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THE PRESIDENT'S FISCAL YEAR 2012 BUDGET REQUEST FOR THE DEPARTMENT OF HOMELAND SECURITY

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

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CONTENTS

Page

STATEMENTS

The Honorable Peter T. King, a Representative in Congress From the State of New York, and Chairman, Committee on Homeland Security 1
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Ranking Member, Committee on Homeland Security 2
The Honorable Blake Farenthold, a Representative in Congress From the State of Texas:
Prepared Statement 3
The Honorable Laura Richardson, a Representative in Congress From the State of California:
Prepared Statement 4

WITNESSES

Hon. Janet Napolitano, Secretary, Department of Homeland Security:
Oral Statement 5
Prepared Statement 7

APPENDIX

Questions From Chairman Peter T. King 47
Questions From Honorable Blake Farenthold 52
Questions From Honorable Laura Richardson 54

THE PRESIDENT'S FISCAL YEAR 2012 BUDGET REQUEST FOR THE DEPARTMENT OF HOMELAND SECURITY

Thursday, March 3, 2011

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

The committee met, pursuant to call, at 9:32 a.m., in Room 311, Cannon House Office Building, Hon. Peter T. King [Chairman of the committee] presiding.

Present: Representatives King, Lungren, Rogers, McCaul, Bilirakis, Miller, Walberg, Cravaack, Meehan, Quayle, Rigell, Long, Duncan, Farenthold, Brooks, Thompson, Sanchez, Jackson Lee, Cuellar, Clarke of New York, Richardson, Davis, Richmond, Clarke of Michigan, and Keating.

Chairman KING [presiding]. The Committee on Homeland Security will come to order.

The committee is meeting today to hear testimony from Secretary Janet Napolitano relating to the President's fiscal year 2012 budget request for the Department of Homeland Security.

I would advise the Members that the Secretary's office has notified us in advance that she has a commitment to be at the White House, and she must leave the hearing before noon. In fairness to the Secretary, she has rearranged her schedule to be here today, because we had to cancel out 2 weeks ago when we had a whole series of votes on the floor all day.

So, Secretary, I want to thank you for adjusting your schedule for us. We will certainly have the hearing done in time for you to be at the White House.

Today's hearing is, as I said, to address the President's budget for 2012. In a time of budget restraint and cuts have to be made, I actually commend the Secretary for putting forth a budget which I believe, while obviously we have certainly disagreements with it, is very much on target and is trying to accommodate the needs for cuts and also to protect our Nation.

We saw just last week the importance of this, when we saw the arrest of Aldawsari, a Saudi Arabia national in Texas. This was another reminder of how serious the threat to our Nation is.

Secretary, in your appearance here on February 9, you said that our Nation is at its highest level of terrorist threat since September 11, 2001, and that is why to me we have to always equate Homeland Security with National security. Whatever money can be saved as far as programs and grants, et cetera, would be offset im-

mediately, if we should see a successful attack launched in the United States. Apart from the tragic loss of human life, the devastating impact on our economy would be there as well.

I am not going to make a full 5-minute statement, because I think it is important to get on, but I would say in view of the threats against the country and the deficit crisis we face, if you would in the course of your testimony specifically address why you make certain cuts, why you kept certain programs going forward as they are, how you think that does accommodate the threats that we face.

For instance, you and I have discussed the issue of dirty bomb attacks over the years, and I certainly commend the Secretary for including the Secure the Cities initiative in the budget, which will affect cities across our Nation.

Also, a concern I do have, though, is the cuts that were made as far as border protection in your budget—also in the Republican budget, so I am not trying to make a partisan issue here. But do you think that considering the importance we have attached to border security in recent years, whether or not there is sufficient funding in your budget to secure the border and to go forward with some of the significant movements that have been made under your watch?

Also, the whole issue of the Saudi national who was arrested last week—do you feel that more should be done with visa analysis? I know the State Department is involved in that, but also, obviously, the Department of Homeland Security is involved as well with the large numbers of foreign students in our country. We do try to encourage that, but at the same time, should there be more of a level of surveillance, more of a level of scrutiny when they are coming into the country, to try to avoid the situations we saw last week?

In closing, of course, we have to express our thoughts and prayers to the family of the ICE agent, Jaime Zapata, who was murdered, killed several weeks ago, as well as his partner, Victor Avila. I just want you to know that on both sides of the aisle the committee, obviously, our thoughts and prayers go out to them.

I look forward to the testimony today. As I said, I know the tough job you have. Whether or not we always agree, there is no doubt of your commitments and I think that the good-faith efforts that are made in this budget is an example of that, and I hope we can have an honest dialogue as we go forward.

With that, I yield back the balance of my time and I recognize the Ranking Member of the committee, the gentleman from Mississippi, Mr. Thompson.

Mr. THOMPSON. Thank you very much Mr. Chairman and today, as you know, we are here to receive testimony from Secretary Napolitano about the DHS budget request for fiscal year 2012.

While I am keenly interested in the programs and plans that the Secretary has in mind for the next fiscal year, there are two potentially devastating developments outside this budget request that demand attention.

First, we have the matter of the fiscal year 2011 budget. The 112th Congress has not produced any of the 12 appropriations bills needed to fund the Government. Instead, to keep the Government operating, the House leadership has chosen to kick the can down

the road with continuing resolution after continuing resolution. H.R. 1 as approved by the House would reduce funding for the Department of Homeland Security by $1.1 billion, or 3 percent, in the middle of the fiscal year.

My colleagues on the other side of the aisle have consistently emphasized the business community's need for predictability and certainty. Yet the same principle does not seem to extend to the public sector and the operations of Government. Surely, DHS has a right to expect some predictability and certainty as it pursues its counterterrorism and homeland security activities.

Turning to my second concern, there is a very real threat that the funding for DHS operations for the next fiscal year 2012 will plunge to 2006 levels. My staff provided an analysis for how DHS' fiscal year 2012 budget would be negatively impacted by H.R. 408, the bill put forward by the Republican Study Committee.

The picture it presents is potentially devastating to the Department. DHS' budget would be cut by $10.7 billion. This proposal would mean that Customs and Border Protection would lose $3 billion. Over 8,200 Border Patrol agents or 2,800 CBP officers will have to go. So much for operational control.

It would also require that the Federal Air Marshal's budget be cut by 20 percent, jeopardizing the security of the flying public. Our efforts to address one of the Nation's greatest threats, cyber attacks from rogue nations, terrorists, and lone wolf activists, would be severely hampered also. NPPD, the home of DHS' cybersecurity operations, would be cut by $275 million.

The Coast Guard, which protects our Nation's waterways, rescues boaters in distress and was the first to respond to the Deepwater Horizon oil spill, will have to eliminate over 2,700 positions. The list goes on and on. I invite those who have an interest in this analysis to go to my committee's website.

Madam Secretary, we all have a stake in DHS getting the resources it needs to keep the homeland secure.

The President also recognizes the importance of DHS' role. Even in these austerity budgetary times, under the President's budget, DHS will receive a slight increase. That said, I do have some questions about the proposal to make significant cuts for first responder grants. I also want to hear from you about the proposed cuts in University Programs.

Before I yield back, I would like to note for the record my deep concern that H.R. 1, the continuing resolution approved by the House could create the kind of budgetary sinkhole that will swallow many of the quality proposals that you are here to present.

I yield back.

Chairman KING. Thank you, Ranking Member.

[The statement of Hons. Farenthold and Richardson follow:]

PREPARED STATEMENT OF HON. BLAKE FARENTHOLD

Thank you, Mr. Chairman and welcome Secretary Napolitano.

As we are all aware, a porous U.S.-Mexico border poses one of the greatest threats to all Americans in terms of crime and terrorism. Safeguarding the U.S. Southern border is one of the most complex and demanding homeland security challenges. Texas alone shares a 1,254-mile international border with Mexico—64 percent of the U.S.-Mexico frontier.

Texas' immediate proximity to Mexico poses security challenges related to criminal elements that are based in Mexico but who focus their criminal efforts in the

United States—principally Mexican cartels and gangs. These Mexican organized crime cartels and gangs exploit the porous border to smuggle drugs and humans into the United States. Organized criminals such as the Texas Mexican Mafia, the Texas Syndicate, and Los Zetas have increasingly been linked to acts of violence in both Mexico and the United States. Violence in northern Mexico has been on the rise as cartels become more powerful, and a significant law enforcement presence along the border is critical to prevent spillover violence.

Recently, two immigration and Custom Enforcement (ICE) Officers were shot while working in Mexico. Special Agent Special Agent Victor Avila was shot twice in the leg and is still recovering. Tragically Special Agent Jaime Zapata was fatally wounded during the attack. We have also witnessed the tragic murder of David Hartley who was murdered by pirates while jet skiing on Falcon Lake which straddles the United States and Mexico.

In addition to Mexico's domestic criminals, a porous U.S.-Mexico border presents an opportunity for terrorists to enter the United States undetected. Since March 2006, 739 special interest aliens from countries with known terrorist presence have been apprehended crossing illegally into Texas. On January 27, U.S. Border Patrol agents arrested Said Jaziri, a controversial Muslim cleric who was deported from Canada to Tunisia 3 years ago and was caught trying to sneak into California while hiding in the trunk of a car.

Madame Secretary, I look forward to hearing your testimony in regards to the Department's strategic goals, performance objectives, and overall priorities on how to secure the U.S. Southern border as reflected in the President's fiscal year 2012 budget request.

PREPARED STATEMENT OF HON. LAURA RICHARDSON

FEBRUARY 17, 2011

I would like to thank Chairman King and Ranking Member Thompson for holding this hearing today on reviewing the President's fiscal year 2012 budget request for the Department of Homeland Security. I also thank Secretary Napolitano for appearing before the committee today, and I look forward to hearing your testimony.

I appreciate the cooperation that the Department of Homeland Security has given to this committee, and I would be remiss if I didn't thank you, Secretary Napolitano for your leadership at the Department of Homeland Security. You have been very proactive in combating potential threats against our Nation.

The 37th Congressional District of California, which I am privileged to represent, has a vital interest in ensuring our homeland security needs are adequately funded. My district is located in Southern California, which is no stranger to natural disasters ranging from earthquakes to mudslides to wildfires. The 37th district is also home to many high-value terrorist targets, such as the Port of Long Beach, oil refineries, gas treatment facilities, and petro chemical facilities.

I was pleased to see that the President's fiscal year 2012 budget increased funds for border security, and also invests in advanced screening technologies in our Nation's airports. The President's budget also helps defend our Federal networks against cyber-threats and attacks. I also support the increased funding to the Coast Guard for the construction of the Fast Response Cutters and Maritime Patrol Aircraft.

I am concerned that the President's budget seeks to eliminate the Emergency Operations Centers operated by FEMA. With the Port of Long Beach, the city of Los Angeles, various chemical and petroleum facilities, a centralized emergency response center would be vital to my district and the surrounding communities. I hope that we can work to restore funding and I look forward to working with DHS and my colleagues on possible solutions to address cutting funding for this essential program.

Additionally, the proposed cuts in H.R. 1 would have a devastating impact on our Nation's critical emergency response programs. Specifically, the proposed cuts would have eliminated funding for the SAFER program and would have reduced funding for the critical FIRE program by $90 million. By introducing such draconian cuts, these proposals could jeopardize our Nation's first responders and firefighters and substantially hinder our National emergency response infrastructure. I look forward to working with my colleagues and the Department of Homeland Security on these very important issues.

Once again Mr. Chairman, I thank you for holding this hearing and I yield back the balance of my time.

Chairman KING. Madam Secretary, I want to thank you again for being here with us. This is your third year of service as Secretary of Homeland Security. It probably feels like 300 at times, but it is good to have you back.

I recognize Secretary Napolitano.

STATEMENT OF HON. JANET NAPOLITANO, SECRETARY, DEPARTMENT OF HOMELAND SECURITY

Secretary NAPOLITANO. Well, thank you Mr. Chairman, Representative Thompson and Members of the committee. First of all, I appreciate the flexibility of your schedule with this hearing this morning. President Calderón of Mexico will be at the White House at noon, and that is what causes the schedule jam, so very grateful for your flexibility.

I, too, will be somewhat brief in my opening comments in order to reserve, or save time for the Member's questions, but I think it is fair to say that the demands on the Department have never been greater. This is especially true as we remember those at the Department who have given their lives in service to our mission, including most recently, Border Patrol Agent Brian Terry and ICE Special Agent Jaime Zapata.

Now, Mexico is leading the criminal investigation into the death of Agent Zapata. We are supporting them through a joint DOJ/DHS Task Force that the Attorney General and I announced 2 weeks ago. Recently, Mexican authorities have announced that they have apprehended some of the alleged killers of Agent Zapata, and we are conducting a number of operations in the United States related to the drug cartels from Mexico.

But I can speak for the entire administration when I say we are not only saddened by the loss of an agent, we are outraged by this act of violence against an officer of the United States. Make no mistake, justice will be brought to those involved. We owe nothing less to the memory of Agent Zapata and to those who are still on the job in Mexico.

Now, the loss of these brave agents is a stark reminder of the sacrifices made by the men and women of DHS every day. It also strengthens our resolve to continue to do everything in our power to protect against, mitigate, and respond to threats and to make our Nation more resilient.

Today's threat picture features adversaries who evolve quickly and are determined to strike us here at home, from the aviation system and the global supply chain to surface transportation, to critical infrastructure, to our cyber networks.

President Obama's fiscal year 2012 budget for the Department allows us to continue to meet these evolving threats and challenges by prioritizing our essential operational requirements, while reflecting an unprecedented commitment to fiscal discipline that maximizes the effectiveness of every dollar we receive.

Reflecting the current fiscal environment in building the fiscal year 2012 budget, all DHS components identified savings associated with the Department's 33 efficiency review initiatives. We cut administration and overhead, including my office's budget, by over $800 million.

We also delayed construction of FEMA at the new DHS Headquarters at St. Elizabeth's, and we deferred a number of office co-locations. That accounts, Mr. Chairman, for some of the numbers at ICE that make it look like that budget is going down. That is almost all related to building, building maintenance, and not having office co-locations that we otherwise would have.

Now, my written statement includes the comprehensive list of the operational priorities in the budget. Today I will only highlight a few.

Preventing terrorism and enhancing security was the founding mission of the Department. It remains our top priority today. This budget safeguards transportation modes through a layered detection system, including the deployment of additional transportation security officers, behavioral detection officers, canine teams and advanced imaging technology machines at domestic airports, while expanding watch list vetting through the Secure Flight Program and enhancing screening and targeting of international travelers before they board U.S.-bound flights through the Immigration Advisory Program.

This budget also strengthens surface transportation security by supporting 12 new visible and mobile prevention and response, otherwise known as VIPR Teams, which conduct operations throughout the transportation sector to prevent potential terrorist activity.

The request also provides funding for Securing the Cities Program, to protect our highest-risk cities from a radiological or nuclear attack, and makes a significant investment in the National Bio and Agro Defense Facility, which will provide enhanced diagnostic capabilities to protect our country from foreign animal and emerging diseases.

The request expands support for the National network of State and local fusion centers, to provide local law enforcement with the tools to address threats to our communities.

Now to secure and manage our borders, the request continues the administration's historic border security efforts by supporting 21,370 Border Patrol agents and 21,186 U.S. Customs and Border Protection officers, both all-time highs.

This budget also includes $242 million for the continued deployment of proven, effective surveillance technology along the highest-trafficked areas of the Southwest border to better meet the operational requirements of our agents on the front lines.

For the Northern border, this budget request supports investments in technology tailored to the maritime and cold weather environment. For our Nation's maritime borders, this budget includes funding to continue the essential National Security Cutter Program and it makes historic investments to recapitalize the Coast Guard's aging assets, including six fast response cutters and 40 response boats.

This budget also continues the Department's focus on SMART, an effective enforcement of our Nation's immigration laws while streamlining and facilitating the legal immigration process. Building on our record over the past 2 years, the Department will continue to prioritize the identification and removal of criminal aliens who pose a threat to public safety and target employers who knowingly and repeatedly break the law.

This request enables ICE to fund 33,400 detention beds, remove over 200,000 criminal aliens and deploy secure communities to 96 percent of all jurisdictions Nationally in fiscal year 2012 wile promoting compliance with worksite-related laws through criminal prosecution of egregious employers, Form I–9 inspections and continued expansion and enhancement of e-Verify.

The request also funds integration efforts, including programs supporting English language and citizenship education, and continues the detention reform efforts currently under way.

Now, to safeguard and secure cyberspace, this budget increases resources to identify and reduce vulnerabilities to our Nation's key cyber networks. The request includes significant investments to expedite the deployment of Einstein 3, to prevent and detect intrusions on Government computer systems, increase Federal network security, and continue to develop a robust cybersecurity workforce.

Now, to ensure resilience to disasters, the budget request focuses on moving resources out of Washington, DC, and into the hands of State and local responders by sustaining Federal funding for State and local preparedness grants, providing over $3.8 billion in fiscal year 2012.

This funding includes $670 million for assistance to firefighter grants, and that includes $420 million to re-hire an estimated 2,300 laid-off firefighters and retain veteran first responders.

To lead and support a central National and economic security effort, this budget also expands the Coast Guard's operational capacity by funding 50,682 military and civilian positions and establishing the Coast Guard's first incident management response team—assistance team, excuse me, which will be deployed rapidly to support incidents of National significance.

Mr. Chairman, this budget is the culmination of a major first-of-its-kind effort by the Department through their Quadrennial Homeland Security Review and the associated bottom-up review to align our resources with a comprehensive strategy to ensure a safe, secure, and resilient homeland, while making an unprecedented commitment to fiscal discipline.

Chairman King, Representative Thompson, and Members of the committee, thank you for this opportunity to present some testimony to you. I have a more complete statement that I asked to be included in the record. I am happy to answer questions.

[The statement of Secretary Napolitano follows:]

PREPARED STATEMENT OF HON. JANET NAPOLITANO

MARCH 3, 2011

Chairman King, Ranking Member Thompson, and Members of the committee: Let me begin by saying thank you to this committee for the strong support you have provided me and the Department over the past 2 years. I look forward to continuing to work with you in the coming year to protect the homeland and the American people.

I am pleased to appear before the committee today to present President Obama's fiscal year 2012 budget request for the Department of Homeland Security (DHS).

The demands on DHS have never been greater and the threats we face pose new challenges that require an innovative and focused response. Today's threat picture features an adversary who evolves and adapts quickly and who is determined to strike us here at home—from the aviation system and the global supply chain to surface transportation systems, critical infrastructure, and cyber networks. The Department's fiscal year 2012 budget allows us to continue to meet these evolving

threats and challenges by prioritizing our essential operational requirements—while reflecting an unprecedented commitment to fiscal discipline that maximizes the effectiveness of every security dollar we receive.

Reflecting the current economic environment, we are preserving essential front-line operations and bolstering our operational strength by decreasing administration and overhead, including the overall budget for the Office of the Secretary and Executive Management. All DHS Components identified reductions associated with the Efficiency Review initiatives currently underway as well as administrative savings totaling more than $800 million to strengthen mission-critical activities across the Department. Savings were accomplished through efficiencies in acquisition, asset, and real property management as well as employee vetting/credentialing, hiring/on-boarding and information technology; and administrative savings through reductions to professional services contracts, printing, supplies and materials, travel, and training. The Department also proposes to delay construction of the Federal Emergency Management Agency (FEMA) headquarters at St. Elizabeths as well as the deferral of other office co-locations, and building maintenance and enhancements to prioritize front-line security operations.

