

**DIVERSITY AT THE DEPARTMENT OF HOMELAND
SECURITY: CONTINUING CHALLENGES AND
NEW OPPORTUNITIES**

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY

HOUSE OF REPRESENTATIVES

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CONTENTS

	Page
STATEMENTS	
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Chairman, Committee on Homeland Security ..	1
The Honorable Peter T. King, a Representative in Congress From the State of New York, and Ranking Member, Committee on Homeland Security	2
WITNESSES	
PANEL I	
Ms. Jane Holl Lute, Deputy Secretary, Department of Homeland Security:	
Oral Statement	4
Prepared Statement	5
Ms. Christine Griffin, Vice-Chair, Equal Employment Opportunity Commission:	
Oral Statement	16
Prepared Statement	18
Ms. Yvonne D. Jones, Director, Strategic Issues Team, Government Accountability Office:	
Oral Statement	21
Prepared Statement	22
PANEL II	
Mr. W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security:	
Oral Statement	55
Mr. Mark Sullivan, Director, U.S. Secret Service, Department of Homeland Security:	
Oral Statement	56
Mr. Jayson Ahern, Acting Commissioner, U.S. Customs And Border Protection, Department of Homeland Security:	
Oral Statement	57
Ms. Gale Rossides, Acting Assistant Secretary, Transportation Security Administration, Department of Homeland Security:	
Oral Statement	59
APPENDIX	
Questions From Chairman Bennie G. Thompson for Jane Holl Lute, Deputy Secretary, Department of Homeland Security	77
Questions From Ranking Member Peter T. King for Jane Holl Lute, Deputy Secretary, Department of Homeland Security	81
Questions From Chairman Bennie G. Thompson for Christine Griffin, Vice-Chair, Equal Employment Opportunity Commission	88
Questions From Honorable Mike Rogers for Christine Griffin, Vice-Chair, Equal Employment Opportunity Commission	89
Questions From Chairman Bennie G. Thompson for Yvonne D. Jones, Director, Strategic Issues Team, Government Accountability Office	89
Questions From Honorable Mike Rogers for Yvonne D. Jones, Director, Strategic Issues Team, Government Accountability Office	93

IV

	Page
Questions From Chairman Bennie G. Thompson for W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security	93
Questions From Honorable Mike Rogers for W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security	96
Questions From Chairman Bennie G. Thompson for Gale Rossides, Acting Assistant Secretary, Transportation Security Administration, Department of Homeland Security	97
Questions From Ranking Member Peter T. King for Gale Rossides, Acting Assistant Secretary, Transportation Security Administration, Department of Homeland Security	100
Questions From Chairman Bennie G. Thompson for Mark Sullivan, Director, U.S. Secret Service, Department of Homeland Security	102
Questions From Ranking Member Peter T. King for Mark Sullivan, Director, U.S. Secret Service, Department of Homeland Security	107
Questions From Chairman Bennie G. Thompson for Jayson Ahern, Acting Commissioner, U.S. Customs and Border Protection, Department of Homeland Security	108
Questions From Ranking Member Peter T. King for Jayson Ahern, Acting Commissioner, U.S. Customs and Border Protection, Department of Homeland Security	111

DIVERSITY AT THE DEPARTMENT OF HOMELAND SECURITY: CONTINUING CHALLENGES AND NEW OPPORTUNITIES

Wednesday, October 14, 2009

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

The committee met, pursuant to call, at 10:04 a.m., in Room 311, Cannon House Office Building, Hon. Bennie G. Thompson [Chairman of the committee] presiding.

Present: Representatives Thompson, Norton, Jackson Lee, Cuellar, Clarke, Richardson, Luján, Pascrell, Cleaver, Green, King, Lungren, Rogers, Dent, and Austria.

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

The committee is meeting today to receive testimony on “Diversity at the Department of Homeland Security: Continuing Challenges and New Opportunities.”

Good morning. I would like to thank our witnesses for appearing before us today.

This hearing has been postponed a few times. I am pleased that the deputy secretary, Lute, is here. We met and discussed many of these issues over the August recess.

I know and understand that the diversity challenges facing this Department were inherited, not created by the current administration. I do not place blame on you for creating the problems, but I am holding you responsible for delivering solutions.

