typical business continuity planning. COP-E expands initial business continuity plans to create an agile, actionable plan for responding to and recovering from a potential catastrophic failure on a national or international scale. COP-E scenarios provide business planners a broad yet detailed perspective within which to develop graduated response and recovery actions. COP-E assists planners in prioritizing their actions and costs in a measured fashion, and it prepares them for the rapid adjustments necessary as pandemic impacts evolve.

**In particular, how has DHS used the Sector Partnership Framework to encourage continuity planning in the aftermath of a disaster in order for systems and assets to be up and running as soon as possible?**

The Sector Partnership Framework is used to achieve the underlying goal of the National Infrastructure Protection Plan (NIPP): to build a safer, more secure, and more resilient America. To accomplish this, the Department of Homeland Security (DHS) is working with our sector partners to implement a long-term risk-management program. This program includes efforts to encourage continuity planning to ensure the resiliency of CI-KR against known threats and hazards in addition to planning for rapid CI-KR restoration and recovery for those events that are not preventable. Collaborative work using the sector partnership is evident in the creation of the Sector Specific Plans and the National Response Framework, both of which address the issue of resiliency.

Specifically, for example, DHS is currently following up on the CI-KR Pandemic Guide by working with each of the 17 CI-KR sectors to develop Sector-Specific Pandemic Guidelines and workshops for the owners and operators throughout each of the critical infrastructure sectors. Each of the guidelines, which will act as annexes to the main guide, will be developed and endorsed by the sectors themselves. Each

Sector Coordinating Council (SCC) and Government Coordinating Council (GCC) will have many opportunities to comment upon and edit the guidelines during their development. Eventually, each SCC and GCC will be asked to endorse the guidelines. The guidelines are designed not only to plan for the impacts of a severe pandemic outbreak but also to prepare companies and organizations to continue providing their essential products and services throughout a pandemic and its aftermath. The guidelines will outline the seven major areas of vulnerability the sectors face and provide actions, supporting actions, and questions to consider in determining the appropriate strategies to employ to recover from a pandemic outbreak.

**How has the Strategy to Enhance International Supply Chain Security encouraged stakeholders to focus on resuming operations in the aftermath of an incident?**

The Strategy to Enhance International Supply Chain Security was developed in response to Sections 201 and 202 of the Security and Accountability For Every Port Act and was released in July 2007. It is set within a framework of other national strategies including the National Security Strategy, the National Strategy for Homeland Security, the National Strategy for Maritime Security, the National Response Plan/Framework, the National Infrastructure Protection Plan, the National Maritime Transportation Security Plan, and other strategic plans. As a Department of Homeland Security (DHS) strategy, it does not replace these documents; rather, it seeks to harmonize their goals into a multi-layered, unified approach for further development by Department components.

Although DHS was the lead Department for the development of the strategy, its successful implementation is dependent on stakeholders from across the Federal Government, State and local governments, foreign governments and the private sector. Components of the Maritime Government Coordinating Council (GCC) were large contributors to the drafting of the strategy, specifically Customs and Border Protection and the United States Coast Guard. Coordination between Federal agencies and the private sector is essential, and work continues among all Sector Coordinating Councils and GCCs to address issues of prevention, protection, response, and recovery.

Question 14: A new school year has recently started. As the former North Carolina schools superintendent, I know that taking care of our children while at school is a top priority for educators across the country, and they are doing a great job of making our schools safe and secure. However, vigilance is a continuous process and requires knowledge and resources. Last May, this Committee held a Full Committee hearing on "Protecting our Schools: Federal Efforts to Strengthen Community Preparedness and Response." In this hearing and in a GAO report I requested with the Chairman, we discovered a lack of coordination by the Federal Government to streamline programs and grants to help schools develop and implement emergency management plans. You and I have spoken before about what the Department is doing to get information to schools on security and preparedness, and about the need for Federal funding to help communities enhance school security.