FISCAL YEAR 2012 BUDGET REQUEST

The fiscal year 2012 budget request for DHS is $57.0 billion in total funding, $47.4 billion in gross discretionary funding, and $43.2 billion in net discretionary funding.[1]

DHS's fiscal year 2012 budget request is the culmination of a major, first-of-its-kind effort undertaken by the Department to align DHS resources with a comprehensive strategy to meet our Nation's homeland security needs. Last year, DHS completed the first ever Quadrennial Homeland Security Review (QHSR), which established a unified, strategic framework for homeland security missions and goals, as well as the first ever Bottom-Up Review (BUR), which aligned DHS programmatic activities and organizational structure to better serve those missions and goals. The third and final step of this process is the fiscal year 2012 budget submission, which begins the next phase in strengthening DHS efforts to ensure a safe, secure, and resilient homeland.

This process identified six DHS missions, each of which is strengthened by this budget:

Mission 1: Preventing Terrorism and Enhancing Security.—Protecting the United States from terrorism is the cornerstone of homeland security. DHS's counterterrorism responsibilities focus on three goals: preventing terrorist attacks; preventing the unauthorized acquisition, importation, movement, or use of chemical, biological, radiological, and nuclear materials and capabilities within the United States; and reducing the vulnerability of critical infrastructure and key resources, essential leadership, and major events to terrorist attacks and other hazards.

Mission 2: Securing and Managing Our Borders.—DHS secures the Nation's air, land, and sea borders to prevent illegal activity while facilitating lawful travel and trade. The Department's border security and management efforts focus on three interrelated goals: effectively securing U.S. air, land, and sea borders; safeguarding and streamlining lawful trade and travel; and disrupting and dismantling transnational criminal and terrorist organizations.

Mission 3: Enforcing and Administering Our Immigration Laws.—DHS is focused on smart and effective enforcement of U.S. immigration laws while streamlining and facilitating the legal immigration process. The Department has fundamentally reformed immigration enforcement, focusing on identifying and removing criminal aliens who pose a threat to public safety and targeting employers who knowingly and repeatedly break the law.

Mission 4: Safeguarding and Securing Cyberspace.—By statute and Presidential directive, DHS has the lead for the Federal Government to secure civilian government computer systems and works with industry and State, local, Tribal, and territorial governments to secure critical infrastructure and information systems. DHS analyzes and reduces cyber threats and vulnerabilities; distributes threat warnings; and coordinates the response to cyber incidents to ensure that our computers, networks, and cyber systems remain safe.

Mission 5: Ensuring Resilience to Disasters.—DHS provides the coordinated, comprehensive Federal response in the event of a terrorist attack, natural disaster, or other large-scale emergency while working with Federal, State, local, and private sector partners to ensure a swift and effective recovery effort. The Department's ef-

[1] For purposes of comparison to prior year funding levels, funding for Overseas Contingency Operations and National Science Foundation transfers are not included in these figures.

forts to build a ready and resilient Nation include fostering a community-oriented approach; bolstering information sharing; improving the capability to plan; and providing grants and training to our homeland security and law enforcement partners.

Mission 6: Providing Essential Support to National and Economic Security.—DHS leads and supports many activities that provide essential support to National and economic security including, but not limited to: Maximizing collection of customs revenue; maintaining the safety of the marine transportation system; preventing the exploitation of children; providing law enforcement training; and coordinating the Federal Government's response to global intellectual property theft. DHS contributes in many ways to these elements of broader U.S. National and economic security while fulfilling its other five homeland security missions.

The following are highlights of the fiscal year 2012 budget:

PREVENTING TERRORISM AND ENHANCING SECURITY

- *Advanced Imaging Technology (AIT)*.—$105.2 million and 535 positions are included for the Transportation Security Administration (TSA) to purchase, install, and operate 275 AITs at airport checkpoints. The fiscal year 2012 request, combined with prior requests, will result in 1,275 AIT units deployed by the end of 2012. The requested funding covers the cost of new Transportation Screening Officers and managers to operate the new AITs, as well as the associated support and airport management costs. Continuing to increase AIT deployments while ensuring privacy safeguards are in place is critical to address the current threat by safely screening passengers for metallic and non-metallic threats—including weapons, explosives, and other objects concealed under layers of clothing.
- *Explosives Detection Systems (EDS)*.—$273 million is requested to support the recapitalization and deployment of state-of-the-art EDS for checked baggage to efficiently screen baggage for explosives, reducing the number of re-scans and physical bag searches. Beginning in fiscal year 2012, over 800 EDS in our largest airports will exceed their planned 10-year service life.
- *Assistant Field Security Directors—Law Enforcement (AFSD–LEs)*.—Requested funding of $22.5 million supports 82 AFSD–LEs currently deployed and provides 22 additional AFSD–LEs for major airports, where they serve as the primary liaison to local law enforcement as AIT expansion continues.
- *Federal Air Marshal Service (FAMS)*.—The fiscal year 2012 budget requests funds to maintain the FAMS surge deployment levels for domestic and international flight coverage that began in response to the attempted terrorist attack on December 25, 2009. Members of the FAMS, TSA's law enforcement entity, are deployed on flights around the world and the United States based on risk in order to detect, deter, and defeat hostile acts targeting U.S. air carriers, airports, passengers, and crews.
- *Enhanced Watch List Vetting*.—$12.4 million is proposed for maintaining the expanded watch list vetting initiative, which, through the Secure Flight program, enables TSA to identify individuals who may present a threat to passenger air travel. Through Secure Flight, TSA pre-screens passenger name, date of birth, and gender against terrorist watch lists before passengers receive their boarding passes. In addition to facilitating secure travel for all passengers, the program helps prevent the misidentification of passengers who have names similar to individuals on Government watch lists.
- *Immigration Advisory Program (IAP)*.—A total request of $14.1 million will permit the IAP to expand in Paris, Abu Dhabi, Dubai, and Amman. IAP is a part of Custom and Border Protection's (CBP) layered risk-based security approach, which includes working with international partners to post CBP officers at foreign airports and use advanced targeting and passenger analysis information to identify high-risk travelers at foreign airports before they board U.S.-bound flights.
- *Behavior Detection Officers (BDOs)*.—The fiscal year 2012 budget request of $236.9 million funds 3,336 BDOs, which includes 350 new positions. BDOs serve as an additional layer of security in airports by providing a non-intrusive means of identifying individuals who may pose a risk of terrorism or criminal activity.
- *Canine Teams*.—Requested funding of $125.7 million allows TSA to sustain the deployment of 900 canine teams supported by reallocations made under the continuing resolution, providing an important layer of security to complement passenger checkpoint screening at airports, assist in air cargo screening, and enhance security in the mass transit environment.

- *Visible Intermodal Prevention and Response (VIPR) Teams*.—$109 million requested supports 37 VIPR teams and includes12 new multi-modal VIPR Teams proposed in the fiscal year 2012 request in addition to the 10 existing teams in aviation and the 15 VIPR teams dedicated to surface transportation added in the fiscal year 2010 budget. VIPR teams are comprised of personnel with expertise in inspection, behavior detection, security screening, and law enforcement for random, unpredictable deployments throughout the transportation sector to deter potential terrorist and criminal acts.
- *Passenger Security Fee*.—The fiscal year 2012 budget reflects a proposal to increase the Aviation Passenger Security Fee by $1.50 per enplanement beginning in 2012. The Aviation Passenger Security fee has not changed since the TSA was established following the events of 9/11, even though the overall cost of aviation security has grown by more than 400 percent. The administration's proposal makes progress towards fulfilling the intent of the Aviation and Transportation Security Act to cover the costs of aviation security through fees and not by the general taxpayers.
- *BioWatch Gen 1/2*.—$90 million is requested to continue operating the Gen 1/2 BioWatch detection network, a Federally-managed, locally-operated, Nationwide bio-surveillance system designed to detect the intentional release of aerosolized biological agents in more than 30 cities.
- *BioWatch Gen–3*.—The fiscal year 2012 budget provides $25 million to continue Gen–3 development, which is expected to significantly reduce the time between a release of a biothreat agent and confirmation of that release by BioWatch technology. Operational Testing and Evaluation of Gen–3 technology will begin in one of four test cities in fiscal year 2012 with full deployment expected in fiscal year 2014.
- *Securing the Cities*.—$27 million is requested for Securing the Cities to continue the build-out of the domestic portion of the Global Nuclear Detection Architecture, the multi-layered system of detection technologies, programs, and guidelines designed to enhance the Nation's ability to detect and prevent a radiological or nuclear attack in our highest-risk cities.
- *Radiological/Nuclear Detection Systems*.—The fiscal year 2012 budget requests $57 million for the procurement and deployment of Radiation Portal Monitors and Human Portable Radiation Detection Systems, providing vital detection equipment to CBP and the U.S. Coast Guard to scan for radiological and nuclear threats.
- *Countermeasures and 2012 Presidential Candidate Nominee Protection*.—The fiscal year 2012 request funds critical Secret Service operations and countermeasures to protect the first family and visiting dignitaries, including the 2012 Presidential campaign and three anticipated National Special Security Events (NSSEs). The budget also restores the Secret Service's base funding—supporting the replacement of protective equipment, vehicles, training of personnel, and other infrastructure to allow the Secret Service to improve the execution of its protective and investigatory missions.
- *National Network of Fusion Centers*.—The fiscal year 2012 budget expands support for the National network of fusion centers in order to provide State and local law enforcement with the tools they need to address threats in their communities. The request focuses on integrating and coordinating cross-Department and cross-government interaction with fusion centers focused on enhancing baseline capabilities.
- *State and Local Law Enforcement Training*.—The fiscal year 2012 budget provides funding to train 64,000 individual Federal, State, and local law enforcement personnel through the Federal Law Enforcement Training Center and its total budget of $276 million.
- *National Bio and Agro Defense Facility (NBAF)*.—$150 million is requested to begin construction of the NBAF, which will serve as a new, state-of-the-art biosafety level 3 & 4 facility. Work performed at NBAF will lead to the development of vaccines and anti-virals and enhanced diagnostic capabilities for protecting our country from numerous foreign animal and emerging diseases.

SECURING AND MANAGING OUR BORDERS

- *CBP Law Enforcement*.—The fiscal year 2012 budget supports 21,370 Border Patrol agents and 21,186 CBP officers at our ports of entry who work 24/7 with State, local, and Federal law enforcement in targeting illicit networks trafficking in people, drugs, illegal weapons, and money. This reflects the largest deployment of law enforcement officers to the front-line in the agency's history. The request annualizes positions supported by the fiscal year 2010 Emergency

Border Security Supplemental for the Southwest Border, including 1,000 Border Patrol agents and 250 CBP officers. Funding is provided to support 300 new CBP officers above the fiscal year 2011 budget and additional canine assets to support Port of Entry operations. The request supports the mobile response surge teams created with the Supplemental funding to respond rapidly to emergent situations without depleting Border Patrol staffing from other locations.

- *New Southwest Border Technology*.—$242 million is requested to support the continued deployment of proven, effective surveillance technology along the highest-trafficked areas of the Southwest Border. Funds will be used to procure and deploy commercially available technology tailored to the operational requirements of the Border Patrol, distinct terrain, and population density of each border region. These funds will allow CBP to fully deploy a mix of Integrated Fixed Towers and other mobile equipment in three of the five Border Patrol Stations' areas of responsibility in Arizona.
- *Northern Border Technology*.—The request includes $55 million to support investments in technology systems which address security needs for the Northern Border maritime and cold weather environment, as well as innovative technology pilots. It will also deploy proven, stand-alone technology that provides immediate operational benefits. These demonstrations and deployments explore how best to integrate various sensors, border security organizations, and mission operations in order to optimize border security in this challenging environment.
- *CBP Journeyman*.—The request includes $229 million to fully fund the increase in journeyman grade level for frontline CBP officers, Border Patrol agents, and CBP agricultural specialists from GS–11 to GS–12.
- *Tactical Communications (TACCOM)*.—The fiscal year 2012 budget includes $40 million to continue the transition of the TACCOM program to a robust, open architecture system that will increase interoperability with other law enforcement, expand coverage, and improve agent safety in the Houlton, El Paso, Laredo, and Rio Grande Valley sectors.
- *National Targeting Center—Passenger (NTC–P)*.—T1 A total of $47 million is requested to enhance CBP's ability to interdict dangerous individuals or terrorists traveling from foreign locations before boarding flights destined for the United States. The funds will be used to hire additional staff and implement enhancements in targeting priorities.
- *U.S. Coast Guard Recapitalization*.—The fiscal year 2012 request fully funds the fifth National Security Cutter (NSC), supports 40 Response Boats and six Fast Response Cutters, as well as a sizable investment in the renovation and restoration of shore facilities. The budget also provides resources to ensure that the Coast Guard's aviation fleet is mission-ready through the acquisition of two Maritime Patrol Aircraft, one HH–60 helicopter, and conversion and sustainment projects of multiple aircraft. Funding for the NSC underscores the Department's support of this program which is important to the Coast Guard's long-term recapitalization effort and, most importantly, to allow the Coast Guard to replace its aged, obsolete High Endurance Cutter fleet as quickly as possible. The total request for U.S. Coast Guard Acquisition, Construction, and Improvements is $1.4 billion.
- *Maritime Safety and Response*.—$115.5 million remains in Coast Guard's base resources for 11 Maritime Safety and Security Teams and their associated 921 personnel, who conduct port security activities and provide support to NSSEs.

ENFORCING AND ADMINISTERING OUR IMMIGRATION LAWS

- *Detention Beds*.—The fiscal year 2012 budget increases U.S. Immigration and Customs Enforcement (ICE) Custody Operations funding by $157.7 million to support 33,400 detention beds and remove more than 200,000 criminal aliens in fiscal year 2012.
- *Detention Reform*.—ICE plans to continue building on its detention reform efforts in fiscal year 2012 by improving detainee access to quality health care, reducing the average length of stay, and facilitating access to family members and legal representation by adding functionality to the recently released on-line detainee locator system.
- *Worksite Enforcement*.—Requested funds continue the Department's focus on worksite enforcement, promoting compliance with worksite-related laws through criminal prosecutions of egregious employers, Form I–9 inspections, civil fines, and debarment, as well as education and compliance tools.
- *E-Verify*.—The fiscal year 2012 request continues support for E-Verify operations and enhancements, including continued funding for new monitoring, com-

pliance, and outreach positions necessitated by program expansion. The continued success of E-Verify demonstrated by recent independent reports reflect the administration's commitment to smart, tough, and effective strategies that build a strong foundation upon which immigrants can exercise their rights and responsibilities as Americans.

- *Secure Communities*.—A total of $184 million is requested for Secure Communities—which uses biometric information and services to identify and remove criminal aliens in State prisons and local jails. The $64 million program increase will expand deployment to 96% of all jurisdictions nationally in fiscal year 2012 and provide resources to confirm the identification of an estimated 199,000 more criminal aliens through interoperability in fiscal year 2012 than fiscal year 2010 and transport more than 44,000 criminal aliens from State and local jails into the custody of ICE following the completion of their sentences. ICE will work with DHS's Office of Civil Rights and Civil Liberties and the Department of Justice to develop a robust oversight and evaluation process of Secure Communities and to provide training to State and local law enforcement. Secure Communities is on track for Nation-wide deployment by 2013.
- *Visa Security Program*.—The budget requests $29 million to continue the Visa Security Program at current locations. This program enhances National security by preventing terrorists, criminals, and other ineligible applicants from receiving visas.
- *Immigrant Integration*.—The fiscal year 2012 request expands U.S. Citizenship and Immigration Services (USCIS) effort to support immigrant integration efforts, including funding for new programs supporting English language acquisition and citizenship education.
- *SAVE*.—The fiscal year 2012 request continues support for USCIS SAVE operations and enhancements to assist State, local, and Federal agencies in determining individuals eligibility for public benefits based on their immigration status.
- *USCIS Business Transformation*.—The fiscal year 2012 request continues the multi-year effort to transform USCIS from a paper-based filing system to a customer-focused electronic filing system.

SAFEGUARDING AND SECURING CYBERSPACE

- *Federal Network Protection*.—$233.6 million is requested to expedite the deployment of EINSTEIN 3 to prevent and detect intrusions on computer systems and to upgrade the National Cyber Security Protection System, building an intrusion detection capability and analysis capabilities to protect Federal networks.
- *Federal IT Security Assessments*.—A total of $40.9 million in requested funds will support the Department's efforts to strengthen Federal Network Security of large and small agencies by conducting an estimated 66 network assessments to improve security across the Federal Executive Branch.
- *Cybersecurity Workforce Needs*.—$24.5 million is proposed to provide high-quality, cost-effective virtual cybersecurity education and training to develop and grow a robust cybersecurity workforce that is able to protect against and respond to National cybersecurity threats and hazards.
- *Cyber Investigations*.—The fiscal year 2012 budget continues to support cyber investigations conducted through the Secret Service and ICE, targeting large-scale producers and distributors of child pornography and preventing attacks against U.S. critical infrastructure through Financial Crimes Task Forces.
- *Cyber Mission Integration*.—The fiscal year 2012 request includes $1.3 million to enable DHS to coordinate National cyber security operations and interface with the U.S. Department of Defense's (DOD) National Security Agency (NSA) at Fort Meade, Maryland. This funding will support a landmark memorandum of agreement signed by Secretary Napolitano and Secretary of Defense Robert Gates that aligns and enhances America's capabilities to protect against threats to critical civilian and military computer systems and networks.
- *Cybersecurity Research*.—The fiscal year 2012 request includes an increase of $18 million for the Comprehensive National Cybersecurity Initiative to support research and development projects focused on strengthening the Nation's cybersecurity.

ENSURING RESILIENCE TO DISASTERS

- *State and Local Grants*.—The fiscal year 2012 request sustains Federal funding for State and local preparedness grants totaling over $3.8 billion, highlighting the Department's commitment to moving resources out of Washington, DC and

into the hands of State and local first responders who are often best-positioned to detect and respond to terrorism, other threats, and natural disasters.

- *Assistance to Firefighters Grants*.—The fiscal year 2012 request includes $670 million. Included in this amount are $420 million for Staffing for Adequate Fire and Emergency Response (SAFER) Grants to rehire laid-off firefighters and retain veteran first responders—totaling 2,300 firefighter positions—and $250 million for equipment, training, vehicles, and related materials.
- *Disaster Relief Fund (DRF)*.—$1.8 billion is requested for the DRF to allow FEMA to continue to address the impacts of a disaster on individuals and communities across the Nation. The DRF provides a significant portion of the total Federal response to victims in Presidentially-declared disasters or emergencies.
- *Regional Catastrophic Event Planning*.—$8.5 million is requested to continue development of catastrophic plans, with a focus on plans for response to biological events and earthquakes.
- *National Exercises*.—FEMA's participation in National Level Exercise–12, an exercise to test FEMA's ability to respond to a catastrophic cyber attack, is funded with $3 million through the request.
- *Emergency Management Oversight*.—The fiscal year 2012 request includes $20 million for the Office of the Inspector General to continue its Emergency Management Oversight operations.