This is the second hearing this committee has held on this topic. Our first hearing focused on the lack of diversity within the Senior Executive Service.

That hearing was prompted by a staff report which found that while racial minorities constituted 20 percent of the workforce, they are only 10 percent of the Senior Executive staff. In short, relatively few minorities rise to leadership levels at DHS.

Today we will examine diversity among the employees who are the Department’s boots on the ground. This population constitutes the majority of the agency’s workforce and is the face of DHS.

From data that the Department provided, it appears that challenges exist and are acute in several components. We have invited those components here today.

But let me be clear. I am not interested in a numbers game. Creating a diverse workforce is not about simply creating appropriate numerical ratios. The many and varied homeland security chal-

allenges faced by this Department could be better addressed in an environment that values diversity.

We all know that people from diverse backgrounds are likely to have different life experiences. We are all enriched and informed by our life experiences. Diversity values the perspective these experiences can bring to an organization.

Solving problems, formulating plans, and executing policies can all benefit in an environment that rejects a one-size-fit-all approach. My hope is that diversity will replace the echo chamber of agreement with a true marketplace of ideas.

The drive for diversity must be a quest to not only look like America but to think as freely as Americans. This Department, the newest Federal agency, has an opportunity. While this opportunity exists, it will not last long.

OPM predicts that a large percentage of the Federal workforce may retire within the next 3 years. The Partnership for Public Service found that 33 percent of the workforce are minorities and 43 percent are women.

We are also told that the Department is likely to hire 65,000 new employees in the next 3 years. There will be many workers leaving and many new workers coming on board. This is the moment. Now is the time.

If the Department does not figure out how to diversify its workforce, we will run the risk that non-inclusive hiring patterns will be solidified.

I look forward to the testimony, but I also look forward to the actions that follow.

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

Mr. KING. Thank you, Mr. Chairman. Mr. Chairman, today the committee is revisiting the topic of diversity among employees at the Department of Homeland Security.

I am pleased to see so many high-ranking officials from the Department. I especially want to acknowledge the Secret Service director, Mr. Sullivan. I believe this is his first time before the committee.

We certainly welcome you and thank you for being here.

We appreciate all of you for taking the time to be here.

Mr. Chairman, at the committee's last hearing on diversity, Members heard about the steps the Department is taking to develop equal employment opportunities, and I certainly look forward to the testimony here today.

But that being said, I do want to note that there is much this committee has not done. For instance, in the past year, Republican Members have requested hearings on topics as the threat of home-grown terrorism, actions of al Qaeda within the United States, the WMD Commission report that warns us about the use of weapons of mass destruction against the United States.

Republican Members have also requested a site visit to the detention center at Guantanamo. Especially since the Secretary of Homeland Security is on the committee which will play a key role on the ultimate disposition of Guantanamo and the detainees, we

believe this is a vital hearing that should be held. Also, there should be a site visit.

We add to that the fact that the committee has not adopted an authorization bill this year. This Friday we will see the Homeland Security Appropriations Act coming before the full House which also includes language about the transfer of Guantanamo detainees.

Mr. Chairman, obviously the issue of diversity is important, but there are other issues, and probably none is more than the threat of terrorism.

We have seen the recent arrests in Houston, Texas; Springfield, Illinois; New York City, and these are on-going. Certainly, the one in New York is still an on-going investigation with ramifications that could go further.

So I would just ask, Mr. Chairman, that we do focus on these issues as well, particularly on the issue of Guantanamo, which, again, is going to be—it is out in the public eye no matter what one's position is on the issue. It is something that has real ramifications for the security of this country.

There is a direct correlation and a direct role for this committee to play because of the role that Secretary Napolitano will play in the final disposition of Guantanamo.

For the purpose of this committee, but more importantly for the security of the country, I believe that that hearing is essential, as well as a site visit to Guantanamo.

So with all of that, Mr. Chairman, I thank you for yielding me the time, and I look forward to the testimony today.

Chairman THOMPSON. Thank you very much.

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

I welcome the first panel of witnesses. Our first witness is Dr. Jane Holl Lute, the deputy secretary of the Department of Homeland Security. The Senate confirmed Secretary Lute on January 2009, and she brings to the Department over 30 years of military and Senior Executive experience in the U.S. Government.