I know you have worked with the Department of Education to develop a web-based clearinghouse, but would like to hear more about how you will make sure the most relevant and up-to-date information is available to schools. School children are at school the majority of the day, and are among our most vulnerable citizens in the event of an emergency. **What steps is the Department taking to ensure that first responders and school administrators are working together to develop emergency management plans and that school administrators get the resources they need to implement these plans?**

In your testimony, you speak about changes at FEMA that make it a more nimble and better equipped organization, with ten regional offices that work directly with state and local emergency management communities. **How do you plan to raise awareness of school preparedness within this new structure? Can you give some examples of regional initiatives that incorporate schools in their "management communities" through direct interaction or planning?**

**Response:** FEMA has a number of ways to support State and local efforts to address school preparedness issues including its Citizen Corps Programs, the Emergency Management Institute training programs, and the support provided by its Homeland Security Grant Programs. The Citizen Corps Program, for example, is a Federal initiative that helps coordinate State and local Citizen Corps Councils. Sponsored by local government, and typically involving local emergency management agencies, Citizen Corps Councils bring together representatives from public and private sector community groups—including schools—to identify priorities, integrate resources, and learn about and practice response skills. More than 2,200 Citizen Corps Councils are active across the country, with groups in every State and

U.S. Territory. It must be understood that the efforts to support school preparedness are based on the priorities established at the State and local level for the use of the resources available to them.

Preparing and securing school communities—faculty, staff, students, parents, visitors, and academic facilities—is a critical part of Citizen Corps' mission. The Councils' school representatives play key roles of integrating school emergency plans with community plans, coordinating alert systems, and helping the academic community learn about and exercise disaster preparedness.

In addition to helping schools get involved in local preparedness plans, Citizen Corps also has several national initiatives and local-led initiatives that address school issues.

On the national level, Citizen Corps has partnered with the U.S. Department of Education to enhance the relationship between schools and Citizen Corps Councils. The Department of Education is one of Citizen Corps' 25 national affiliates that expand the number of emergency responders and nongovernmental resources and materials available to States and local communities. In an effort to enhance public alerts and warnings for schools, one national initiative distributed about 97,000 National Oceanic and Atmospheric Administration (NOAA) Public Alert Radios to all K–12 public schools in 2005 and 2006. The “America is Safer when our Schools are Safer” NOAA Public Alert Radio Distribution Program is a collaborative effort of NOAA at the Department of Commerce, FEMA's Citizen Corps at the Department of Homeland Security, the Department of Health and Human Services, and the Department of Education. In cooperation with Citizen Corps, the Department of Education, and Department of Health and Human Services, NOAA maintains a radio distribution website with resources and tools to connect schools, emergency managers, and Citizen Corps Councils. The website's materials encourage Citizen Corps Councils to work with their local schools and school administrative officials, and encourage schools to take an active role in their community's alerts and warnings systems and emergency operations planning.

Citizen Corps and the Department of Education also collaborate on preparedness resource materials for emergency managers and schools. Citizen Corps, for example, has provided presentations for the Department of Education at national conferences and meetings. This fall, Citizen Corps and the Department of Education were featured on the Department of Homeland Security's Town Hall Meeting on School Preparedness Webinar. The webinar, designed for schools and emergency personnel across the country, highlighted resources for schools from several agencies: the Department of Education's Office for Safe and Drug-Free Schools offered educational materials and grant programs for school preparedness; FEMA's National Preparedness Directorate offered ways to tap into the Homeland Security Grant Program; FEMA's Emergency Management Institute highlighted free training available to schools for emergency preparedness; and the Citizen Corps Program discussed the importance of school participation on Citizen Corps Councils.

Many programs are organized at the State and local level. Through the Citizen Corps national affiliates program, those State and local efforts are able to partner with national organizations that offer a number of services, including public education, outreach, and training; representation for volunteers interested in helping to make their community safer; and volunteer service opportunities to support first responders, disaster relief activities, and community safety efforts. Many Citizen Corps affiliates provide age- and grade-appropriate preparedness curricula for schools. For example, the Home Safety Council's Get Ready with Freddie and Literacy Project introduces children to the importance of both safety and reading; Operation Hope introduces students, teachers, and parents to the importance of financial preparedness and banking basics; and the Red Cross' “Masters of Disaster” and First Aid programs teach students how to prepare for, respond to, and recover from a disaster.