PROVIDING ESSENTIAL SUPPORT TO NATIONAL AND ECONOMIC SECURITY

- *Patrolling the Exclusive Economic Zone*.—The Coast Guard patrols the U.S. Exclusive Economic Zone boundary areas to reduce the threat of foreign poaching of U.S. fish stocks and ensure compliance with international living marine resource agreements. The budget includes $47 million to extend the service life of five Medium Endurance Cutters critical in support of this mission.
- *U.S. Coast Guard Staffing*.—The request strengthens the Coast Guard's operational capacity by funding a total of 50,682 civilian and military personnel in fiscal year 2012.
- *Enhancing Maritime Safety*.—The fiscal year 2012 budget requests $686.3 million and 4,717 FTEs for the Coast Guard's maritime safety activities. The fiscal year 2012 budget provides 105 new Marine Safety Inspectors and Investigators to staff ship inspections and post-incident investigations.
- *Enhancing Marine Environmental Protection and Response*.—The fiscal year 2012 budget requests $225.2 million and 1,362 FTE to enable the Coast Guard to conduct Marine Environmental Response. This includes 87 new environmental response personnel and creates the Coast Guard's first Incident Management Assistance Team, a highly trained team that will be deployed rapidly to augment the Coast Guard command structure when an incident of National significance occurs.
- *Investigate Cultural Antiquity Trafficking and Coordinate Repatriation*.—The fiscal year 2012 budget continues to support ICE seizures and repatriation of cultural property, art, and antiquities illegally imported into the United States and the investigation of illegal trafficking of artwork, especially works that have been reported lost or stolen.
- *Forensic Support for Missing and Exploited Children*.—Funding is requested for the Secret Service to provide forensic support to the National Center for Missing and Exploited Children, which provides state-of-the-art forensics support for investigations involving missing and exploited children and grant funds for activities related to the investigations of missing and exploited children.
- *Collect Customs Revenue*.—Funds are requested to support CBP's role as a revenue collector for the U.S. Treasury—customs revenue remains the second-largest source of revenue for the U.S. Government. Customs and Border Protection has set revenue collection as a Priority Trade Issue to ensure effective internal controls that protect the duties and taxes (over $29 billion in 2009) collected for the U.S. Government.
- *Protect U.S. Intellectual Property Rights*.—The fiscal year 2012 budget request funds to support CBP's enforcement program to prevent trade in counterfeit and pirated goods, and enforce exclusion orders on patent-infringing and other Intellectual Property Rights violative goods. The ICE HSI Intellectual Property Rights (IPR) Center investigates the smuggling and distribution of counterfeit goods and products that pose risks to public safety and security. Counterfeit pharmaceuticals and critical technology components, such as computer chips for defense systems and airplane equipment, were among the top-seized commodities in IPR investigations.

MATURING AND STRENGTHENING THE HOMELAND SECURITY ENTERPRISE

Maturing and strengthening the homeland security enterprise—the collective efforts and shared responsibilities of Federal, State, local, Tribal, territorial, non-governmental, and private-sector partners, as well as individuals, families, and communities—is critical to the Department's success in carrying out its core missions and operational objectives. This includes enhancing shared awareness of risks and threats, building capable communities, and fostering innovative approaches and solutions through cutting-edge science and technology, while continuing to foster a culture of efficiency, sustainability in accordance with E.O. 13514 and fiscal responsibility and streamline management across the Department.

While the Department proposes significant cuts to administrative support across all components in order to maintain front-line operations, the following activities are supported through the fiscal year 2012 budget:

- *St. Elizabeths*.—$159.7 million is requested for the St. Elizabeths project. This funding enables DHS to complete the Coast Guard Headquarters facility and to continue work on the National Operations Center. The request, however, will defer the FEMA headquarters consolidation.
- *Transformation and Systems Consolidation (TASC)*.—The fiscal year 2012 budget proposes $11 million to fund the TASC program, which supports the modernization of the Department's financial, asset, and acquisition management systems—a key priority for the Department and a step towards addressing recommendations on the GAO High-Risk list.
- *Acquisition Workforce*.—$24.2 million in requested funds will increase the Department's acquisition workforce capacity by 150 positions, including additional systems engineers, program managers, logisticians, and business cost estimators, to ensure operational requirements are properly developed and included in DHS contracts and to provide greater oversight and accountability. This too, is consistent with previous recommendations from the Government Accountability Office and Inspector General.
- *Information Security and Infrastructure*.—$32.3 million is requested to establish a unified email network for DHS-wide use, and provide Single Sign-On and other capabilities. These activities will leverage technologies to strengthen DHS operations and enhance communications with Federal, State, local, and private sector partners.
- *Coast Guard Housing and Child Care*.—The health and welfare of military families is the heart of Coast Guard operational readiness. The fiscal year 2012 budget includes $29 million to address critical housing shortfalls and improve access to affordable, quality child care. These initiatives will ensure Coast Guard members can maintain both strong families and a high state of readiness.

CONCLUSION

The fiscal year 2012 budget proposal reflects this administration's strong commitment to protecting the homeland and the American people through the effective and efficient use of DHS resources. As outlined in my testimony today, the Department will continue to build upon past successes in several areas including securing U.S. air, land, and sea borders; safeguarding lawful trade and travel; securing Federal networks; and disrupting and dismantling transnational criminal and terrorist organizations that engage in cross-border criminal activity while maximizing every taxpayer dollar we receive.

Thank you for inviting me to appear before you today. I look forward to answering your questions and to working with you on the Department's fiscal year 2012 budget request and other homeland security issues.

Chairman KING. Thank you, Madam Secretary. The issues seem to evolve week by week. Last week, of course, was the Khalid Aldawsari case in Texas, and which shows we still have vulnerabilities in our student visa program.

Following the September 11 attacks, Congress passed a visa security program to deploy DHS personnel to high-risk visa issuing posts. Section 428 of the Homeland Security Act specifically requires that DHS personnel be assigned to Saudi Arabia.

Can you describe for us the role that DHS plays in analyzing these visa applications—how and if that overlaps with the State Department? Can you get—are there any lessons learned from last

week? Is there anything that occurred in that case that could be prevented in the future, as far as addressing our visa procedures?

Secretary NAPOLITANO. Mr. Chairman, actually, I think that case is a good news story, and I will tell you why.

First of all, the individual involved entered the country the first time on a student visa, attended college, went back to Saudi Arabia, and then was issued a second visa—there was, to my knowledge, no derogatory information discovered either by DHS or the State Department in connection with that—returned to the United States.

What ICE does with students who are here on these kinds of visas is it monitors them on a continuing basis, and through that monitoring discovered a SAR, a Suspicious Activity Report of unusual banking activity by this individual. It notified the FBI. The FBI and ICE then pursued an investigation. Of course, that led ultimately to the arrest of the individual involved.

I think what the case illustrates is a need to have a layered approach here. At any one time you may not have derogatory information about an individual. It may develop subsequently. So what we have been working on and developing in our country is we want students to come from other lands. There is a huge benefit for the United States in that. We also need to attend to our security concerns. This kind of layered approach allows us to do that.

Chairman KING. Okay. Without discussing the details of the case, because, obviously, the case is still proceeding, but was he found because of what ICE detected with the questionable bank transactions? Or was it because the person in the chemical supply company notified the FBI that he was asking to have the materials sent to his home?

Secretary NAPOLITANO. My understanding is that the first notice to the FBI was from ICE, from the SAR report.

Chairman KING. Okay. Would that have been sufficient, do you think? Oh, yes, I am not trying to find fault. I am just saying——

Secretary NAPOLITANO. Yes.

Chairman KING [continuing]. Can there be any lessons learned from this? What could be possible also is that ICE did learn of this, something was done, but there was not sufficient follow-through, because my understanding is if he had gotten the phenol, the bomb would have been ready to go, so even though ICE had made this initial discovery, still he was in a position, though, to possibly launch an attack.

Secretary NAPOLITANO. I think that illustrates why you have to have many layers in the homeland security arena. It is why the "See Something, Say Something" campaign has been instituted by the Department to go National, because we want individuals and companies, particularly those that run things like chemical plants, to know if they see something unusual, they need to report it as well.

It increases the likelihood that we will pick up something before an act can be completed. So we give credit there. We give credit to ICE. We give credit to the FBI. They all ultimately were converging on one individual.

Chairman KING. You may have violated Chairman Lungren's copyright on layered defenses. He started using the term 5 years

ago. That one issue we had, he was able to plug the layered defense rationale. I agree with you on that.

Just one final question on D Block. In light of the President's announcement that he fully supports the reallocation of the D Block to public safety, do you insist that your Department get involved in that effort in doing all that can be done to work with Congress and the administration to get it through?

Secretary NAPOLITANO. Yes. Yes. In fact, the DHS and the Department of Justice were heavily involved in the decision to stop the option of the D Block and to reserve it for public safety. We anticipate being involved on an on-going basis.

Chairman KING. I know there has been continuing controversy over it, certainly, within Congress, but right now I think we are getting closer to getting the votes we might need. I am working with Senator Rockefeller, Senator McCain, Senator Lieberman, so any assistance you can give us. I look forward to working with you and the Attorney General on that.

Secretary NAPOLITANO. Yes, sir. Yes, absolutely.

Chairman KING. Thank you, Madam Secretary.

I now recognize the gentleman from Mississippi.

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

Madam Secretary, recently, Government Accountability Office (GAO) released its high-risk list. Once again, many of the processes of integration and transformation of DHS have been identified. In light of this budget, the new initiatives that you are putting forth, would you be able to address some of those issues that GAO highlighted?

Secretary NAPOLITANO. Yes, Mr. Ranking Member. The GAO report—it had good and bad. It had good in the sense that it recognized a number of the transformational management activities that have been under way over the past years as we worked to integrate these 22 agencies into one large department.

It also pointed out, as you note, some other areas where we need to put in some continued effort. I believe that those efforts will continue under the President's budget.

I will say that if the House CR that was passed by the House becomes effectively the fiscal year 2012 budget as well, that is going to have some impact on the Department both on front-line operations, but also on the management side.

Mr. THOMPSON. Let us take maritime cargo. As you know, Congress some time ago passed a 100 percent screening mandate, and there have been issues around it. You testified last year that you couldn't meet it. Some of us are convinced that it was a Congressional mandate, and we want to know how and what you plan to do to address this Congressional mandate that, obviously, you won't be able to meet.

Secretary NAPOLITANO. Yes, Representative Thompson. I could give you a very, very long answer, but let me try to keep it brief.

First of all, I think the mandate was constructed at a time before we had really a mature understanding of what that meant and what the possibilities were or were not in that regard.

One of the things that has happened over the past 8 years is we have developed a much more mature understanding of what homeland security means and how we link with National security and

with issues around the world. What sounds easy and foolproof in the end turns to be neither easy nor foolproof. That is really what has happened with that requirement.

So what we are doing is working on an entire global cargo security initiative that involves the International Maritime Organization, involves the International Aviation Organization, involves the World Customs Organization, really dealing with the point of time from which a good enters the global stream of commerce to the time that it reaches its end user and different things along that entire chain that need to be done to make sure that cargo remains secure, is secure at the outset, remains secure through the stream of commerce.

We would be happy to brief you in greater detail on that work.

Mr. THOMPSON. Well, I would really like to have it, because, you know, Congress passed the mandate. We didn't say to the Department, "Look at it. Tell us what you think."

I think part of the discomfort for some of us is that if Congress decides in its wisdom to so do it, then we expect the agencies to follow the Congressional mandate. Obviously, that was not followed. I know you inherited part of it, but nonetheless, the mandate stands.

Secretary NAPOLITANO. The statute also provides, however, that the Secretary can extend the time. As we have been doing that, we have been keeping the committee briefed, and we will keep you briefed, Mr. Representative Thompson.

Mr. THOMPSON. Well, that is fine. I think ultimately by extending the time, I think the scanning mandate would be something that some of us would expect to be followed.

I yield back.

Chairman KING. Thank you, Ranking Member Thompson.

Now recognize Members of the committee for 5 minutes for questions. As I said at the beginning, the Secretary has to leave here before noon, so I would ask the Members, observe the 5-minute rule and not go over, in accordance with our committee rules. I plan to recognize Members who were present at the start of the hearing by seniority on the committee.

Recognize the gentleman from California, Mr. Lungren.

Mr. LUNGREN. I thank the Chairman. I hope that caution wasn't just directed at me, but I will try and stay within the 5 minutes.

First of all, Madam Secretary, I want to thank you for going forward with things such as "See Something, Say Something". I think that makes a good deal of sense and gets us in a cooperative venture, if you will, with the citizens of this country. I think we need to go forward.

The context in which we are appearing here today—you are appearing here today—is set really by the chief of the Joint Chiefs of Staff, chairman of the Joint Chiefs of Staff last year, who said that the greatest threat to National security is our fiscal irresponsibility. I mean, he told us that, even from his vantage point, we have got to get our fiscal house in order.

So that puts constraints on all of us, Democrat, Republican, Executive branch, Legislative branch. I want to applaud you for your answer to the last question, with respect to 100 percent cargo screening or scanning.

We need to do what works, and we need to use the layered approach. The height of insanity is to keep doing the same thing over and over again and expect different results. If you have run into bumps on the road in doing 100 percent cargo screening, the idea that you are going with layered approach, with the entire supply chain, makes eminent sense, at least to this Member. I thank you for it.

I would like to ask you a question, though, in these tough budget times about a couple of the priorities you have set. One for which I would applaud you is your fiscal year 2012 request for cybersecurity.

It appears to be the largest increase in the category of NPPD. I think that makes eminent sense. Maybe you could tell us exactly why you have that as a priority.

On the other hand, I have a concern on the Customs and Border Patrol, where it appears in the 2012 budget justification documents that your Border Patrol plans to only maintain the current 1,007 miles under control for the rest of fiscal year 2011 and 2012.

So, on the one hand, there appears to be, I think, an appropriate emphasis and priority given to cybersecurity. On the other hand, there does not appear, at least from my reading of your budget documents, a similar stress on the area of border control. Now maybe you can talk to those two things, please.

Secretary NAPOLITANO. Well, yes. With respect to cyber, we have identified that as one of the five key mission areas of the Department.

One of the things I have tried to do as the Secretary is to take all the myriad agencies, departments, whatever, that were merged in the DHS, with all of the hundreds of missions that they have, but to consolidate into five major mission areas.

We have identified cyber. The point of fact is, is that between DHS and DOD, we possess probably 95 percent of the cyber responsibilities in the United States Government.

We need to protect the civilian side of the Federal networks from attack. We need to accelerate the deployment of Einstein 3, which is the program we are using to do that. There are a whole other host of activities we need to undertake, including increasing our cyber workforce.

This is a key need of the Department and the Federal Government at large is to have more cyber-competent individuals working for us. Office of Personnel Management has now given us direct hire authority. We are actively going out. We are actively going to your State to try to recruit individuals to come into the public service and to help us out.

With respect to the border, I think you are referring to a GAO report on operational control. I think what your question presumes is that, A, that report is correct and, B, that the President's budget is not the most aggressive in history with respect to the border.

As I have explained before, operational control is used and referred to in a GAO report as a very narrow term of art. It doesn't include, for example, force multipliers like all the technology and infrastructure that has been deployed to the border.

If the President's budget is adopted, we will have more Border Patrol agents at the border than at any time in our Nation's his-

tory. They will be accompanied, however, by a technology laydown that will greatly expand their ability to make great use of their man-hours.

As you also know, the President has also sent the National Guard to the Southwest border.

In contrast, however, I must say that I am very troubled by the House Resolution 14, particularly if it becomes the basis for the 2012 budget, because it does not fully protect those expansions in CBP and ICE in all of their operations that we have seen under the President's budget.

So I would ask the House, as it gets us, hopefully, out of continuing resolution land and into a real budget for fiscal year 2011 and looks at fiscal year 2012, that we really reexamine those priorities.

Chairman KING. The gentlelady from California, Ms. Sanchez.

Ms. SANCHEZ. Thank you, Mr. Chairman.

Thank you, Madam Secretary, for being before us once again.

There are several issues I would like to ask you about. The first one is about the UASI grants, the Urban Area Security Initiative grants, which you know are to do basically mutual benefit for regions of the United States.

I know that in 2012 you have increased the President's budget $33 million. But the Republicans cut out $67 million from the program during the CR debates these past 2 weeks.

Can you explain to me how detrimental it is to—if you think the UASI grant program is, in fact, something we should have and how detrimental it is, if we should begin to cut it?

I mean, if in 2 weeks they go to cut—I mean 2 weeks ago to cut $87 million from it, if we continue to see those sorts of cuts, what would that do with your local partnerships that you are trying to do from a terrorist or National disaster situation?

Secretary NAPOLITANO. Representative Sanchez, the House concurrent resolution, as I understand it, actually ends up cutting almost a billion dollars from FEMA grants. That is troublesome in a number of areas.

I think it reflects perhaps a different philosophy about what grants are for. But what these grants are for is to make sure that we have a homeland security architecture that works. That means States and localities all have to have certain base capabilities. Then in particular areas of the country, we need even more than that.

In addition, I mentioned fusion centers in my opening statement. What these are are a network of 72 centers. They are relatively new, only a few years old. Most of the things in the Department are relatively new.

What they are designed to be are Federal, State, local co-located entities where information intelligence from Washington, DC, at the secret and above level, can be transmitted as well as trends and tactics, techniques, things that we are seeing, as well as real-time threat information, so it can get quickly out to the country, and also so we can receive information back about tactics and trends and things they see.

Let me give you a practical example. The Zazi case, Zazi was an individual who was participating in a plot to come into the New

York subways and blow up the subways. He was going to use explosives that used a lot of hydrogen peroxide as part of the basis for those.

So one of the things you could do through a fusion center is immediately go out and look around the country for unusually large purchases of that material by individuals who normally purchase it. So the fusion centers really become a way to share intel across the country and come back.

Part of our budget allows us to place our own intelligence analysts in the fusion centers, which is a way, also, to increase that capability around the country outside of the beltway. So these grants serve a lot of different purposes and they begin, however, with the philosophy that we need a comprehensive homeland security architecture at the State and local level.

Ms. SANCHEZ. Thank you, Ms. Secretary. I also believe that, obviously, you have been working with my local State as well as the Federal agencies that protect areas like Orange County, where we have Disneyland, and some of the largest entertainment venues, where we are 25 minutes' drive away from the port of Los Angeles and Long Beach. The list goes on and on.

Let me ask you about the US–VISIT program, because the last time you were before us, I asked you about that. I see that in the President's budget, the program has been cut by 19 percent. So, of course, I am very interested about this visa overstay issue, which has a lot of implications like with visa waiver programs. Of course, when we saw the 9/11 people, a lot of them overstayed. Terrorists overstayed their visas.

So my question is this: We are cutting the monies to the VISIT program. How are we going to get this exit piece done with respect to the US–VISIT program?

Secretary NAPOLITANO. Well, that, again, probably requires a longer answer than I have time right here. But let me just respectfully suggest that, again, we will provide you with some supplemental information.

But a biometric exit program is, for a country like the United States, where you have air, sea, and huge land borders, is going to be extraordinarily expensive to accomplish. Our view is that, at this point in time, that is something that we could better accomplish right now in terms of detecting or picking up overstays by making sure that ICE is properly funded to go ahead and pick up people.

So you have to look, I think, at ICE and US–VISIT and identify all of those things together.