Our second witness is Ms. Christine Griffin, vice chair of the Equal Opportunity Commission. The Senate unanimously confirmed Ms. Griffin and she was sworn in on January 3, 2006.

Ms. Griffin's work at the EEOC includes the development and approval of enforcement policies, the authorization of litigation and the issuance of the commissioner's charges of discrimination.

I welcome you back to the Hill today, Ms. Griffin.

Our third witness is Ms. Yvonne Jones, director of strategic issues team at the Government Accountability Office. Ms. Jones manages teams analyzing Federal Government human capital issues and 2009 fiscal stimulus oversight and reporting issues.

We thank all our witnesses for their service to the Nation and for being here today. Without objection, the witnesses' full statements will be inserted in the record.

I now ask each witness to summarize her statement for 5 minutes, beginning with Deputy Secretary Lute.

**STATEMENT OF JANE HOLL LUTE, DEPUTY SECRETARY,
DEPARTMENT OF HOMELAND SECURITY**

Ms. LUTE. Thank you very much, Mr. Chairman.

Mr. Chairman, Representative King, Members of the committee, it is a pleasure to be here today, joined by several of my colleagues, to discuss the diversity challenges that confront the Department of Homeland Security.

The last time we discussed these issues, Mr. Chairman, as you noted, it was over ribs at E&L's Barbecue in Jackson. As nice as it is to see everyone here this morning, believe me, I would rather be eating those ribs, talking about this.

But we owe a debt of gratitude to you, Mr. Chairman, for your persistent focus on the challenge of creating a truly diverse Department of Homeland Security. So thank you for your hospitality during our visit to Mississippi, and thank you for keeping us all focused on this problem.

There is a problem. As important as it is to have this hearing, it is also important, Mr. Chairman and Members of the committee, for you to know that we don't need a notice for a Congressional hearing to know that we have a challenge and a problem with diversity at DHS.

Secretary Napolitano and I are dissatisfied with where things stand, and we are committed to changing course. I say that with the full knowledge that many have—before me have come before you, sat at this table and said the same thing, and yet the problems persist. We know this.

I also know that having run large, complex, far-flung bureaucracies that it is only through persistent and insistent leadership at the top that these kinds of problems are corrected.

I have submitted a statement for the record and attached some relevant information culled from the Department's various components. Mr. Chairman, as you have said, thank you for putting my full statement into the record.

It is important to note that the data that you have before you does not—in fact, it cannot—reflect the number of serious conversations nor the tone of those conversations that we at the Department have had about addressing the challenge of diversity.

I have spoken personally with each of our component heads and the other leadership of the Department and reminded them that their performance in their own jobs will be evaluated, at least in part, as mine will be, on how well we do in building a workforce that is competent, effective, and reflective of the diverse array of talent and experiences this great country has to offer.

Building a successful Department requires us to draw on the diversity of our cultures, histories, and our experiences. The broad array of complex threats that DHS responds to and is responsible for interdicting requires that the Department itself build upon a diverse base of knowledge and experience.

Mr. Chairman, the workforce of the Department of Homeland Security is dedicated, talented, and fully committed to doing their job to protect the American people. At the senior-most levels, however, the Department of Homeland Security's workforce does not reflect the dream of equal opportunity upon which our homeland was

founded. We are committed to changing that, beginning with the Secretary right on down through the leadership.

We want a Department of Homeland Security that embodies the diversity of the American people we protect. We want a Department of Homeland Security that upholds our Nation's promise of equality and fairness at all levels of government.

Let me be clear. As you have said, Mr. Chairman, we seek a diverse Department not for the sake of diversity, but for—or for the sake of appeasing this committee, but for the value that a diverse workforce has. I can tell you from 30 years very often representing the most diversity in meetings, being the only woman in session after session, that the lack of diversity hampers our ability to make wise and informed decisions.

Through employing a diverse workforce, we can be more successful in achieving our mission of protecting the American people. It is what has made our Nation strong for over 200 years, and it will help our Department become stronger for the future.

In my written statement I have outlined some of the strategy principles and plans that will guide diversity efforts at DHS. In 2008 the Department created a 5-year diversity action plan to address diversity.