Schools also may access resources to learn about grant funding. Citizen Corps continues to build partnerships with school representatives to participate in coordinated State, Urban Area, and local efforts to apply for community preparedness funding through Citizen Corps and other grant programs. It is important for school administrators to recognize that school participation on Citizen Corps Councils helps “leverage” grant funding for school and community preparedness. At the State level, school administrators and State Citizen Corps Programs have worked together on funding initiatives in schools. One such example includes the facilitation of Teen Community Emergency Response Team (CERT) Train the Trainer courses.

Administered by DHS, the CERT program educates people about disaster preparedness and trains them in basic disaster response skills, such as fire safety, light search and rescue, and disaster medical operations. Using their training, CERT members assist others in their neighborhoods and workplaces following events, and

they take more active overall roles in preparing their communities. In addition to Teen CERT, this program has expanded in recent years to include Campus CERT, which offers CERT training to America's teenagers and young adults.

At the local level, schools and local emergency managers and/or Citizen Corps Council leaders have collaborated on preparedness outreach efforts to include students, parents, and faculty. Some examples are:

- **DeSoto County, Mississippi, and the State of Mississippi:** The State of Mississippi has made working with schools a priority for its Citizen Corps Program. In DeSoto County, emergency management officers work with the local school system on emergency planning and provide CERT training to school faculty. Also in DeSoto, Citizen Corps volunteers and professional responders help schools develop emergency plans according to the hazards they face and design exercises to test the plans. Statewide, the Mississippi Citizen Corps Council has focused on the delivery of CERT training for educators in elementary and secondary schools, as well as universities and colleges. Last year, DeSoto's Citizen Corps Council began providing CERT training to faculty at all 26 elementary and secondary schools in the district.
- **Eugene, Oregon, Police Department:** Through the department's School Resource Team, police officers volunteer to mentor students by having lunch with them, assist with crime prevention class presentations and development of social skills classes, tutor students in after school homework clubs, and interact with students, staff, and administrators.
- **Hillsborough County School Board (Tampa, Florida) and Sarasota County School District's North Port High School (North Port, Florida):** The Hillsborough County School Board and North Port High School offer CERT training to students, teachers, and safety professionals. They are currently offering basic CERT training, as well as advanced/refresher training in Terrorism, Fire Scene Rehab Support, Mass Casualty Scenarios, and Bio-readiness for Safety Professionals. Hillsborough County is on track to train 150 students and Sarasota County plans on training 300 participants.

Four Citizen Corps Partner Programs may be of interest to local schools, first responders and others who are interested in education, training, and preparedness activities for the community:

- **An expanded Neighborhood Watch Program (NWP)** incorporates terrorism awareness education into its existing crime prevention mission, while also serving as a way to bring together residents to focus on emergency preparedness and emergency response training. Funded by the Department of Justice, Neighborhood Watch is administered by the National Sheriffs' Association.
- **The Medical Reserve Corps (MRC)** program strengthens communities by helping medical, public health, and other volunteers offer their expertise throughout the year as well as during local emergencies and other times of community need. MRC volunteers work in coordination with existing local emergency response programs and also supplement existing community public health initiatives, such as outreach and prevention, immunization programs, blood drives, case management, care planning, and other efforts. The MRC program is administered by the U.S. Department of Health and Human Services.
- **Volunteers in Police Service (VIPS)** works to enhance the capacity of State and local law enforcement to engage volunteers. VIPS serves as a gateway to information for and about law enforcement volunteer programs, including programs geared toward young people. For example, VIPS has produced a 10-minute video on "Engaging Youth through Volunteerism." VIPS also sponsors a Police Explorers program for teens and young adults ages 15 to 21.
- **The Fire Corps** promotes the use of citizen advocates to enhance the capacity of resource-constrained fire and rescue departments at all levels: volunteer, combination, and career. Citizen advocates assist local fire departments in a range of activities including fire safety outreach, youth programs such as its Explorers program, and administrative support. Fire Corps provides resources to help fire and rescue departments create opportunities for citizen advocates and promote citizen participation. Fire Corps is funded through DHS and is managed and implemented through a partnership among the National Volunteer Fire Council, the International Association of Fire Fighters, and the International Association of Fire Chiefs.