Chairman KING. The gentlelady's time has expired.

The gentleman from Alabama, Mr. Rogers, will be followed by Ms. Jackson Lee, Mr. McCaul, and Mr. Cuellar.

The gentleman from Alabama is recognized for 5 minutes.

Mr. ROGERS. Thank you, Mr. Chairman.

Secretary, thank you for being here. I always look forward to having your feedback.

Recently, I had Chief Fisher in here for my subcommittee, and we had a problem in coming up with the definition that DHS is using for determining whether or not they have secured the Southwest border. The term is defined in the law. Operational control is

defined as being the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

But when we asked Chief Fisher to define operational control, he had the Department's definition, which was different. Why don't you all use the definition that is used in—that is set out in Federal law?

Secretary NAPOLITANO. Well, Congressman, I think you will probably find throughout Federal law different definitions of different things where security is concerned. What we are certain about is making sure that that border regions, both the Northern and Southern, are safe and secure.

We have some key concerns there. We have been making a lot of progress, as you know. The President has put more resources on the border, the Southwest border, than at any time in our Nation's past. Numbers that need to go up are going to and down or going down. We want to continue that progress.

I would say that the House concurrent resolution, by the way, again, if that is what we have to live under, is very problematic in that regard.

Mr. ROGERS. Well, I understand, but I do want to point out that I am talking about the Secure Fence Act of 2006. That is a pretty specific Federal statute that deals with that definition, and it seems to me that the Department ought to be adhering to that definition when trying to determine whether or not they have actually achieved operational control.

Another thing, ICE—as you know, I have talked to you in the past about my concerns that we have not adequately funded ICE to increase the number of ICE agents in the field, particularly, of course, when you look at what we have done with CBP it is just there has been no significant increase in ICE agents.

But earlier this week, I met with some ICE folks about the detention of people here in the country that are found to be illegal and was surprised to find that if somebody in Alabama is detained, we have two jails in north Alabama where they are held until they could be taken to New Orleans for a hearing, which is the closest immigration judge.

My question is: Why don't we have an immigration judge in Alabama, because just the transportation costs alone are just unbelievable? So to that end, I have spoken with Chairman Aderholt of the Homeland Approp. Subcommittee, and he and I are going to work to try to get an immigration judge in Alabama. We are going to work with Lamar Smith of Judiciary to that end.

My question is would you support that?

Secretary NAPOLITANO. Well, we certainly would look at that, because you are right to identify the transportation costs and delay, because then you take an ICE agent off the line to do the transportation.

I think your question, though, also illustrates when you are talking about immigration, we really go from CBP and ICE to Justice. It is a system. From a jurisdictional standpoint, there is kind of a break, so this committee looks at all the way up to apprehension and detention, and then everything else is over on the Justice side of the ledger. That is where the judges would be found.

Mr. ROGERS. I am going to work to that end, but I would like for you to be supportive in that effort to the extent that you can be.

Secretary NAPOLITANO. Thank you.

Mr. ROGERS. Then finally, my staff and I have been engaged with TSA regarding using CR funds for the procurement of vapor wake canines. My question is are you on board with allowing those CR funds to be used to procure those assets?

Secretary NAPOLITANO. Well, we are, but I will tell you that as we look at the fiscal year 2011 House CR, it has a big cut for the canine teams, so that also is problematic. As we look at what our fiscal year 2011 budget really ought to be and fiscal year 2012, I think you and I both agree that canines should be maximized.

Mr. ROGERS. Great. Thank you very much.

I yield back, Mr. Chairman.

Chairman KING. The gentlelady from Texas, Ms. Jackson Lee, is recognized for 5 minutes.

Ms. JACKSON LEE. Mr. Chairman, I thank both you and the Ranking Member.

Madam Secretary, I don't know how often you hear this, but let me personally thank you for your service. Let me thank the Department of Homeland Security for their service. We interact with your team every day of our lives and recognize that you are on the front line. I would almost say that we are all working to put ourselves out of business, but we realize the challenges that we are facing.

Let me quickly lay the groundwork for my questions and just, first of all, thank you for the fiscal year 2012 budget and your commitment to Federal Air Marshals surge after the Christmas day bombing incident. I join with my good friend from Alabama. We are canine teams supporters, and I hope that we can work against H.R. 1—at least, I want to work against it in terms of those potential cuts.

I believe you were questioned extensively about the passenger security fee. I would almost say that most Americans would accept that fee. Every time I am traveling through airports, I see a sense of comfort and recognition that they are being secured by the enhanced services that they see.

I am concerned as I notice the H.R. 1, and I just jumped from your fiscal year 2012 budget to H.R. 1 and saw that you would actually lose under this budget some 50 percent in technology and tactical communications, for border security. You would lose some 800 positions under border security.

What disturbs me are the advanced imaging technology machines. You lose a number of them. So I am concerned about that, and I wish to ask these questions, if I might. I am just going to ask them and then yield to you.

The H.R. 1, $1.1 billion in reductions—I would just like an impact from you losing that money in our present state. I think most people don't realize this is to finish out what you had already committed to.

Also, do you support the position of Mr. Pistole on Standard Security Program (SSP)? I am reminded of how we were rushing around after 9/11 to find out what happened.

I also would appreciate—I had asked you a question in your last meeting with us about the minority personnel, whether you have a chief human services officer that looks at that and looks at procurement.

Then lastly, this is an issue that has struck me. I am a supporter of comprehensive immigration reform. You might want to comment on maybe how that would even save some money. But I would like to know how ICE might interface and be of help to local law enforcement.

I have lost two alleged criminals. One drunk driver killed two teenagers, and one ultimately committed suicide—under 15—because she thought she should have died in the accident. That person was allowed to go home. They left for Nepal.

In the last 3 days or 4 days, a woman who has a Nigerian relative was a caretaker for seven babies. Four died in a fire. The allegation is that she left the home and went shopping, and these babies died. She was not picked up, and she left for Nigeria.

It seems that maybe our local enforcement could interact with ICE and say, "We have suspicions. Can you hold this person?" But even not, if I can get in a discussion with you on that, we are just outraged. The Nepal person has not been found, and the person in Nigeria we are still looking for. So I would just appreciate your commentary.

Might I just add my sympathy and respect for Mr. Zapata and his family and his partner? We know that we have to do better with respect to our ICE partner nations and those who serve overseas, particularly those who are unarmed.

Madam.

Secretary NAPOLITANO. With respect to cooperation between ICE and local law enforcement, I think a key tool is our Secure Communities program. If they make an arrest, if a locality makes an arrest, and they have Secure Communities in the jail, that means when the fingerprints are run, they are run not only against the FBI criminal databases, but also against the immigration databases to determine legal presence.

If an individual is not legally present, there is a transfer over to ICE after whatever criminal punishment is merited is carried out. So that is why the budget continues funding into fiscal year 2012 for Secure Communities. We will be almost 100 percent complete by the end of fiscal year 2012.

With respect to hiring and diversity in hiring, we have been aggressively moving in that direction. From Senior Executive Service (SES) and above positions, we have increased diversity hires by 17.5 percent over the last year, which is a significant increase.

The percentage overall employees who are members of ethnic minorities or who led to our diversity is well over—I think I have an actual number. I think it is—we have gone from 38 percent to 40.6 percent in the last—from January 2009 to December 2010.

So we are really moving aggressively on both of those fronts, the SES and then the other positions within the Department.

Ms. JACKSON LEE. But there are dollars out of H.R. 1 that you are losing.

Secretary NAPOLITANO. Well, as I have mentioned before, it will mean—because we are halfway through the fiscal year, so, you

know, H.R. 1, you almost have to multiply everything times two from a management perspective. I am not sure everybody understands that, but because we are already halfway into the year, that is what the practical impact is.

But it will cut the number of AIT machines we were intending to deploy by half. It will cut the number of portable explosive trace detection machines by half. It will cut the number of canine teams by almost two-thirds. I think it will result in longer wait times in the airports for the passengers. It will cut funding for 250 ICE agents along the Southwest border. It will reduce the FEMA grants. I have already commented to that.

It cuts science and technology research by 50 percent. If I might comment to that, people are always asking me, you know, when are we going to be able to keep our shoes on and take bottles of water on the planes and so forth? Well, that is the kind of technology and science research that S&T Directorate funds. Those will be cut dramatically under H.R. 1.

Chairman KING. The gentleman from Texas, Mr. McCaul, is recognized for 5 minutes.

Mr. MCCAUL. Thank you, Mr. Chairman.

Madam Secretary, thank you so much for being here today.

I want to first express my sympathy to the family of Agent Zapata and, as know you do as well, in the survival of Agent Avila, which is nothing short of a miracle, given what happened down there. I think it was an intentional ambush, a bit of a game changer that they are now targeting our guys down there, U.S. law enforcement—83 rounds fired from this AK47.

First, I want to thank you for the good work to apprehend these suspects down there. It was their view that this was a case of mistaken identity, that this was a rival drug cartel gang. The briefings I have received were that the two agents were American diplomats. They have a U.S. diplomatic tag. I saw reports the Mexican Army seemed to be reporting what the Zetas were saying in terms of mistaken identity.

What is the position of this administration with respect to the claim that this was mistaken identity?

Secretary NAPOLITANO. Well, Representative McCaul, thank you for your expressions and your support on this matter. I think it would be inappropriate for me to comment on the actual evidence that will come in. This obviously is a matter that is being, you know, prosecuted. My understanding is that it will be prosecuted in the United States, but again those are decisions that are yet to come.

Mr. MCCAUL. I appreciate that, but on my own behalf I will take the eyewitness account of our agent over the Zetas who have been apprehended any day. I hope the administration would back that eyewitness account. With respect to extradition, I am glad you brought that up. Is it the administration's position that we will be seeking extradition into the United States?

Secretary NAPOLITANO. Yes.

Mr. MCCAUL. That is very good news. I know President Calderón is in the United States, and it is probably a good time to talk to him about that.

Before I get into the budget, one last question with respect to that shooting was that I was surprised to find out that there is a 1990 agreement that prohibits our officers from carrying weapons down in Mexico. Things have dramatically changed from 1990. There is a war going on, as you know, and it seems to me our agents should be armed, if we are going to put them down there in harm's way.

Would you support a revision of that agreement?

Secretary NAPOLITANO. Well I think the issue of agents and arming is one that is something that probably should be discussed in a more classified setting than a public hearing. Perhaps we can provide for that, Mr. Chairman, because it is an issue that involves not just Mexico but some other countries as well.

Mr. MCCAUL. Okay. I look forward to that as well.

On the budget, I looked at the—it has CBP decrease the border security fencing, infrastructure, and technology account by $300 million, so from $800 million to $500 million, if what I have in front of me is correct.

This was given to us by staff. Do you know what happened to that account or whether the monies have decreased?

Secretary NAPOLITANO. It is not. No, what is happening is we are not buying SBInet, because SBInet doesn't work. I think for the first, the Tucson and the Ajo sectors, it was far enough along that we completed it and given the topography there, it made sense. But border-wide it doesn't make sense. So what the budget requires, or what the budget buys is $242 million of technology that the Border Patrol agents can actually use.

It is remote video, video surveillance equipment. It is mobile video equipment, a whole laundry list of things that our agents can actually use right now.

Mr. MCCAUL. So that discrepancy, that is probably just a cancellation of SBInet that appears, but that money will still be used towards technology down on the border.

Secretary NAPOLITANO. Yes, there is an entire technology plan that we have developed for that.

Mr. MCCAUL. I think that is critically important. You know, in my State of Texas there is really almost zero technology down there. Congressman Cornyn and I took—as you know, down to the border of Laredo with some very good sensor surveillance technology that the Department of Defense had been using. I think he was receptive to that idea and commend you.

I would ask that you look at deploying that type of technology all across the southwest border. I think technology is going to be the answer down there. Then, of course, we need the manpower to respond to it and so——

Secretary NAPOLITANO. Indeed.

Mr. MCCAUL. Well thank you so much. I yield back.

Chairman KING. The gentleman from Texas, Mr. Cuellar.

Mr. CUELLAR. Thank you Mr. Chairman. I want to thank you and the Ranking Member for having this meeting.

Thank you, Madam Secretary, for being here with us. Again I also want to extend my prayers and sympathies to the ICE family, not only the immediate family but to the ICE family here also. He was from Brownsville, from Mr. Farenthold's area, and he was sta-

tioned in Laredo, was part of the BEST program, which is again a good coordination program that you all have there.

What I want to do is focus on the budget. When you look at all the accounts, I believe it is about $500 million impact cut to the CBP budget. Could you tell us what the continued resolution, if it passes as is, what sort of impact it would have on border security operations? Again, look at all the accounts and tell us what sort of impact it would have on us.

Secretary NAPOLITANO. Well, we will give you a thorough list, but as I said, it basically stops our progress in its tracks. If anything, reduces our ability to move ahead. As you know, we have been adding record amounts of agents and record amounts of technology, as Representative McCaul just mentioned, to our border and, if anything, we are going to have to cut back.

Mr. CUELLAR. Right. One other thing the American people have been saying, especially because of what has been happening across the river, that we got to do more for border security, but then with this $500 million cut, that pretty much stops the progress that you are referring to. Isn't that correct?

Secretary NAPOLITANO. Yes, and what we want to do is continue to add to the border. Our goal, as you know, is to have a safe and secure border zone, both for the public safety of our communities along the border, some of which, Mr. Cuellar, you represent, but also recognizing the amount of legitimate trade and travel that needs to traverse that border. If it is not safe and secure, it will impact the commerce and that impacts jobs, so there are lots of ramifications for not continuing with the President's program.

Mr. CUELLAR. Right. I think, as Mr. Rogers mentioned a few minutes ago, a lot of people when they talk about border security, they talk about just among the men and women in green, which are the Border Patrol which I support, but you got to have the ICE agents. You got to have other agents there. You got to have the men and women in blue, which are the ones that guard border——

Secretary NAPOLITANO. Ports.

Mr. CUELLAR [continuing]. I mean, our bridges, the ports of entry, which are so important.

Those are the areas especially trying to find the right border security with the right legitimate balance of trade and tourism, which is so important. Laredo is the largest inland port in the southern part of it, and that is why the men and women are so important to us. So, I mean, I certainly agree with Mr. Rogers that we got to find that balance.

In my opinion, the $600 million that we added last year, that was probably the largest infusion of cash, will be taken back by cutting at least $500 million from the CBP budget for all the advances that we are trying to do.

Secretary NAPOLITANO. Representative, if H.R. 1 becomes the basis for the fiscal year 2011 budget, that is really a concern, because it will not annualize all of the additions that Congress has put down at the border.

Mr. CUELLAR. I think you hit it right, that we are talking about 7 months. We are already—it is not a full year, is it? This is just addressing part of the remaining year, which makes it a greater impact.

Secretary NAPOLITANO. Indeed.

Mr. CUELLAR. I got about a minute and 20 seconds. Let me ask you, what about detention beds, that H.R. 1 doesn't help maintain the 33,400 detention beds we need, because when we catch somebody here without the proper documentation, we just can't catch them and release them. We got to detain them before we hit them—before we send them off. How does that hit the detention bed needs that we have?

Secretary NAPOLITANO. Well, again, we think we need 33,400 detention beds. Now, we don't need them 33,400 every day. I mean, you know it fluctuates a little bit. But we think you need to have a constant presence of 33,400 to support the removal of all of the individuals we seek to remove from the country this year and next year.

Mr. CUELLAR. Right.

Secretary NAPOLITANO. So and if you—in a way we are caught, because you fund the detention bed at 33,400 and the officers necessary to guard those beds, then the cuts can only come out of one place and that means the officers that are out in the field. I don't think either makes sense. You have the officers in the field, and you have to have the officers in the detention centers.

Mr. CUELLAR. I have got 11 seconds. Just real quickly, last time you said that it would be a good idea to have a fusion center in Laredo. We have been talking to your folks, who have a different opinion. We don't have a fusion center at the border and would ask you to consider adding a fusion center to the border.

Thank you very much, Mr. Chairman.

Chairman KING. The gentleman only 3 seconds over. Good job, Henry.

The gentleman from Minnesota, Mr. Cravaack.

Mr. CRAVAACK. Thank you Mr. Chairman.

I, too, to extend appreciation for all the Homeland Security Officers and their families for what they do on a daily basis. I actually had Homeland Security credentials as a Federal flight deck officer when we first started that program, so that was many years ago, but thank you very much for all the homeland security for what they do just on a daily basis, so.

I agree with you very much and appreciate you working with this CR. Unfortunately, you are at the tail end of this whip that has been going back and forth, and I appreciate you as a manager being able to work through this.

I will also assure you that this Congress, the 112th, will provide a budget for you that will be able to give you stability to make sure that you can make those critical decisions that you need to make in the future, ensuring that we get the right money to the right missions to protect the homeland and people within the United States. So I thank you very much for that.

One of the things I did want to ask you about, though, is just recently you were able to——

Secretary NAPOLITANO. I am going to write that down, by the way.

Mr. CRAVAACK. Yes, you betcha!

I want to make sure that—I just had a couple questions in regards to just recently you went over to Afghanistan.

Secretary NAPOLITANO. Yes.

Mr. CRAVAACK. You are thinking about deploying agents over in Afghanistan. Could you expand upon that, and why you think that is necessary?

Secretary NAPOLITANO. Yes, what we are doing, and we have about 25 total over there right now, but what we are engaged in is basically a training capacity building on the customs side with Afghanistan so that they can develop their own customs service, particularly at their big land ports like Torkham Gate, which is a port between Afghanistan and Pakistan, governing who goes back and forth, but also the ability to collect customs revenues so they have some revenue for their Government to exist upon, as we continue to convert from a military to civilian presence.

Mr. CRAVAACK. Thank you for that. I think that is a critical mission as well, so thank you for that.

Also, being an airline pilot, I took a look at the aviation passenger security fee. You are planning to increase that by $1.50 for reimbursement. In the reports that I read, that is basically to fund TSA costs that have risen by, like, 400 percent.

Secretary NAPOLITANO. That is true.

Mr. CRAVAACK. Can you tell me why we have had such a dramatic increase in costs in the TSA?

Secretary NAPOLITANO. Well, because the threat to aviation has increased. Also because the amount of security we have to supply now in airports and for aviation is a very layered approach. But it means behavior detection officers. It means K9s. It means explosive trace detection equipment. It means the conversion from magnetometers to the AIT machines. It means, most importantly, personnel.

What has happened with the fee is that the fee has never been increased. It was established in 2002, and it has never been increased at all. So it doesn't cover. It was intended to cover the cost of security for aviation. When it was enacted, that was the Congress' intent. But because the fee hasn't gone up, you have now this huge gap. It is about a $600 million gap between what we need to pay for security in the aviation environment in 2012 and fees.

We believe it is time for the Congress in this fiscal environment—we will work with the authorizing committees like this one; we will work with the appropriations committees—but it is time to increase that fee.

Mr. CRAVAACK. So you are saying, basically, the fees are going towards personnel and capital investment. Would that be a fair statement?

Secretary NAPOLITANO. Yes.

Mr. CRAVAACK. Okay. The other thing is, being a former Federal flight deck officer, where do you see the Federal Flight Deck Officer Program? I know it is under TSA but do you still consider that a vital portion in our layered defense in terrorism for aircraft?