Building on this longer-term plan, in April of this year the Secretary initiated a 120-day action plan to identify additional ways to accelerate our efforts, including drafting new performance standards for all managers and supervisors, initiating new processes for implementing partnering agreements with universities, colleges, and other institutions to boost minority recruiting internships and academic projects.

We are expanding our outreach efforts to veterans and integrating that outreach into our diversity effort. We are deploying new analytic tools to track diversity across our workforce.

Much remains to be done. You have the Secretary's commitment. You have my commitment to give diversity efforts and programs the attention they deserve at the very highest level of the Department. I look forward to working with this committee to build and strengthen our still young but very capable Department so that we can fully realize our potential.

Thank you for your time today. I stand ready to answer any questions you might have.

[The statement of Ms. Lute follows:]

PREPARED STATEMENT OF JANE HOLL LUTE

INTRODUCTION

Chairman Thompson, Ranking Member King, and Members of the committee: Thank you for the opportunity to testify today about the Department of Homeland Security's (DHS) efforts to increase diversity among our 225,000 member Federal workforce, attract new talent to the Department, and expand our outreach to diversity-serving organizations and educational institutions across the United States.

At the outset, let me emphasize that creating a diverse workforce at DHS remains a top priority for Secretary Napolitano, for me, and for all the Department's leadership. We believe our Nation's homeland security workforce should reflect America's homeland. It should reflect America's own diversity and the extraordinary backgrounds, skills, education, and experience of the American people.

By reflecting America's diversity, our workforce will provide a wider range of ideas and solutions to protect our homeland, create a more equitable and inclusive organization, and bring new energy and perspectives to our important mission. But

it is not enough for us to merely look like America. We must embody America's promise, the promise of equal opportunity at all levels of governance and leadership. We have a lot of work to do to bring a more diverse group of leaders to the senior-most positions at DHS.

Past efforts have not yielded satisfactory results. Indeed, many of the Department's diversity efforts have fallen well short of their intended goals, especially when looking at senior leadership positions.

We are acting swiftly and deliberately to change this situation. Today I would like to share with you our diversity strategy; the core principles and goals that guide the Department's diversity efforts; our plans for initiating changes and making necessary improvements; and the results we expect to achieve.

DHS DIVERSITY STRATEGY

In April 2008, the Department approved a diversity strategy that set forth four guiding principles to improve diversity hiring and outreach and to make DHS more effective by:

- Recruiting, developing, and retaining qualified individuals at all levels within the Department whose diverse backgrounds, experience, education, and skills will advance our mission;
- Integrating diversity into our organizational culture, not as a stand-alone program;
- Recognizing that diversity is a matter of equity and fairness: a means to build, foster, and enhance inclusion; and
- Leveraging the full range of diversity currently present in the DHS workforce.

As part of this strategy, we established three overarching goals to increase diversity across our mission operations, outreach efforts, and senior leadership. Specifically:

Integrating diversity into our mission operations by:

- Establishing a senior-level Diversity Council to ensure the highest level of commitment to diversity as a means of conducting business;
- Identifying appropriate metrics and outcomes to measure the effectiveness of diversity's impact on our organizational performance; and
- Integrating diversity strategies into our comprehensive human resource operation (recruitment, staffing, performance management, development, recognition, retention, succession planning, and workforce planning).

Maximizing our diversity potential by:

- Undertaking outreach efforts in the areas of recruitment, collaboration with professional associations, and partnerships with colleges and universities; and
- Designing and revising recruitment, retention, employee development, and recognition strategies using empirical data that encompasses potential applicants, employees, and the U.S. workforce.

Strengthening our commitment to diversity in the Department's leadership ranks by:

- Establishing robust, on-going recruitment, development, and retention initiatives to ensure a qualified, diverse cadre of executives and senior managers prepared to lead DHS;
- Ensuring all DHS leaders have access to training, tools, and support needed to serve as diversity champions;
- Emphasizing the value of a "Diversity Advocate" leadership competency in the performance management process; and
- Assigning managers and supervisors as active mentors to promote, guide, and enhance career planning and professional development of a diverse workforce.