Secretary NAPOLITANO. Yes.

Mr. CRAVAACK. Well, that was a great answer. I appreciate that.

Secretary NAPOLITANO. I am trying to help the committee with——

Mr. CRAVAACK. I appreciate it. With my 51 seconds left——

Chairman KING. [Off mike.]

Mr. CRAVAACK. I will yield, sir.

Chairman KING. Madam Secretary, in the 45 seconds I have, on a serious matter—they have all been serious matters—but especially in view of the shootings in Germany yesterday, does DHS have any information whether or not this was a lone wolf attack or any links to al-Qaeda or any other terrorist organization?

Secretary NAPOLITANO. Let me just say that, Mr. Chairman, I think that matter is under investigation and with lead, of course, by German authorities, since it occurred in Germany. But I think any information about that should be released in a classified setting.

Mr. CRAVAACK. If you get—let us know if any data or information does come in, we would greatly appreciate that.

Secretary NAPOLITANO. Yes.

Chairman KING. Thank you. Thank you, Madam Secretary.

The gentleman from Michigan, Mr. Clarke.

Mr. CLARKE of Michigan. Thank you, Mr. Chairman.

Secretary Napolitano, it is great seeing you again. I wanted to thank you for your leadership, your knowledge, your ability to be able to handle the threats that our country is facing, and also for considering proposals from people like us in the legislature.

My concerns are about the security of the Detroit sector border in particular and about the Northern border. I have got three questions. My first is about the President sending 12 proposals, and it is regarding the recent Canada Vision agreement that was entered into between the United States and Canada and if you had thoughts on how that agreement could better supplement security in the Northern border.

Secretary NAPOLITANO. Well, I think that agreement is a landmark agreement for a number of reasons. But one of them is because it recognizes the need to have a perimeter security around Canada so that we begin utilizing some of the same criteria for who can enter Canada as they enter the United States, as we begin to understand the need to exchange information about travelers and the like.

That will have an impact on the actual physical border, such as the border at Detroit, because we will, you know, have the ability, I think, to have equivalent information and equivalent standards and the like. That will facilitate, I believe, the legitimate trade and travel that needs to be able to cross, particularly at the Detroit area.

Mr. CLARKE of Michigan. Thank you, Secretary.

My other two questions go to the impact that the House-passed continuing resolution would have on border security.

As I mentioned to you before, the Detroit sector is the busiest international border crossing, huge population center, international airport, large regional water system. Because of our declining State and local revenue, our first responders really don't have the capacity to protect us.

In my opinion I believe that that sector warrants a Tier 2 consideration rather than the current Tier 1 status. I appreciate your willingness to listen to me earlier this month on that issue.

One concern I have in the House-passed CR is that it limits the Urban Area Security Initiative funding to the top 25 urban centers.

Do you think this restriction will impact your Department's ability to protect urban areas?

Secretary NAPOLITANO. Well, I think the intent of that provision is to make sure that our largest, highest-risk areas do not get shorted on grant monies. Without commenting on that, let me just say that overall H.R. 1, by cutting almost $1 billion out of the grant process, it is going to affect everybody. I don't—you are going to—up and down the list of cities.

So without commenting further on the amendment that was passed, again, nobody will escape unscathed if that budget remains the budget.

Mr. CLARKE of Michigan. Thank you. My last question deals with the border security sensing infrastructure and technology account that is within CBP. The current CR made a huge cut to that. What type of impact would that have on the security of the Detroit sector border, if you have any opinion on that?

Secretary NAPOLITANO. I don't know that I have broken it out sector-by-sector to that level of detail, but it would certainly limit our ability to invest in new technology. I think a number of Members on both sides have recognized that you can't do this job with manpower alone. We need to be able to deploy the best available technology that our agents can use in the field.

Mr. CLARKE of Michigan. Thank you, Secretary.

I yield back, Mr. Chairman.

Chairman KING. Thank you.

The gentleman from Virginia is recognized for 5 minutes.

Mr. RIGELL. Thank you, Mr. Chairman.

Secretary Napolitano, thank you very much for your testimony today. I would like to just share with you a comment that was made to me by a local sheriff and just get your perspective on it.

He commented that the sheriff's office is required by law to notify ICE every time that they have an illegal immigrant. Very rarely does ICE respond back if they are or are not an illegal alien. However, it would make no difference, because they would not put a hold on them anyway. This is due to funding problems, since ICE does not have enough beds to act on the reported aliens.

The court process takes 18 months to determine whether or not that person is indeed an illegal alien. This would require more cells, prosecutors, clerks and attorneys, and no one would fund what it actually costs to deport all the illegal aliens. The local sheriff's office does not have the resources to do ICE's job.

Now I have learned in life that there are always two sides, and there is more to this than maybe what is here. So would you kindly comment on that and give that some perspective?

Secretary NAPOLITANO. Well yes, Representative, and I would kind of like to know which sheriff we are talking about. I think I actually do know.

Mr. RIGELL. Okay.

Secretary NAPOLITANO. But in any event, we work very closely with the sheriffs and police chiefs around the country.

One of the key challenges we have is, you know, estimates vary, but estimates vary from between 8 to 12 million people who are in this country illegally. Plain fact of the matter is that if you look at the cost of removing an individual you can—the Congress has

funded the removal of about 400,000 a year. We have prioritized in that 400,000 to say that the No. 1 priority is for those who are convicted of crimes.

That is why the President's budget expands what is called Secure Communities and puts it in the jails of our country, which are operated by the sheriffs, and the prisons of the country, which are operated by State Bureau of Prisons, because that is a way to make sure that those are committing crimes in addition to being in the country illegally are being removed through the immigration process.

So in that 400,000, last year we removed over 200,000 who were criminal aliens, which was a record number by a large percentage. That is what Secure Communities enables us to do.

Now, I don't know whether this particular sheriff has a jail where Secure Communities is not yet installed. If it is, it is something that we could get that information from and work with him on. But that is probably the easiest way to deal with his base concern.

Mr. RIGELL. Okay. Thank you for your response.

You know, I have come to this body as an entrepreneur business owner, first-time elected official, and I have just been struck by, frankly, the tangled web of reporting relationships and the complexity of the committee structure and the organizational chart of the House, and I am sure that like every organization it can be refined and improved upon.

Would you kindly give us your perspective on the number of committees that oversee Homeland Security and how that might be streamlined?

Secretary NAPOLITANO. I appreciate that question. This is something the Chairman and I have discussed. If oversight is a blessing, I guess you could say DHS is particularly blessed.

When we were created, what happened was a number of departments were merged into DHS, and we all carried with—everyone carried with them their committees. None of the committees were reorganized, really, to match the new Department.

So the end result is we report to 108 committees of the Congress. The overwhelming majority of those are committees and subcommittees of the House. In the 111th Congress we testified 285 times, 140 times with component heads who had to come down and testify. We provided 3,900 briefings to the Congress in the 111th Congress—3,900.

We are required to file something around 425 written reports a year. So it is a huge manpower drain on the Department. We would like to take some of those resources and put them into operations, particularly given the fiscal environment we are in, and we will support any effort by the committee to help us achieve that goal.

Mr. RIGELL. Well, thank you. I would want to join you in that effort, and I believe the committee generally would. Thank you for your testimony.

I yield back.

Chairman KING. I can safely say this is one issue where the Secretary, the Ranking Member, and I agree 1,000 percent. It is absolutely disgraceful, the current system we have.

The gentlelady from New York, my colleague, Ms. Clarke.

Ms. RICHARDSON. Mr. Chairman, how are we doing questions? Mr. Davis was here. I was here—several Members. It seems like we are getting a little out of order, although I love my—here.

Ms. CLARKE of New York. Mr. Chairman, no problem. I yield the——

Chairman KING. Fine, okay. I will recognize Mr. Davis.

Mr. Davis is recognized for 5 minutes.

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

Thank you, Madam Secretary, for being here and for your testimony. I also want to express the sentiments conveyed by my colleagues in reference to imminent danger that all of our personnel involved in homeland security and other aspects of Government face on a daily basis. So we appreciate their services.

There has been a great deal of progress in relationship to surface transportation, but I also think that buses still remain pretty easy targets. What funding options do you think might help sustain our security for this sector of transportation?

Secretary NAPOLITANO. Well, Representative, that funding, because buses are operated primarily, you know, at the municipal level, you would find funding for that. There are transit security grants, but there are also UASI grants, other sorts of grants that can be used for transportation security. So you would find those, you know, primarily under FEMA and primarily under the grant programs there.

Mr. DAVIS. I noticed that the Transit Security Grant Program has been reduced to $200 million below the current levels. Does DHS have a way or do you have any thoughts about how you can help again with the security needs of this type public transportation in local areas?

Secretary NAPOLITANO. What we have recommended, Congressman, is that the number of grant programs under FEMA be consolidated from 17 to 9. That will reduce overhead at FEMA, which is where we put our grants.

It will reduce overhead in localities in terms of how many applications they have to submit and making sure that the grants that remain are broad enough to include local decisions. If that is where they want to put their security money, they can put it into, say, the bus system, the subway, wherever.

Mr. DAVIS. I also think we have made a tremendous amount of progress in this area, but I note that the President's requested funding calls for an increase in video agents that will bring us up to over 3,000. What civil rights, human rights, and private rights protections are we dealing with in order to assure that these individuals are not——

Secretary NAPOLITANO. Profiled.

Mr. DAVIS. That is right. They are not racially profiled or ethnically.

Secretary NAPOLITANO. Yes. I think it is very important, given the very important Constitutional safeguards Americans have. But our video program has been developed with internal oversight by our own civil rights component and our own office of privacy component. The training has been viewed and approved.

We are constantly looking at what best practices are so that we do not fall into the trap of profiling, which, by the way, does not give—you know, you want to do intelligence-based, you want to be looking for tactics, you want to be looking for techniques and behaviors, not ethnicity or race, when you are really providing security.

Mr. DAVIS. Thank you. Finally, do you support TSA Administrator Pistole's decision not to expand the SPP program for private airport screeners? Do you think this is good for security?

Secretary NAPOLITANO. I think Administrator Pistole, who, of course, was a former deputy director of the FBI, has made the right call here for several reasons. One is he wants to maintain flexibility to surge resources when he needs to, and there are issues there when you are talking about privatization of the screening population.

Secondly, the studies that have been—you know, they still have to meet TSA requirements in terms of what they do, so it is not like there are different screening requirements. They are more expensive than simply maintaining it within the TSA structure, and that is an issue.

Third, I think it is important to recognize that even when you privatize, you still have unions. Several of the privatized workforces are indeed also unionized.

Mr. DAVIS. Thank you very much.

Thank you, Mr. Chairman. I yield back.

Chairman KING. The gentleman from Missouri, Mr. Long, is recognized for 5 minutes.

Mr. LONG. Thank you, Mr. Chairman. Did you need me to yield a minute?

Chairman KING. No, you don't. Thank you very much.

Mr. LONG. Okay. They told me earlier, but——

Thank you, Secretary, for being here. Back in December, you announced that additional DHS officers were being sent to Afghanistan to assist in border control and customs. Would you please further explain the value of having DHS employees overseas and expand on some of the work being done by DHS officials in Afghanistan and other countries around the world?

Secretary NAPOLITANO. Yes, this is actually one of those things one recognizes is that the Department of Homeland Security actually has a footprint that is around the world.

As I explained a little bit earlier, we have about two dozen employees in Afghanistan. They are training customs and customs officers so that Afghanistan can have its own customs force and also learn how to—or exchange about how we operate major ports of entry like the ports between Pakistan and Afghanistan.

But we also have employees around the world at international airports, where they are a last point of departure for the United States. We have immigration officials at embassies around the world, such as Riyadh, for example, to help do security checks on individuals seeking visas.

We have individuals around the world, who are working on protecting against human trafficking into the United States, protection of our intellectual property from the United States. There is actu-

ally quite an extensive international force laydown from the Department.

Mr. LONG. So the employees that we have over there are not training themselves. They are doing the training.

Secretary NAPOLITANO. Correct.

Mr. LONG. Okay. That is not how I interpreted it.

You also mentioned that more Border Patrol agents than ever would be employed under this budget, and Black Hawk helicopters have become an effective and safe weapon in the toolbox of our Customs and Border Patrol agents. The Customs and Border Patrol have a great need of Black Hawk helicopters in carrying out their missions. Are you aware of this, and does your budget request reflect this?

Secretary NAPOLITANO. Well, yes, but we request other kinds of air support as well as fixed—as well as helicopters, also fixed wing support. There is also Unmanned Aerial Vehicle (UAV) support in the fiscal year 2012 budget so that we have and want to have total air coverage, particularly on the southwest border all the way from El Centro through Texas.

Mr. LONG. Oh, the agents, Border Patrol agents and ones who have contacted us expressing interest, they feel that the Black Hawk is probably their best, and if they could—I know that it is surplus equipment, and when they buy the Black Hawks, they are surplus, so just if we can look at that for them, I would appreciate it.

Secretary NAPOLITANO. Oh, absolutely. The Black Hawks have many uses. I will share with you that there is a great demand for Black Hawks by the Department of Defense, by us, by others, so they are really greatly in demand around the world.

Mr. LONG. One other thing, small business—I, like Mr. Rigell, come with a small business background, not a political background, ran my own business 30 years, of which part was real estate broker.

A title company in our district in the 7th recently had $400,000 stolen, sent to Pakistan through cyber. The Secret Service has jurisdiction over these crimes, I understand, but what they did, effectively they came and emptied their bank account, which was not their money. The title company, of course, it is fiduciary. They are holding money for real estate closings.

Secret Service, as I said, has jurisdiction over these crimes. How does the President's budget help protect our small business from these types of crimes, where they can come in and empty out bank accounts? The money goes to Pakistan. Secret Service has jurisdiction. Is there anything in the budget to help or give small business a solace?

Secretary NAPOLITANO. I would have—well, first, No. 1, I would have to know more about the facts to say definitively the Secret Service has jurisdiction, but the President's budget includes a great increase for cyber security on the civilian side.

That means the protection of the civilian side of the Federal Government and our intersection with key sectors like the banking sector in the United States in terms of how they protect their own cyber networks, because realize the Government, you know, doesn't

own the banking structure. I mean, that is owned by the banks themselves. They have their own cyber protection.

What we are doing is working with them as to what that protection entails. We are working with them to let us know when they have been hacked into and funds have been stolen and issues like that. So the President's budget greatly increases the amount available to us for cyber protection generally.

Mr. LONG. Okay. Thank you again for being here today and fitting us in your schedule.

I have no time to yield back, but if I did, I would.

Chairman KING. The gentlelady from California, Ms. Richardson, is recognized for 5 minutes.

Ms. RICHARDSON. Thank you, Mr. Chairman.

Madam Secretary, let me start off by saying thank you for coming, as always, and your work in this area has been, I think, when you look at the history of the secretaries in this area has been really commendable, so thank you.

I want to join in with Ranking Member Thompson in asking for the briefing on the cargo inspection and security piece.

Also I want to reference a question I asked, seems like a couple of weeks ago when you were here last, about a briefing on continuity of Government. When I say continuity of Government, I am not referencing agencies. I am talking about with elected officials and how we respond and assist, if and when a disaster occurs.

Thirdly, I want to commend you. I have observed one of the new Coast Guard cutter response vehicles. There was an oil spill in my district last week, and I saw the 45 and the ability to navigate from side to side, the ability to stop on a dime. I mean, it just seemed like we are really finally getting to the point where we can be as good as the bad guys. So congrats on that effort.

My questions are as follows. No. 1, I want to talk about the trade agreements. I asked you last time had your department had an opportunity to work with Ambassador Ron Kirk to see if we could engage some of these cargo screening issues, because last time when I asked you the question, about 2 years ago, you said the reason why we couldn't deploy it was because we needed all this global cooperation.

So my question is: With the impending trade agreements, have you had an opportunity to work with Ambassador Kirk to make sure we can resolve these issues?

Secretary NAPOLITANO. To date, I have not yet been involved with Ambassador Kirk.

Ms. RICHARDSON. Okay. When could I expect that, because I did ask it last time when you were here.

Secretary NAPOLITANO. Let me look into it and we will get back to you as soon as possible.

Ms. RICHARDSON. Okay. Thank you.

My second question has to do with the reviewing of allocation of grant funds. It is my understanding from the courts in my area that UASI Tier 1 level has changed from five cities to now 10. That has a lot to do with the significance in drops of grant funding.

So I was just wanting to ask if you would consider relooking at that and seeing why has the change occurred, because I think one of the great things about your Department was that you honestly

viewed things based upon their merit and the significance and not getting into the political, you know, fights that we might have here in Washington.

So if you could review that and get back, that would be helpful.

Secretary NAPOLITANO. Yes.

Mrs. RICHARDSON. Thank you.

No. 3, I wanted to talk about cargo inspection. One of my colleagues said, well, you know, the layered effect and all of that. I will admit it is kind of a personal issue, because it is reflective of my district.

I would venture to argue that if, in terms of traveling by air, we use the same systems, you look on the computer, you are checking, you know, who the people are and all of that, but everyone isn't just simply walking through the airport. You still have a layer of inspection that occurs at the airport that we all have to go through.

So I want to echo my concerns on, as the Ranking Member did, that I am just really concerned of where we are. I realize the chatter doesn't raise to the level as you are dealing with with aviation. I get all of that. But all we need is one problem, and suddenly things will change.

So you were quoted as saying that you are looking to extend the deadline to July 2014. Do you really honestly see implementing this program? Or do you just think you are going to keep kicking the can down the road?

Secretary NAPOLITANO. I am hopeful that we can persuade the Congress that the statute itself, the statutory requirement, is not the best way to secure the global supply chain, and that there are better ways, and that we are engaged in those.

But even given the existing statute, given that we would have to have agreements with, I think, 700-plus different ports, given the configuration of ports around the world, given the expense of some of the equipment that is associated by only focusing on what happens at the ports as opposed to the entire supply chain, by focusing on one area, we really don't fully get to the goal I think we all share, which is to make sure that materiel entering the United States is safe.

So I think that this is going to have to be an area where we continue to work with the Congress, work with the committee moving forward.

Ms. RICHARDSON. Okay. I am going to be really quick, because I have one last question. Would you be open, then, to at least working with us, because since I have been here in the last 3 years, it seems like we are at the same point. You say I want to do it the way I have been doing it. We kind of express other concerns.

What I would like to maybe say is could we all get together, maybe in a working session, and kind of talk about what are concerns and maybe come to a compromise instead of us, you know, just kicking the football back and forth.

Secretary NAPOLITANO. Yes. I know we have briefed the committee multiple times on what we are doing on cargo, but we would be happy, as always, to work with the committee.

Ms. RICHARDSON. Okay.

Mr. Chairman, could I have an additional 30 seconds?

Chairman KING. Thirty seconds to the lady.

Ms. RICHARDSON. Madam Secretary, as I mentioned, there was an oil spill in my district. I was not notified by DHS or anyone. I read it in the newspaper.

So what I would like to talk about, as I said, is continuity of Government of what—and I am willing to work with you. It is actually a passion of mine that I see as a huge weakness, from Hurricane Katrina and so many other areas. But I still don't think we have mastered how we engage this end of the rail in these disasters. So I would like to work with you on that.

Chairman KING. Okay.

Ms. RICHARDSON. Thank you.

Chairman KING. The time of the gentlelady has expired.