DIVERSITY ACTION PLAN

In November 2008, the Department's Office of the Chief Human Capital Officer (CHCO) issued a Human Capital Strategic Plan outlining specific plans and actions to implement the diversity strategy across a 5-year period, from fiscal year 2009 to fiscal year 2013.

Initial efforts under this plan have included the establishment of the high-level Diversity Council; the establishment of a Departmental Recruiting Council; the creation of a new Veterans Outreach Program; the appointment of an SES Diversity Program Executive within CHCO; and the introduction of a "Diversity Advocate" performance goal for all SES performance plans.

In April 2009, at the direction of Secretary Napolitano, the Diversity Council initiated a 120-Day Action Plan to assess progress under the Diversity Action Plan and determine what additional steps could be taken over a 120-day period to accelerate the Department's diversity efforts.

The key elements of this 120-Day Action Plan include:

- Initiating targeted marketing and outreach for all vacant SES positions, including partnering with groups such as minority-focused professional organizations;
- Establishing performance measurements for DHS executives that include diversity recruitment and outreach efforts;
- Implementing revised DHS-wide procedures for SES selection to enhance diversity, and expanding efforts to educate our workforce on SES application procedures and requirements;
- Conducting organizational assessments to identify barriers to enhancing diversity;
- Implementing partnering agreements with diverse universities and colleges for recruiting, internships, and academic projects;
- Implementing diversity management training;
- Establishing a centralized DHS student hiring program as a means to develop a pathway for diverse talent;
- Continuing to leverage current veterans outreach efforts as an integral part of diversity outreach; and
- Establishing corporate- and Component-level goals and accompanying action plans for hiring individuals with disabilities.

Some progress has been made in these areas. CHCO recently drafted diversity performance standards for all DHS managers and supervisors. These standards are being validated in accordance with Office of Personnel Management (OPM)-approved methodology. We expect to release them in fiscal year 2010. The Department also has completed a draft version of a new long-term DHS Diversity Strategic Plan, which is currently under review by our Diversity Subcouncil.

DHS has initiated a new process for implementing partnering agreements with universities and colleges to boost minority recruiting, internships, and academic projects. To facilitate this effort, we have established a Minority Serving Institutions (MSI) working sub-group under the aegis of the DHS Recruiting Council.

We have expanded outreach to veterans and veterans' organizations. For example, on July 17, the Department hosted its first Veterans Job Fair in Washington, DC. I attended and spoke to a group of attendees. I'm pleased to report that more than 745 veterans attended this event. Secretary Napolitano also has met with leaders of key veterans organizations to discuss outreach opportunities, and we have re-convened the Department's Veterans Advisory Forum to solicit input.

In addition, the Department invited more than 50 diversity-serving organizations to participate in the first-ever DHS Diversity Forum, an open discussion about how to enhance diversity among our SES and senior leadership ranks. That forum took place on September 16, and I am optimistic that those conversations will lead to fruitful partnerships with organizations that can help us identify the best and brightest from a variety of communities. We have also distributed SES vacancy announcements to diversity executive-related associations across the United States.

Finally, to more effectively analyze our recruitment and hiring results, CHCO is in the process of deploying a new applicant workforce tool, which will allow us to more accurately capture, track, and isolate our diversity data.

OUTREACH TO EDUCATIONAL INSTITUTIONS

DHS' outreach to academic and educational institutions is a priority. We will build upon existing efforts to engage historically black colleges and universities (HBCUs), Tribal colleges and universities (TCUs), and minority-serving institutions (MSIs), while creating new initiatives to further this work. For example:

- The DHS Office of the Chief Human Capital Officer supported the Black Executive Exchange Program and developed relationships with campus administration officials and faculty at 16 HBCUs, including Alabama State University, Clark Atlanta University, Morris-Brown College, Coppin State University, Howard University, Lincoln University, Mississippi Valley State University, Spelman College, St. Augustine's College, Winston-Salem State University, Lincoln University, Tennessee State University, Huston-Tillotson University and Hampton University.
- DHS Office for Civil Rights and Civil Liberties (CRCL) co-sponsored a workshop titled "Developing Program Opportunities between the DHS and Tribal Colleges and Universities (TCUs)." Three TCU Presidents and more than 30 DHS officials participated and were able to explore mutual goals and identify opportunities to merge resources and support.
- FEMA developed a 5-year plan to assist TCUs to develop effective proposals to compete for grants and cooperative agreements; increase the use of TCU facilities to host FEMA events; recruit students for internships in emergency man-

agement careers; increase collaboration between TCU faculty and FEMA program managers; and develop, present, and replicate emergency management courses on TCU campuses.