The gentleman, Mr. Duncan, is recognized for 5 minutes.

Mr. DUNCAN. Thank you, Mr. Chairman.

Ms. Napolitano, thank you for coming back before this committee. I reviewed in the written statement that you gave us the six identified Department of Homeland Security missions. I appreciate you breaking that out for us.

Last month, this committee had the opportunity to discuss the border situation, the Southern border situation mainly, with Chief Fisher. At that time, I read the definition of operational control from the Secure Fence Act of 2006, in which Congress defined operational control as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

This definition is brought more to the forefront with the understanding that Hezbollah is in cahoots with a cartel. I am concerned, as many Americans, that they are using smuggling routes of the cartel to bring God knows what into this country.

The Customs and Border Patrol is publishing data stating that only 44 percent of the Southwest border is under operational control. We see that a border State, Arizona, is suing the Federal Government, your home State.

Yet, earlier, Chief Fisher had earlier stated that they had acceptable level of operational control. I stated to him the acceptable level of operational control to the American people means that we control who enters this country.

On February 11, a Arizona sheriff, 34-year law enforcement veteran, Larry Dever, he said this. "I can't stand publicly and endorse a political initiative part of this," said Dever, whose county borders Mexico in the southeast Arizona area. "I can't stand up side by side with people who say that this border is safe and secure when it is not."

This came only a few days after the U.S. Customs and Border Protection Commissioner Al Bersin came to Arizona to meet with border sheriffs to discuss border security. Dever stated that the President—the administration—"was seeking to sell the belief to the American people that the border is safe and secure as part of a publicity campaign." Those are his words.

So my question for you this morning is just a further understanding of what Chief Fisher and this administration and your office means when they talk about operational control.

Secretary NAPOLITANO. Well, Representative, as I have said many times, what we want to have is a safe and secure border zone

from San Diego to Brownsville. No one is more familiar with that Arizona border than I am. I have worked that border as a prosecutor, as a Governor, and now as the Secretary since 1993. So I have a lot of years as experience with that border.

There are disagreements among the sheriffs along that border, by the way, so I would just simply note that. Not all the sheriffs are in agreement with Sheriff Dever, who I also worked with for many years.

But here is the point that I think is so important. The point is, is that we have a pathway forward on that border. It includes manpower. It includes technology. It includes infrastructure. It is a combination of all three of those things.

It also includes effective interior enforcement of our Nation's immigration laws, because the big driver of illegal immigration across that border is the opportunity to work in the United States, make a wage, and send it back to another country, primarily Mexico right now.

So that is what the pathway forward is. That is what the plan to build-up has been. That is why the President has put more Border Patrol agents in his budget than any time in our Nation's history.

That is why he put more funding into technology. That is why he has put more funding into ICE. That is why he has supported the largest deployment of technology at the Southwest border in our Nation's history. That is the pathway forward. That is the plan.

Unfortunately, the H.R. 1 that passed here contradicts that plan. It goes backwards. It will take us back to where we were several years ago in terms of the actual resources that are available at the Southwest border. So I would respectfully ask this committee to look at the continuing resolution and look at our fiscal year 2012 budget requests with those priorities in mind.

But I think we all share the same goal. The goal is to have a safe and secure border. The goal is to have a border through which legitimate travel and trade can go back and forth. We have some huge land ports of entry along that border.

Mexico is the No. 1 or 2 trading partner of, I think, 23 of our States. So that needs to be facilitated, even as we increase the manpower and equipment laydown between the ports.

Mr. DUNCAN. Well, I thank you. I think our goal is the same in securing the border, determining what comes in here.

Thank you, Mr. Chairman.

Chairman KING. The gentleman's time has expired.

The gentleman from Massachusetts, Mr. Keating, is recognized for 5 minutes.

Mr. KEATING. Thank you, Mr. Chairman.

Madam Secretary, thank you for being here today.

Last month we had the chance to discuss the aftermath of the death of a 16-year-old, Delvonte Tisdale, tragically, whose mutilated body was found in eastern Massachusetts in the direct line of a 737 commercial flight that left Charlotte on its way to Logan.

Forensic experts have ascertained that Mr. Tisdale reached the perimeter at Charlotte Douglas International Airport, hid before

takeoff in the wheel well of the airplane that was bound for Boston Logan International Airport.

To date, there has been no video surveillance that surfaced that could detail how Mr. Tisdale was able to breach airport operation in that area in Charlotte Douglas. The case surely suggests that there may be perimeter and airfield access vulnerabilities in other airports as well. Now, this week Charlotte Mecklenburg Police Department released a public version of their investigation.

Indeed, the police department's investigation, the local police department's investigation concluded there is a need to strengthen the perimeter security in many respects.

I am glad that this airport, a major hub, will be working with TSA to implement these new security measures. I am sure that you agree that if there is a security breakdown in one airport, particularly a hub such as Charlotte Douglas, that countless airport and cities are vulnerable. So I had four questions I would just like to pose.

I would like to make sure, if it is possible, that the Members of this committee are briefed on the classified police department report that they had issued. Can you agree to work with our committee in that respect?

Secretary NAPOLITANO. Yes, it is a matter that is still under investigation, how that particular breach occurred, so I am not at liberty to discuss it in a public setting, but we will explore when the investigation is complete how we go about sharing it.

Mr. KEATING. My understanding is that the local police investigation is complete from local officials. Could you share that local police report, at least, with this committee?

Secretary NAPOLITANO. Representative, let me look into this. That was not my understanding, so let me look into that.

Mr. KEATING. Thank you.

Ranking Member Thompson and myself asked TSA to conduct its own investigation in this matter. Now that the TSA has the report from the police department, when will TSA commence that investigation?

Secretary NAPOLITANO. Well I believe that TSA—their investigation is underway. In addition, you know, we learn from all these incidents. You know, this is a—you know every time there is a breach of whatever type, it is something that we say, well, okay, what happened here? Is it capable of repetition? What needs to happen systemically?

You are right to point out the hub nature of Charlotte, if that is indeed where this individual got on board. It is something that reminds us of, you know perimeter, which as you know, the TSA doesn't control the perimeter. It has standards that airports are supposed to abide by with respect to perimeters. So we are looking at all of that afresh in light of this incident and any kind of incident.

Mr. KEATING. Well let me try and, for the sake of time, combine my third and fourth questions together. Let me express this. All the way along I have a greater sense of urgency when a breach of this nature occurs that could threaten not only this airport, but other airports than I suppose that many other people, it seems. But

to me I am a bit dumbfounded that that sense of urgency hasn't resulted in quicker action.

I have had the chance on my own, and with some assistance, to look at some of the minimum standards, which I will not discuss, because I don't think it is great to discuss publicly what some of the minimum standards are in terms of the perimeter at airports.

But suffice it to say looking at those from my perspective that I have been able to view, I am not satisfied and I will tell you the truth, I don't think the public would be satisfied if they knew what those minimum standards are.

My question to you is: Given the minimum standards and given the fact that you just expressed that there is another jurisdiction often involved in implementing those standards, what can we give you for authority, if necessary, to make sure there is a seamless approach to making sure those perimeter and tarmac areas are as secure as they should be? Because my view of what happened in Charlotte clearly indicates that there is a major breach.

In a bank robbery you can go back after someone did it and get video tape, forensic evidence. There is no sign in the videotape from anything I have seen that they can even locate how he did it, yet he did.

So I see a major problem, and we are going to work with you as a committee to see if we can give you more authority, if necessary, more resources, if that is necessary. But to me that is a profound danger to the traveling public where they are barraged at the gate, which is fine, and we all accept those kind of intrusions, but you look out the window at the tarmac and perimeter and, frankly, I don't feel safe when I am taking a plane.

Chairman KING. The time of the gentleman has expired.

In consultation with the Ranking Member, we are asking unanimous consent to have all future question periods limited to 3 minutes, so the Secretary can make it to the White House for her meeting with the President of Mexico.

Secretary NAPOLITANO. We will work with the committee on this.

Chairman KING. Thank you.

Mr. KEATING. Thank you.

Chairman KING. Without objection, the time limit is now 3 minutes to the gentleman from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Thank you Mr. Chairman. I appreciate it.

Thank you, Madam Secretary.

Getting back to the student visa issue, describe the enhanced monitoring capabilities of SEVIS–2 as opposed to SEVIS–1. If you can tell me when—I know the program, the system has been delayed. It hasn't been deployed, scheduled to be deployed last year.

Give me a time line: When do you think this will be implemented? What are we doing? What is ICE doing to monitor, enhance monitor these individuals in the mean time?

Secretary NAPOLITANO. Well, I will get back to the exact time line Representative, but you know, as I mentioned earlier at this hearing, ICE is able, under the current SEVIS system to monitor, to monitor for suspicious activity reporting in bank accounts and the like, and that is indeed one of the ways in which this individual was detected.

Mr. BILIRAKIS. Okay. What is the current level of coordination and information sharing between DHS and the State Department regarding student visa issuance? Then, again, why didn't the President—actually the budget is flat on the visa security units, and I know we have identified—I think there are 17 that are actually in place, and I know we have close to 70 identified high-risk areas in the world.

Can you explain to me why? Is this not a priority of this administration?

Secretary NAPOLITANO. Well, all issues of security are a priority and all of them have a sense of urgency about them in reference to the prior question. I think we put ICE individuals into embassies upon agreement with the State Department as to where they should go, and we have requested funding for where we have agreements.

Mr. BILIRAKIS. Okay, thank you.

I will yield back in the interest of time. Thank you.

Chairman KING. Thank the gentleman.

The gentlelady from New York, Ms. Clarke, is now recognized again.

Ms. CLARKE of New York. Thank you very much, Mr. Chairman.

It is so good to see you, Secretary Napolitano. Thank you for your forthrightness in the responses to what is a very challenging budget. I was sitting here and just thinking that some of what our concerns are almost diametrically opposed to what has come forth in the House-passed CR. It is interesting to hear the conversation.

But I have a question about cybersecurity. The National Cyber Security Division is currently planning to deploy five Einstein monitors and five key nodes on the dot-gov domain that should be used to protect and to detect intrusions on computer systems. If the continuing resolution is adopted by the Congress and you don't receive your requested funds for fiscal year 2011, how would it affect this much-needed project and the request for $236.6 million in the fiscal year 2012 budget?

Secretary NAPOLITANO. It will cause significant delay, Representative. I think for the deployment of Einstein 3, we would see that moved back at least 2 or 3 years in terms of our ability to deploy it. Talk about an area where there is urgency, the cyber area has, has real urgency associated with it, so we hope we can work with the Congress to revisit that issue.

Ms. CLARKE of New York. Yes, I think that that is an area of concern that both sides delay the radar for whatever reasons, and it is going to take, I guess, us, as my father would say, to feel it before we realize how much of a priority it is.

I want to move quickly to interoperability and the whole question of the D Block spectrum. There seem to be dueling opinions around the D Block spectrum and I see that, you know, you and the President have been focused on reserving in support of the reallocation of the D Block to public safety.

Can you elaborate to the committee the level of involvement the Department has had in the D Block debate and how you envision fiscal year 2012 budget helping the Department and the Office of Emergency Communication to preserve that for public safety communication networks?

You know, this is a key area in light of what we have seen and what we have witnessed during the 9/11 terrorist event and Hurricane Katrina.

Secretary NAPOLITANO. Yes, Representative. We have been very involved ever since the FCC initial decision was announced that they wanted to auction off the D Block.

Ms. CLARKE of New York. That is correct.

Secretary NAPOLITANO. The Departments of Justice and Homeland Security, we both raised our hand and said, "Wait, there is a public safety issue involved here." We have reached agreement within the administration. Absolutely, the D Block ought to be reserved for public safety. I believe we will all be working with the Congress on the statutory changes needed to effectuate that.

Ms. CLARKE of New York. Fabulous.

Just in closing, Madam Secretary under the continuing resolution, the DNDO would lose at least $20 million for acquisition this fiscal year. I am coming around to the issue of Securing the Cities and how this would impact Securing the Cities, human portable detectors, and other deployments. Can you share that with us, please?

Secretary NAPOLITANO. Yes, the budget for (Domestic Nuclear Detection Office) DNDO would affect both of those things and, as I noted in my opening statement, we have asked for money in the fiscal year 2012 budget to not only continue Securing the Cities, but to add to it.

Chairman KING. The time of the gentlelady has expired.

I would add that in the CR, Securing the Cities is protected, I believe. We can discuss that, as I said to the Secretary, before, and we will——

Secretary NAPOLITANO. Yes, I was referring to the other detection——

Chairman KING. Securing the Cities is protected.

Secretary NAPOLITANO [continuing]. But it is true that in the fiscal year 2012 budget, Securing the Cities is sustained——

Chairman KING. Right.

Secretary NAPOLITANO [continuing]. And we want to add another city to it.

Chairman KING. Right.

The gentleman from Arizona, Mr. Quayle, is recognized for 3 minutes.

Mr. QUAYLE. Thank you, Mr. Chairman.

Thank you, Madam Secretary, for coming here.

There has been a lot of talk I think in this talk with the budget of 2012 with the CR that just went through the House and will be going through the Senate and coming back, probably.

But one of the focuses of both the media and here this afternoon has been what effects it is going to have on securing the Southwest border. I just wanted to give a little lay of the land of how this CR is going, because from my looking at it, it is going to be adding more border agents, not decreasing more border agents.

It has increased funds for CVP by $147.9 million over what it was for fiscal year 2010, which was an increase compared to what the administration fiscal year 2011 request was. It also provides $550 million for fencing infrastructure and technology, $57.8 mil-

lion for ICE to maintain new Southwest border hires, and no fewer than 33,400 detention beds.

It also includes $60 million for Operation Stonegarden, which is the same as fiscal year 2010. Now in going forward with the CR and then also with the fiscal 2012, what in terms of priorities do you think that we should be focusing on for the Southwest border? Is it technology, more Border Patrol agents? Which do you think is most important in that regard?

Secretary NAPOLITANO. Well, first of all, I think there is a lot of—I really can't agree with the laydown you gave of the facts in terms of how they really affect funding for the Southwest border, Representative Quayle. I will be glad to get with you after this hearing, because time is precious.

But I think even Senator Kyl yesterday put out an article expressing concern about H.R. 1 and how it affects the force laydown for border and immigration enforcement. So I think there is some bipartisan disquiet there.

It is not a good border budget. It is not a good immigration budget, and we believe very strongly that just to keep moving in the direction we are moving is the right thing. The numbers that need to change are all going in the right direction, and dramatically so, particularly in Arizona.

We need more manpower, we need more technology, and we need more funding for infrastructure put in the right places, and the right kind of infrastructure. It is hard to say, well, one, two and three. It is all of the above, because it is a system.

Then you need to back that system up with enforcement in the interior of the country, which is primarily ICE. So, when you have that system in place, you begin to see the dramatic impacts that we have seeing over the past several years.

Mr. QUAYLE. All right. Thank you very much.

I yield back.

Chairman KING. The gentleman from Louisiana, Mr. Richmond, is recognized for 3 minutes.

Mr. RICHMOND. Thank you, Mr. Chairman.

Thank you, Madam Secretary.

We are having an issue in Louisiana that I think rises, in my opinion, to a Homeland Security issue, especially when you talk disaster response. You talk about dredging of the Mississippi River, and you talk about all the ships that come through with petrochemicals, and so forth.

What if those ships run aground and we have a leak then that falls smack-dab under your agency in terms of the response? Are you at all involved in making sure that our ports are dredged to a safe level, at least to their authorized level, so that we don't have that?

Our river pilots, who navigate the ships on the Mississippi River, had to issue a warning in a memorandum to their pilots not to traverse the river at night-time, wait 'til high water, because of a fear of running aground and having a spill. So I know that agencies don't talk to each other, but that is a big concern of mine. Have you paid any attention to that?

Secretary NAPOLITANO. I am not personally familiar with that particular issue, or that particular port issue. But I can say that

the Coast Guard works very directly with the shipping industry, with those involved—we have the captains of the ports, for example—and with the Army Corps of Engineers.

Mr. RICHMOND. The other thing I would just like to add, especially as States start to deal with major budget problems, especially Louisiana, and we deal with our own budget problems up here, the grants for emergency preparedness, for event planning, exercises, management, and all of those things, if we see a reduction in those grants, is it possible that we create a more general pool so that the local emergency preparedness offices can better utilize or prioritize what they need to use the grants for?

Secretary NAPOLITANO. Well, that is one of the reasons why we recommended consolidating the current list of 17 to 9, to give localities some more flexibility to reduce the number of grant applications and the paperwork they have to submit. It was something that we asked for last year. We are asking for it again in the fiscal year 2012 budget.

Mr. RICHMOND. Thank you.

I yield back.

Chairman KING. Thank the gentleman.

The Chairman recognizes the gentleman from Pennsylvania, the Chairman of the counterintelligence subcommittee, Mr. Meehan, for 3 minutes.

Mr. MEEHAN. Thank you, Mr. Chairman.

Thank you, Madam Secretary, for being with us here again, and for your extensive preparation. I, among many in Washington in the last 48 hours, have been with those who have been sort of dogearing the most recent report from GAO.

It was a pretty tough challenge in many parts of Government, including our own backyard here, as we all collectively look at the issue of homeland security. They were looking at overlap and fragmentation among Government programs.

But a particular area, the area of bioterrorism—and I quote from the report—"at least five departments, eight agencies, and more than two dozen Presidential appointees oversee $6.48 billion related to bioterrorism."

Secretary NAPOLITANO. Yes.

Mr. MEEHAN. If you go deeper into it, it says at one point, "there is no broad, integrated National strategy that encompasses all stakeholders with biodefense responsibilities"—this is on the front end—"with respect to systematically identifying risk, assessing resources needed to address that risk, and then prioritizing and allocating the investment." So that goes to sort of our preparedness for an event.

Then it says that, "there is no National plan to coordinate Federal, State, and local efforts following a bioterror event, and the United States lacks the technical and operational capabilities required for an adequate response."

That is a tough accusation for all of us who share a concern about this issue. I know you represent just one of the multiple agencies, but this is a big challenge for all of us in Government. How do we begin to look at this incredible problem? This is a canary in a coal mine, in my mind, right now.

How do we begin to look at the issue of a National strategy and get that focal point, go across the multiple agencies, but not only be better with our resources in terms of fiscally responsible, but deal with issue of appropriate preparedness and response?

Secretary NAPOLITANO. Representative, well first of all, if I might suggest something for the committee to consider? That is, I don't think it is overall helpful for GAO reports that are allegedly pointing out alleged vulnerabilities to be put out in an unclassified format. I think that is a problem. I think I have referenced it several times. I would respectfully ask the Congress to really look at that, for obvious reasons.

Second, the issue of bio, I believe—it is very complicated, because you are quite correct. It does cross multiple agencies. You have got entities at Health and Human Services (HHS), you have got us, you have got the DOD. You have got some smaller agencies, all of which have a piece of this.

We have been working primarily with HHS on merely trying to create or construct a pathway forward at the interagency level where bio is concerned. What I would like to do is have some of the people directly involved with that brief you in a classified setting.

Mr. MEEHAN. I would thank you. That would be great. That would be a great opportunity to begin trying to work on something, whether we like it or not, that is out there now in public and we are going to be asked about.

Thank you, Mr. Chairman. I yield back.

Chairman KING. The time of the gentleman has expired.

The gentleman from Texas, Mr. Farenthold.

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

Madam Secretary, I would like to personally thank you for being in Brownsville attending a memorial mass for Agent Zapata. My office has continued to be in contact with the Zapata family and let them know that you would be here today, and actually asked if they had any questions for you.

They sent a list of 17 that definitely points out the fact that it is a family dedicated to law enforcement. Mr. McCaul has asked a couple of them, and a couple of them are in details that aren't appropriate for the scope of this meeting.

But the one that I don't think was asked that I do think is important that we address is: What concrete steps are we taking to make sure that something like this doesn't happen again? Are those steps addressed in the budget proposal that was put together clearly behind the scenes before this event that I consider being an escalation in the war against drugs on our Southern border?

Secretary NAPOLITANO. Well, I think, first of all, thank you for being at the service. It was very moving and it was the Zapata family. You have two other—it was five sons, and I think two others are DHS employees, and the father is a law enforcement official, retired now—so really, a great Brownsville family and great citizens of our country.

Moving forward, first of all, we have been working on a very intensive basis with the Government of Mexico and with DOJ on not only the investigation of the shooting of Agent Zapata, but what

can be done to deal with some of the entire organizations that are now plaguing Mexico?

What more can we do to assist the Calderón administration in their fight against the cartels? What more do we need to do to make sure that our agents are properly supported in the field? What more we can do in the continental United States, to the extent the cartels have fingerprint presences here, to go after them? There have been, at least in open source reporting, I think I can say that there have been a number of activities on all of those fronts.

Mr. FARENTHOLD. I would urge you to stay in close communication with the Zapata family. They are law enforcement agents that will work with you and have the curiosity that only a law enforcement family might have there.

I don't have a whole lot of time left. The budget indicates that there is actually no funding in the request for UAVs that have been found to be effective on the border. Is there a reason for that omission?

Secretary NAPOLITANO. I believe—let me clarify that for you—I believe there is funding for two more UAVs at the border. We now have the capability to traverse the entire border by UAV. So we have greatly expanded that capability.

Mr. FARENTHOLD. Well, I am out of time. I do have some more questions. We will probably follow up with them at some future point in time.

Thank you very much.

Secretary NAPOLITANO. Fair enough. Thank you.

Chairman KING. Madam Secretary, thank you very much for your time. I wish you good luck at the White House with the President of the United States and the president of Mexico. Members of the committee may have some additional questions. I would ask if they could respond to you in writing, and if you would respond to them.

The hearing record will remain open for 10 days, without objection.

The committee stands adjourned.

Secretary NAPOLITANO. Thank you very much, Mr. Chairman.

[Whereupon, at 11:35 a.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN PETER T. KING FOR JANET NAPOLITANO

Question 1. Madam Secretary, the committee was impressed to learn of the Office of Emergency Communications' extensive outreach to stakeholders to assist them in meeting the requirements of Goal 1 and Goal 2 of the National Emergency Communications Plan (NECP). Specifically, the committee was encouraged that OEC worked with so many local first responders and leaders to assess the UASIs in Goal 1, and now the Nation's counties in Goal 2. As you assess the fiscal year 2012 budget for the Department, what commitments can you provide to the committee that OEC will maintain its level of outreach to the stakeholders to meet Goal 3 of the NECP—which states that "by 2013, 75 percent of all jurisdictions are able to demonstrate response-level ecomms within 3 hours, in the event of a significant incident as outlined in National planning scenarios"?

Answer. The Department of Homeland Security (DHS) supports the Office of Emergency Communications' (OEC) efforts to advance Nation-wide interoperable emergency communications, consistent with Congress' direction under Title 18 of the Homeland Security Act of 2002, as amended, that OEC is to conduct "extensive, Nation-wide outreach" to foster the development of interoperable emergency communications capabilities by Federal, State, regional, local, territorial, and Tribal governments and public safety agencies.

OEC effectively used a stakeholder-driven process to develop the National Emergency Communications Plan (NECP), coordinating with more than 150 representatives from Federal, State, local, territorial, and Tribal governments, as well as the private sector and all major public safety organizations. Stakeholder involvement has continued to be a critical element in the implementation of the NECP, as OEC has worked closely with public safety agencies at all levels of government to implement the Plan's milestones and assess responders' capabilities as set forth in its Goals. DHS believes that the success of Goal 3 will require continued outreach and coordination with the stakeholder community and is committed to supporting OEC in its successful implementation of NECP Goal 3. This commitment is reflected in the fiscal year 2012 President's budget submission.

Question 2a. According to the fiscal year 2012 budget request for the Department of Homeland Security, the administration has proposed to eliminate direct funding for the Interoperable Emergency Communications Grants Program (IECGP). As you know the IECGP is intended to enhance and improve interoperable communications at all levels of government.

Given the continued challenges to achieve interoperability and the emerging technologies such as the deployment of a public safety broadband network, how does DHS plan to achieve the goals of the IECGP without the direct funding?

Question 2b. Other than the IECGP, what else is the OEC doing to promote interoperability? In your response, please address OEC's continued commitment to meeting the goals of the National Emergency Communications Plan (NECP)—which drives the decisions to award the IECGP.

Answer. The budget request seeks to consolidate IECGP into the broader grant program State Homeland Security Program (SHSP) in order to maximize the ability of State decision-makers to set priorities and to reduce the administrative barriers to grants.

Since fiscal year 2008, the Interoperable Emergency Communications Grant Program (IECGP) has awarded $145,150,000 to the 56 States and territories. IECGP provides governance, planning, training, and exercise funding to States, territories, and local and Tribal governments to carry out initiatives to improve interoperable emergency communications, including communications in collective response to natural disasters, acts of terrorism, and other man-made disasters. State and local governments have used IECGP awards to fund State-wide Interoperability Coordinators (SWICs), develop State-wide Communication Interoperability Plans (SCIPs) and

periodic updates, and meet the strategic goals of the National Emergency Communications Plan (NECP). The State Homeland Security Program (SHSP) and Urban Areas Security Initiative (UASI) allow for funding of similar efforts and indeed have been the primary funding sources for interoperable emergency communications equipment funding.

In regard to your question about the Office of Emergency Communications' (OEC) other efforts to promote interoperability through outreach to stakeholder groups, below is a list of programs and efforts administered by OEC to enhance communications interoperability at the Federal, State, local, territorial, and Tribal levels.

Furthermore, DHS continues to promote interoperability through the Science & Technology Directorate's (S&T) Office for Interoperability and Compatibility (OIC). OIC conducts research, development, testing, and evaluation (RDT&E) on existing and emerging technologies as well as promotes the acceleration of standards to achieve interoperability for local, Tribal, State, and Federal first responders.

SAFECOM Executive Committee and Emergency Response Council

- OEC, through SAFECOM, collaborates with emergency responders and policy makers across all levels of government to improve multi-jurisdictional and intergovernmental communications interoperability. The Executive Committee and Emergency Response Council have been instrumental in the creation of key documents such as the Interoperability Continuum, the SAFECOM Guidance for Federal Grant Programs, and the National Emergency Communications Plan (NECP).
- Members of the SAFECOM Executive Committee and Emergency Response Council promote interoperability to their respective associations and the local public safety community.

State-wide Interoperability Coordinators

- The creation of the State-wide Interoperability Coordinator (SWIC) position is improving coordination of emergency communications activities and investments throughout all 56 States and territories.
- All 56 States and territories have identified a point of contact for State-wide interoperability coordination, and 44 States and territories have full-time SWIC or equivalent positions. These important leadership roles and planning mechanisms are critical for the continued funding, accountability, and execution of emergency communications activities at the State and local levels.
- OEC provides SWICs with templates and guidance documents to promote interoperability within the States. OEC supports bi-annual meetings that allow SWICs to share best practices, lessons learned, successes, and challenges related to State-wide Communication Interoperability Plan implementation with their peers.

Regional Coordination Program

- In 2009, OEC established the Regional Coordination program to provide additional support to Federal, State, local, and Tribal stakeholders across the Nation. Regional Coordinators support OEC's mission by strengthening emergency communications capabilities across Federal, State, local, territorial, and Tribal governments at the regional level through trusted relationships, collaboration, and knowledge sharing. There is a regional coordinator located in each of the 10 FEMA regions.

Emergency Communications Preparedness Center (ECPC)

- OEC promotes interoperability at the Federal level through the Emergency Communications Preparedness Center (ECPC). The ECPC is the central Federal coordination point for interoperable and operable emergency communications.

Technical Assistance and Guidance Documents

- OEC has implemented a technical assistance strategy to ensure that all States and territories can request and receive assistance, while focusing support on the States that are most in need.
- Since 2008, the 56 States and territories have combined to request more than 750 individual technical assistance services from OEC. These services support the priorities of the State-wide Communication Interoperability Plan in each State or territory SCIP and the objectives of the NECP.
- To improve emergency responders' capabilities in this area, OEC's Communications Unit (COMU) training for All-Hazards Communications Unit Leader (COML) and All-Hazards Communications Unit Technician (COMT) has resulted in more than 3,500 responders being trained to lead multijurisdictional

communications at incidents across the Nation, including local floods, blizzards, and wildfires.

- OEC also develops guidance documents and templates that promote best practices. Recent publications, available on the SAFECOM website, include A Practical Guide to Narrow-banding, Plain Language FAQs, National Interoperability Field Operations Guide (NIFOG), and Regional Intrastate Governance Guide.
- To support the FCC mandate to convert to narrow-band operation by January 2013 OEC's Frequency Mapping Tool (FMT) provides stakeholders a snapshot of their respective frequency assignments directly from the FCC database.
- Another support service OEC provides for all public safety agencies to store, retrieve, and visualize radio communications assets is the Communications Assets Survey and Mapping (CASM) Tool.

OEC measures progress by State, local, territorial, Tribal, and urban areas towards meeting the NECP Goals through several performance metrics:

- The NECP Goals establish operational targets that OEC is assessing through a process that engages Federal, State, local, and Tribal emergency responders. To evaluate NECP Goal 1, OEC conducted an assessment of response-level emergency communications among public safety agencies during a planned event held in each Urban Area Security Initiative (UASI) regions.
- Based on communications capabilities documented at each event, since fiscal year 2008 all 60 UASIs that were funded that year were able to demonstrate Goal 1 of the NECP. The Goal 1 assessments also showed areas for continued improvement.
- In 2011, OEC will collect data from more than 3,000 counties Nation-wide for NECP Goal 2 to determine whether non-UASIs can demonstrate response-level emergency communications within 1 hour.
- OEC will be using the results of the goal assessments—including Goal 2, which is scheduled for completion in 2011 and Goal 3 in 2013—to better target resources, such as training and planning, for improving interoperable emergency communications Nation-wide.

Technology Advancements and Acceleration of Standards

- Multi-Band Radio (MBR) technology provides first responders with the capability to communicate on all public safety radio bands. OIC has helped spark industry investment and stimulate this marketplace for first responders.
- The Voice over Internet Protocol (VoIP) project focuses on connecting disparate land mobile radio IP-based systems, which are used by first responder agencies to transmit voice communications. By bridging these proprietary systems, OIC is helping to not only achieve interoperability, but reduce an agency's cost for system design and installation.
- In 2009, OIC established the Project 25 Compliance Assessment Program (P25 CAP) to ensure that emergency communications equipment complies with P25 standards and thus is interoperable across manufacturers. P25 CAP provides first responders with a traceable method to gather P25 compliance information on the products they buy. Finally, through coordination with OEC, P25 CAP provides a means of verifying that Federal grant dollars are being invested in standardized solutions and equipment that promote interoperability for the public safety community.
- In coordination with Customs and Border Protection, OIC is working to deliver converged mission critical voice, data, and video capabilities merging land mobile radio and broadband networks. This approach can be leveraged across all DHS components, and thus end the model of expensive, stand-alone, stove-piped land mobile radio networks. DHS is establishing an executive steering committee (ESC) comprised of appropriate members from DHS Components with radio systems and creating a DHS joint tactical communication program management office that includes members from each of those Components.

Question 3a. As you know Madam Secretary, I introduced H.R. 607, a bill calling for the reallocation of the D-block so that more spectrum can be made available to public safety agencies and to promote the deployment of a wireless public safety broadband network. We were encouraged to hear of the administration's support for the reallocation of the D-block to support a public safety communications network.

Does the DHS plan to seek additional budget support for the deployment of the public safety broadband network?

Answer. On February 10, 2011, President Obama announced his Wireless Innovation and Infrastructure Initiative. In that announcement, he outlined the plan to develop and deploy a Nation-wide, interoperable wireless network for public safety. To seize this opportunity, President Obama is calling for an investment of $10.7 billion to ensure that our public safety benefits from these new technologies: $3.2 billion

to reallocate the D-block, $7 billion to support the deployment of the network; and $500 million from the Wireless Innovation Fund for Research and Development and technological development to tailor the network to meet public safety requirements. This investment, in coordination with the investment in rural buildout (a one-time investment of $5 billion and reform of the Universal Service Fund), will ensure that the rollout of wireless broadband services in rural areas serves the needs of public safety and the broader community.

Question 3b. Please explain to the committee the role of the Office of Emergency Communications to support the deployment of the public safety broadband network.

Answer. The Office of Emergency Communications (OEC) is supporting the deployment of the Network in a variety of ways. These include helping to set the broad policy framework for the Network and ensuring that framework aligns with existing emergency communications policy, coordinating among stakeholder groups on broadband issues, developing and aligning broadband grant policies with current programs that support emergency communications, and providing technical assistance to jurisdictions that have received Federal Communications Commission (FCC) waivers to begin deploying public safety broadband facilities and other early adopters of broadband solutions to ensure that their activities remain aligned with the vision of a nationally interoperable network.

Policy.—As noted in more detail below in response to the last subsection of this question, OEC is in the process of updating the National Emergency Communications Plan (NECP) through the addition of a broadband addendum, which will identify key challenges and recommend near-term actions to foster the integration of broadband technologies and data capabilities to address emergency responders' tactical and operational needs. In addition, this addendum will propose further actions to support current interoperability efforts, and ensure that existing communications capabilities continue to function until broadband networks are ready to provide the mission-critical capabilities that public safety requires.

Coordination.—OEC is using its existing stakeholder bodies to ensure that the views and requirements of the public safety community are fully represented in Network broadband planning and implementation efforts. These outreach activities include the SAFECOM Executive Committee and Emergency Response Council (EC/ERC), State-wide Interoperability Coordinators (SWICs), the Emergency Communications Preparedness Center (ECPC), and the One DHS Committee on Emergency Communications. OEC also participates in regular conference calls with the Public Safety Spectrum Trust Operators Advisory Committee, a group comprised of the 700 MHz waiver jurisdictions.

The Department of Homeland Security (DHS) also hosted a Public Safety Communications Planning Forum in September 2010. The forum brought together more than 100 representatives from Government, associations, public safety, and industry to address key issues related to the development and deployment of a Nation-wide public safety broadband network. Discussion topics included operational requirements, funding, standards, spectrum requirements, and governance for the network.

A working group, comprised of SAFECOM members and SWICs, is currently developing an educational brochure to help elected and budget officials understand where public safety currently stands regarding land mobile radio and broadband, where it hopes to go in the future, and the challenges that exist. OEC will also leverage SAFECOM members and SWICs to provide input on the policy, grants, technical assistance, and guidance document activities described in this section through additional working groups and regular stakeholder meetings.

ECPC activities include the identification of Federal broadband requirements, development of a consolidated view of emergency communications assets, resolution of associated legal and regulatory barriers, development of coordinated departmental positions on pending broadband regulatory matters and rulemakings, and establishment of standardized grant guidance and processes. For the coming year, the ECPC has identified the development of broadband standards and research and development as strategic priorities.

Concurrently, the One DHS for Emergency Communications Committee, comprised of senior executives across DHS headquarters and component entities, is working collectively to provide consolidated departmental inputs into Federal interagency efforts, as well as to develop strategies for broadband technology migration (e.g., transition from current land mobile radio technology). OEC will also work with jurisdictions to incorporate deployed broadband technologies into State-wide Communication Interoperability Plans through the development of a guidance document described below.

Finally, OEC is drafting a suite of wireless broadband guidance documents, which are intended for SWICs, urban area and regional interoperability coordinators, public officials and executives, and emergency responders. The documents are to sup-

port current NECP initiatives on interoperability planning and will provide emergency response stakeholders with a reliable and comprehensive source of information about wireless broadband in the emergency response environment.

Grants.—OEC has made significant strides in improving coordination of Federal emergency communications grants policy through its administration of the ECPC Grants Focus Group and its development of the annual SAFECOM grants guidance. OEC utilizes stakeholder input from State, local, territorial, and Tribal responders in those activities. OEC's current grant guidance contains a number of key provisions pertaining to broadband deployment, and the guidance developed for new Federal grant programs or financial support for the deployment of the Nation-wide Public Safety Broadband Network should build upon these provisions and continue to leverage the success of these coordination efforts.

Technical Assistance.—OEC has developed a wireless broadband technical assistance offering and has included that offering in its fiscal year 2011 Technical Assistance catalog. This offering will assist State, local, territorial, Tribal, and regional users to understand and implement options for the use of broadband technology in public safety. The offering, which will be tailored to an audience's specific needs, provides a range of services including informational briefings, development of governance models and standard operating procedures, project planning, and engineering support.

Question 3c. Which DHS component serves as the lead on the deployment of the public safety broadband network?

Answer. The Office of Cybersecurity and Communications (CS&C) within the National Protection and Programs Directorate is the Department's overall lead in regards to issues related to the deployment of the Public Safety Broadband Network. CS&C coordinates closely with DHS operational and headquarters components on issues related to the Public Safety Broadband Network through the One DHS Emergency Communications Committee. Through the One DHS Committee, DHS is working collectively to provide consolidated departmental inputs into Federal interagency efforts, as well as to develop strategies for broadband technology migration.

Question 3d. What is DHS, and OEC in particular, doing to ensure that the NECP—which serves as the Nation's roadmap to improve emergency communications capabilities at all levels of Government—is instructing all the key partners involved in the deployment of the National Broadband Plan (NBP)?

Answer. OEC developed the NECP in coordination with more than 150 representatives from Federal, State, local, territorial, and Tribal governments, as well as major public safety organizations and the private sector. Many of these public safety organizations also participated in FCC forums to develop the National Broadband Plan. Since the NECP's release in 2008, OEC has worked with its partners at the Federal, State, local, territorial, and Tribal levels to implement the Plan's goals and milestones. As of April 1, 2011, more than 85 percent of the NECP milestones were achieved, and all Urban Area Security Initiative (UASI) regions met Goal 1 of the Plan. OEC is currently working with State, local, Tribal, and territorial jurisdictions to implement Goal 2 of the NECP.

OEC is leading the Department's efforts to update the NECP in 2011 to address the integration of emerging broadband technologies with traditional Land Mobile Radio (LMR) technologies used by emergency responders. OEC is coordinating with Federal agencies, State, local, Tribal, and territorial jurisdictions, major public-safety organizations, and the private sector to develop a National Strategy for incorporating emerging broadband technologies while maintaining the mission-critical voice-over LMR that responders use every day to save lives. The NECP update will focus on key issues that must be addressed (including partnerships, planning, user requirements, standards, research and development, and funding) so that emerging technologies are interoperable, reliable, and secure for use by public safety personnel.