- U.S. Customs and Border Protection (CBP) visited and contacted approximately 20 HBCUs, 30 HSIs, 25 women's, and over 60 veterans' organizations during fiscal year 2009, both for recruitment and outreach purposes. CBP plans to further enhance its list of targeted organizations, primarily focusing on events targeting Asians, American Indians, and persons with disabilities.
- CBP employed 107 college students in the Student Career Experience Program (SCEP) during fiscal year 2009. Twenty-seven SCEP students completed the program and were converted to career-conditional appointments during this period. Forty percent were minorities and 74 percent were females.

In addition, the Department's MSI Outreach Planning Task Force (MOP) intends to host four regional awareness activities in fiscal year 2010 for colleges, students, and the general public, focused on States in the lower south and Delta region (Louisiana, Mississippi, Alabama, Georgia); Tribal Colleges (Arizona and New Mexico); and Criminal Justice internships (California, New York).

COMPONENT DIVERSITY ACTIVITIES

Beyond these efforts, we are taking a very hard look at diversity hiring, recruitment, and retention across our operational components. Under the aegis of the Diversity Council, DHS created an "inventory" of current diversity initiatives, challenges, actions, and functions at each major operating component to establish a baseline of past efforts, identify gaps, and ensure future efforts are consistent with overall Departmental goals and policy.

Specifically, in April 2009, DHS asked its components: Whether their offices had established a diversity management function and metrics to determine the effectiveness of diversity efforts; whether they had a diversity strategy; whether they had provided diversity-based training to managers; and whether they had conducted formal assessments related to diversity.

Summaries of these efforts are attached to this testimony for each of the four operational components that have been asked to appear before the committee today (TSA, FEMA, CBP, and Secret Service).

CONCLUSION

The bottom line is that much remains to be done. Secretary Napolitano and I are not satisfied with where things stand and we are resolutely committed to achieving and sustaining a diverse DHS workforce.

We know, based on the numbers, we have a lot of work to do in this area. I can assure you that the Secretary and I have made diversity a top management priority at the highest ranks of the Department. We have created a diversity plan designed to achieve results and we are committed to ensuring serious and sustained senior-level attention is given to this critical issue.

I appreciate the committee's support as we continue to grow and mature the Department and create a workforce that reflects America's homeland, embodies America's promise, and provides equal opportunity at all levels of governance and leadership. I look forward to keeping you updated on our progress.

ATTACHMENTS—COMPONENT SUMMARIES

TRANSPORTATION SECURITY ADMINISTRATION (TSA)

TSA's principal diversity efforts are aligned with the Office of Civil Rights and Liberties (OCRL) and the Office of Human Capital (OHC), and considerable partnering occurs between OCRL and OHC. In addition, TSA's Office of Law Enforcement/Federal Air Marshal Service (OLE/FAMS) has a dedicated staff to address diversity challenges unique to its mission.

Subsequent to TSA's creation of a Diversity Action Plan in 2007, TSA has undertaken numerous initiatives to promote workplace diversity, including the following:

- Implemented the Career Resident Program, a career intern program leading to permanent positions with career promotion potential at TSA Headquarters. This program recruited from partner minority serving institutions. The first cohort of 36 new employees, which is 72 percent minority and women, came on board last month;
- Conducted a barrier analysis to identify barriers to recruiting and retaining women as Federal Air Marshals (FAMs). The findings offer specific recommendations for recruitment of female FAMs;

- Initiated collaborative relationships between OLE/FAMS and major professional law enforcement diversity organizations—including the National Organization of Black Law Enforcement Executives (NOBLE), Women in Federal Law Enforcement (WIFLE), Hispanic American Police Command Officers' Association (HAPCOA), National Asian Peace Officers' Association (NAPOA) and National Native American Law Enforcement Association (NNALEA)—to promote the recruitment, retention, and diversity of law enforcement professionals;
- Implemented a Diversity Action Plan (DAP) in OLE/FAMS to pursue diversity outreach activities at the local level to recruit applicants for law enforcement careers as FAMS;
- Implemented a Recruitment Working Group to consolidate recruitment events to ensure we reach out to diverse candidates more effectively;
- Expanded relationships with minority-serving institutions, including establishing an Intergovernmental Personnel Act (IPA) 2-year rotational at Tougaloo College in Mississippi, a historically black college.