Question 3e. Will OEC update the NECP to include emerging technologies such as the proposed public safety broadband plan? If so, when and what impact will such an update have on the NBP?

Answer. OEC is leading the Department's efforts to update the NECP in 2011 to address the integration of emerging broadband technologies with traditional LMR technologies used by emergency responders. OEC is coordinating with Federal, State, local, Tribal, and territorial jurisdictions, major public-safety organizations, and the private sector to develop a National strategy for incorporating emerging broadband technologies while maintaining the mission-critical voice-over LMR that responders use every day to save lives. The NECP update will focus on key issues that must be addressed (including partnerships, planning, user requirements, standards, research and development, and funding) so that emerging technologies are interoperable, reliable, and secure for use by public safety personnel.

QUESTIONS FROM HONORABLE BLAKE FARENTHOLD FOR JANET NAPOLITANO

Question 1. During my line of questioning I asked you about the absence of funding in President's fiscal year 2012 budget to purchase additional Unmanned Aerial Vehicles. In your response, you stated there was in fact funding for "two more UAVs at the border." My understanding is there is no such funding in the fiscal year 2012 budget.

Could you please clarify as to whether the fiscal year 2012 budget provides funding for additional UAVs. If so, have locations been identified as to where these additional UAVs would be flown from?

Answer. The fiscal year 2012 President's budget does not provide funding for two more Unmanned Aircraft Systems (UAS). However, the fiscal year 2012 request includes additional funds to: Complete the acquisition of the two new systems funded in the fiscal year 2010 Supplemental ($32 million); cover the first year of operations and maintenance; and provide for the facilities and support infrastructure associated with the expansion of UAS operations on the Southwest border, principally from the Naval Air Station, Corpus Christi, TX.

U.S. Customs and Border Protection (CBP) Office of Air and Marine (OAM) operates UAS from Cape Canaveral, FL, Corpus Christi, TX, Grand Forks, ND, and Sierra Vista, AZ. CBP OAM asset bed-down, area of operations, and assigned tasks are based on continuing and deliberate consideration of shifting threats to National Security. As such, a decision has not been made where the next two UAS will be deployed once CBP takes possession of these assets late this calendar year. DHS and CBP remain committed to maintaining flexible deployment capability of these National assets to respond to changing and emerging threats.

Question 1b. How many UAVs does the Department plan on purchasing and maintaining over the next 2 years?

Answer. DHS plans to have purchased and maintain a total of 10 UAS through fiscal year 2014. As of February 2011, OAM has seven operational MQ–9 Predator B UAS. Five UAS are the land variant, 2 are maritime variants. Two additional land variant UAS will be purchased with fiscal years 2010 supplemental funds and be delivered in calendar year 2011. A third maritime variant UAS will be on order shortly. For an expected delivery in early 2012.

Question 2a. The Customs and Border Patrol Office of Air and Marine recently took possession of a Predator in Corpus Christi. These Predators are considered by law enforcement at the Federal, State, and local level to be a vital force multiplier in our on-going efforts to gain operation control of the Southwest border.

Is the Predator currently operational?

Answer. The Unmanned Aircraft Systems (UAS) stationed at Naval Air Station (NAS) Corpus Christi is operational and capable of supporting border-centric missions with its full array of optical and infrared video systems via a satellite command link. These existing capabilities regularly satisfy requirements for UAS border security missions.

Question 2b. How many land operations has it run along the Rio Grande?

Answer. U.S. Customs and Border Protection (CBP) has supported over 61 operations to date utilizing UAS resources located at NAS Corpus Christi.

Question 2c. How many maritime operations has it conducted in the Gulf?

Answer. The maritime radar designated for the UAS stationed at Corpus Christi NAS is undergoing engineering modifications and is planned for installation in midsummer of 2011. The ground control station (GCS) at Corpus Christi is being modified so that it may also leverage the functionality of this maritime radar. The GCS modification is scheduled to be completed by late calendar year 2011. Until that time, collection with this UAS along the border or near the Gulf coast is limited to employment of the high-resolution electro-optical and infrared video systems, which are best suited for land-based missions. Despite the restricted maritime capability of this system while radar and GCS modifications are taking place, the UAS at Corpus Christi NAS has recently supported a USCG requested maritime search and rescue operation near South Padre Island for an individuals that had been pulled out to sea by rip currents. Similarly, when the Guardian UAS at Cocoa Beach, Florida, was limited to its electro-optical and infrared video systems, it participated in the Gulf surveillance operations following the Deepwater Horizon incident; successfully completing 3 maritime missions and flying over 34 hours in support of National imagery requests.

Question 3a. The Predator operations are planned and conducted by CBP, correct?

Answer. Predator operations are planned and conducted by U.S. Customs and Border Protection (CBP); some with Coast Guard UAS-trained aircrew participation. These operations are conducted in coordination with the organization planners from any agency requesting surveillance support.

Question 3b. How does CBP coordinate where and when these operations take place with State and local law enforcement prior to an operation?

Answer. DHS, as well as CBP Office of Air and Marine, maintain a productive working relationship with State and local law enforcement, including with the employment of the Unmanned Aerial Systems (UAS). For example, in Texas, State and local intelligence requirements are solicited through a variety of mechanisms conducive to the customer, including teleconferences and regular meetings held at the El Paso Intelligence Center (EPIC) and at multiple CBP locations across the State. UAS mission coordination is an on-going process, taking into consideration such elements as desired outcomes, target access and time constraints, weather, and mission priorities.

Question 3c. Also, how does CBP share the information, during an operation, with State and local law enforcement?

Answer. DHS and CBP have invested heavily to ensure real-time information is available to the customers the UAS supports, including providing State and local law enforcement access to DHS BigPipe, an unclassified web portal that enables registered users to monitor UAS video and geo-referenced metadata as it is being collected. As another example, CBP and Texas Department of Public Safety have established robust law enforcement radio communications with associated frequencies and encryption to allow real-time coordination between UAS crews and State law enforcement agents.

Question 3d. Are they able to watch the real-time feeds and act on the timely intelligence?

Answer. Yes, the advanced DHS BigPipe system, which allows CBP's partners to watch the UAS video feeds in real time, dramatically improves the options for actionable law enforcement.

Question 3e. Are these Predator flights pre-coordinated to allow State and local law enforcement to run concurrent operations to boost the effectiveness of these flights?

Answer. Predator flights are pre-coordinated to allow partners including Federal, State, and local law enforcement agencies to run concurrent/integrated border security, commercial enforcement, and trade facilitation operations.

Question 4a. I have heard that the administration plans to end the deployment of 1,200 National Guard currently deployed along the Southwest border with Mexico in June. Was this your recommendation to the President?

Answer. National Guard personnel have been providing support to law enforcement in accordance with the Federal Southwest Border Security Implementation Plan. The Plan synchronizes, to the extent possible, the employment of Federal law enforcement and law enforcement support resources along the Southwest border for the current year. The Plan is designed to optimize the augmentation of the 1,200 National Guard personnel for up to 1 year.

Question 4b. Is it fair to say that the drug cartels are still smuggling drugs and humans northbound across the border?

Answer. While our work is not yet completed, every key measure indicates the progress we are making along the Southwest border. As a key indicator of illegal immigration, Border Patrol apprehensions have decreased 36 percent in the past 2 years, and are less than a third of what they were at their peak. DHS has matched these decreases in apprehensions with a 16 percent increase in seizures of drugs compared to the previous 2 years.

Question 4c. Kidnappings and murders are still a daily occurrence. Cash and weapons still flow southbound?

Answer. DHS's mission is to ensure a homeland that is safe, secure, and resilient against terrorism and other threats. Along with the record apprehensions and seizures of drugs compared to the previous 2 years, the seizure of illegal currency has increased 35 percent and 28 percent increase in the seizure of weapons.

Question 4d. What matrix, criteria, benchmarks, are you, Secretary Gates, and the administration using to justify pulling these troops off the border?

Answer. The level of National Guard support has been carefully calibrated to maximize effectiveness and efficiency in the face of both the existing threats and the anticipated addition of law enforcement personnel and resources, including more than 1,000 additional Border Patrol agents being brought on line as a result of the Southwest border security supplemental funding provided by Congress in the fall of 2010.

Question 5. Is there not a potential for an increase in border violence, and are you not putting Texans living along the border in harm's way, if we pull these troops off the border?

Answer. With the aid of the Southwest border security supplemental funding, we are deploying additional personnel to the border, including 1,000 new Border Patrol

Agents, 250 new Customs and Border Protection Officers at our ports of entry, and 250 new Immigration and Customs Enforcement agents focused on transnational crime. We are also working closely with our Mexican partners to dismantle transnational criminal organizations and guard against spillover effects into the United States.

Question 6. Especially at a time when our Governor has been requesting 1,000 National Guard in Title 32 status to be deployed along the border until CBP stations another 3,000 agents in Texas?

Answer. Over the past 2 years, the Department of Homeland Security has dedicated historic levels of personnel, technology, and resources to the Southwest border. In its 86-year history, the Border Patrol is better staffed having doubled the number of agents from approximately 10,000 in 2004 to more than 20,500 in 2010. The number of Border Patrol Agents along the Southwest border has been increased to 17,600, which is nearly an 85% increase from 2004. In addition, Immigration and Customs Enforcement has deployed a quarter of its personnel to the Southwest border.

QUESTIONS FROM HONORABLE LAURA RICHARDSON FOR JANET NAPOLITANO

Question 1a. You were recently quoted as saying that the Department of Homeland Security will push back the 100% container screening deadline from July 2012 to July 2014.

What was the justification for this?

Question 1b. Why would we not want 100% of the containers entering our country to be screened as soon as possible?

Question 1c. Will the July 2014 be a firm deadline or will it be delayed again?

Answer. One of DHS' primary National security interests is to prevent adversaries from smuggling a nuclear weapon into the United States. This is also the motivation behind the provision in the 9/11 Act requiring all U.S.-bound maritime containers to be processed through radiation detection systems and imaging equipment at foreign ports before being loaded onto vessels. DHS agrees with the motivation behind the 9/11 Act provision and remains committed to the continued support and deployment of scanning procedures and equipment abroad under risk-based, feasible, and sustainable models.

However, DHS has also outlined the significant challenges associated with the full implementation of a scanning regime as envisioned in the 9/11 Act provision. These challenges were experienced during several years of operational testing in several foreign ports under the Secure Freight Initiative (SFI). Despite the considerable efforts of the Department, our efforts under SFI and continued dialogue with industry and foreign government partners have led DHS to conclude that 100% scanning as prescribed by the 9/11 Act provision is unlikely to be achieved soon, if at all. Therefore, DHS anticipated the need to employ the authorized extensions as we approach the 2012 deadline.

As we move forward, it is important to underscore that maritime cargo containers are only one of a number of potential ways that terrorists or other adversaries could exploit to bring a nuclear device into the United States. Even if scanning could guarantee the security of all maritime containers, focusing a disproportionate amount of our efforts and resources on maritime cargo does not address other significant vulnerabilities. In combating the radiological and nuclear threat, we always keep in mind a pair of principles: First, that a layered approach is more effective than a single point of security; and second, that risk management is a critical tool we can use to make sure we are addressing this threat effectively. We have implemented a number of programs structured around these principles. We gather intelligence regarding the intent and capability of terrorists and other adversaries. We control and secure nuclear material at its source. We interdict illicit acquisitions. We detect and prevent smuggling into the United States. We also conduct extensive activities to prepare for any potential incident. The deployment of scanning systems both domestically and abroad represents only a piece of a much bigger picture.

Under the provisions of the 9/11 Act, the Secretary of DHS must submit a certification for a 2-year extension to Congress no later than May 2, 2012, 60 days prior to the statutory deadline of July 1, 2012. Then, 60 days following the Secretary's certification to Congress, the extension shall take effect and remain valid for a period of 2 years. At this time, several of the conditions that would require DHS to seek an extension to the deadline are anticipated to be in existence for the foreseeable future. This includes the lack of available technology and likely negative impacts on the free flow of legitimate commerce. Although we anticipate seeking an extension to the 2012 deadline, DHS will work with Congress to determine the best approach and next steps beyond 2014.

Question 2. Last week a Libyan tanker in the Port of Long Beach spilled 700 gallons of oil. I found out about the spill from our local newspaper. What is DHS's process for notifying local, State, and Federal officials about incidents that occur in their jurisdiction?

Answer. Under the National Response System, the National Response Center (NRC) is the primary Federal point of contact for reporting oil and chemical spills. As stated in 40 CFR 110.6, "Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as he or she has knowledge of any discharge of oil from such vessel or facility in violation of section 311(b)(3) of the Act, immediately notify the National Response Center (NRC) (800–424–8802; in the Washington, DC metropolitan area, 202–426–2675). If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA predesignated On-Scene Coordinator (OSC) for the geographic area where the discharge occurs."

Upon receiving notification of an oil or chemical spill, the NRC immediately transmits the report to the appropriate Federal On-Scene Coordinator and other State and Federal organizations that would need awareness of the report. This particular spill is classified as a Minor Spill (less than 10,000 gallons) in the Coastal Zone. Minor spills generally do not trigger further notification to the Department of Homeland Security (DHS).

In addition to the Federal and State notifications by the NRC, local notifications about and responses to a spill would be coordinated by the Federal On-Scene Coordinator using the affected port's Area Contingency Plan (ACP). ACPs are designed to manage incidents at a local level, are designed by Captains of the Port and local stakeholders, and have lists that contain stakeholder contact information.

For this incident, the responsible party notified the NRC shortly after the spill was discovered on February 21, 2011, thereby generating NRC Incident Report No. 968166. The NRC immediately transmitted the report to: U.S. Attorney's Office, Central District of California (Main Office); U.S. Attorney's Office, Central District of California (National Security Section); U.S. Attorney's Office, Northern District of California (Main Office); California Department of Fish and Game (Office of Spill Prevention and Response); California State Emergency Services, State Terrorism and Threat Assessment Center; Department of Transportation Crisis Management Center; Environmental Protection Agency Region IX (Main Office and Secondary Office); National Infrastructure Coordination Center; National Oceanic and Atmospheric Administration Reports for CA; DHS National Operations Center; Federal Emergency Management Agency Region 9 (Situation Awareness Unit); Coast Guard Intelligence Coordination Center; Coast Guard Investigative Service; Coast Guard Field Intel Support Team San Francisco; and Coast Guard Captain of the Port, Sector Los Angeles/Long Beach.

Question 3. The FEMA Administrator has emphasized the need to promote the "Whole of Community" concept within emergency management. The concept highlights the important role of different non-governmental agencies in emergency preparedness, which includes non-profit, faith-based, and private sector entities. Additionally, the Department emphasizes the important role of citizens which is demonstrated by the recommendation to maintain level funding for a relatively small allotment of $13 million for the Citizen Corp grant program. Given the many natural and man-made threats we face, how does the Department's grant realignment strategy, based on decreased dollars, consolidation, and elimination, support the "Whole of Community" concept?

Answer. The Whole Community concept will continue to be addressed through the use of targeted investments in several homeland security grant programs, including the Emergency Management Performance Grants (EMPG), the State Homeland Security Grant Program (SHSP), and the Urban Areas Security Initiative (UASI). In coordination with FEMA's multiple private and public sector stakeholders, FEMA will use existing authorities to incorporate specific opportunities for grantees to develop community-oriented projects that may essentially mirror projects currently funded by any grants that would be subject to consolidation or elimination. FEMA will also modify current investment justifications to ensure that whole community concepts and objectives are reflected in project design whenever possible.

Question 4a. Madam Secretary, it was determined that DHS was out of compliance with Title VI of the Civil Rights Act by not having a program in place to ensure that recipients of Federal funds do not discriminate on the basis of race, color, and national origin. The President's request seeks $377,000 to create a program that will bring DHS in compliance.

How does the Department intend to roll out this program?

Question 4b. Since FEMA serves as the primary Component for issuing Federal financial assistance, how will the Civil Rights and Civil Liberties Office work with FEMA, or any other Component, to implement this program?

Answer. The Department of Homeland Security has not been out of compliance with Title VI of the Civil Rights Act of 1964. Although there has not been a Title VI coordinator at the Office for Civil Rights and Civil Liberties (CRCL), CRCL staff have conducted activities to assure Title VI compliance as a collateral duty. In addition, FEMA—which as you mention is the largest source of DHS Federal financial assistance and therefore has the largest Title VI obligation of any component—has had an active Title VI program, covering complaint investigations and compliance reviews. Over the past several years, the Department has carried out several activities to implement the provisions of Title VI and the Department's Title VI regulations, including: Finalizing consolidated terms and conditions for grant recipients setting out their non-discrimination obligations; ensuring that grant guidance documents include language prohibiting discrimination; and drafting Title VI guidance for recipients of DHS financial assistance relating to the requirement of meaningful program access for individuals with limited English proficiency (LEP).

With respect to this last item, the Title VI LEP Guidance, the Department published the draft guidance for comment in the *Federal Register,* and received numerous responses. After CRCL considered each response and accordingly edited the guidance, the Department of Justice, which has coordinating authority conferred by Executive Order 12250, approved the final document. The final guidance was recently published in the *Federal Register* at 76 Fed. Reg. 21,755 (April 18, 2011).

But more is needed, and accordingly, CRCL is developing a coordinated Title VI program to ensure nondiscrimination in programs and activities that receive DHS financial assistance. A policy advisor working exclusively on Title VI and the development of this program joined CRCL in September of 2010. That position was backfilled this March following the original staff member's departure. CRCL has since hired a second staff member to focus on antidiscrimination issues in the context of U.S. Immigration and Customs Enforcement's (ICE) support of State and local law enforcement.

While the program needs the resources requested in the President's budget to meet the full need, CRCL is already leveraging all resources at its disposal. Activities in fiscal year 2011 involve planning, policy development (including moving to finalize the Department's interim Title VI regulations at 6 C.F.R. Part 21), identifying key stakeholders and activities, communication, and the beginnings of implementation. CRCL is, for example, working with FEMA to identify current recipients and sub-recipients of Departmental financial assistance. We have begun to develop training on anti-discrimination principles and processes for grantees and grant administrators. All this should put us in a good position to roll out a fuller program beginning fiscal year 2012 that will:

(1) Establish and implement a training program for grantees and grant administrators, using a variety of delivery methods.

(2) Develop technical assistance materials.

(3) Establish and implement system for grantees to self-assess anti-discrimination tools and practices.

(4) Establish processes for paper-based evaluation of anti-discrimination compliance by DHS-supported programs.

(5) Solidify the process to address allegations of discrimination within DHS supported programs, including outreach, receipt, investigation, resolution.

(6) Conduct at least several investigations.

(7) Establish a discretionary process for document-assisted on-site anti-discrimination evaluation of DHS-supported programs.

Coordination throughout the Department will be accomplished by using the DHS Civil Rights/Civil Liberties Council, a new cross-Department entity chaired by the Officer for Civil Rights and Civil Liberties. In addition, a cross-Department Title VI working group will identify current compliance activities, share existing expertise in the components, and build shared ideas about best practices for reviewing and monitoring recipients for compliance with Title VI and related statutes. In FEMA activities in particular, FEMA will continue to be responsible for complaint investigations of its funding recipients, with CRCL functioning as Departmental lead, focusing on coordination, policy development, training, and oversight.

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