Also, since 2008 OCRL has promoted an enhanced relationship with professional organizations serving underrepresented populations in TSA's mid- and senior-level positions, while OHC has made diversity a key consideration in developing and launching new programs such as New Horizons, Career Evolution Program; Career Resident Program; and the Associates Degree Program.

Other diversity programs and initiatives that have a cross-organizational impact include the diversity training for all employees, including TSA's Senior Leadership Team; diversity recruitment at job fairs and conferences that target people with disabilities; and recruiting from a diverse candidate pool for Senior Management and/or Executive positions.

To gauge progress, OHC has developed performance metrics to demonstrate results of diversity initiatives in recruitment and hiring, career development, strategic and workforce planning and performance evaluation and policy development.

In addition, OHC prepares a quarterly Diversity Selection Report (DSR) for Assistant Administrators in each line of business to demonstrate hiring practices that may be a barrier to attaining a diverse workforce. The DSR includes data on the race/national origin/gender (RNO) of current employees, supervisory employees, promoted employees, and qualified internal candidates for open positions during the previous quarter. OHC uses the DSR as a tool to highlight potential employment opportunities to increase the diversity of their offices.

TSA has recently selected the second Diversity Advisory Council, which will convene on Sept. 21, 2009. The Council serves as a think tank for TSA's Building and Maintaining Diversity initiative and coordinates the activities associated with creating, developing, and retaining a diverse and highly skilled workforce at all levels.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

While FEMA has a number of policies aimed at recruiting minority workers, it does not have an overarching diversity plan. That needs to change.

FEMA's Human Capital Strategic Plan stresses the importance of creating and maintaining a diverse workforce that reflects the rich cultural and ethnic diversity of the United States even at the highest levels of the Agency. In addition, consistent with Equal Employment Opportunity Commission Regulations, the Director of FEMA's Equal Rights Office reports directly to the Administrator. FEMA has also developed a minority intern program aimed toward attracting students from HBCUs, TCUs, and HSIs.

The "Diversity Intern Program" is part of a White House initiative begun last year to improve the Federal Government's recruiting efforts at minority colleges and universities. The program is designed to attract exceptional individuals into a variety of occupations and to increase the balance of minorities within FEMA's regional offices. Under FEMA's program, 20 positions are being established for students who are attending, or have graduated from, minority institutions. Ten of these positions are career intern positions reserved for graduates. The intern positions last for 2 years, and could eventually lead to a full-time position with the Agency. The other 10 positions are short-term internships for students who are sophomores, juniors, or seniors. Administrator Fugate has identified this program as a top priority and funding for it is forthcoming.

In addition to the "Diversity Intern Program," FEMA's Emergency Management Institute (EMI) has a program aimed at expanding outreach to HBCUs. In January, EMI sponsored a conference with HBCUs to discuss how to establish an emergency management curriculum. One of the goals of the conference was to expand the number of minority students who pursue careers in emergency management. FEMA intends to expand these conferences to Tribal and Hispanic-serving institutions.

Although all of these efforts are important, they do not constitute a comprehensive plan to ensure a diverse workforce. The need for this plan is underscored by the current workforce statistics at FEMA. At the GS-12 level and below, racial minorities represent 34 percent of the workforce. This compares favorably to the 28 percent minority representation in the overall Federal workforce at those grade levels. Racial minority workers make up a quarter of the Agency’s workforce at the GS-13 and -14 levels. And at the GS-15 level, minority workers comprise 17 percent of the workforce.

The statistics for gender diversity showed a similar trend. While females accounted for 57 percent of the FEMA workforce at the GS-12 level and below, they represent 39 percent of the GS-13 and GS-14 workforce. At the GS-15 level, women accounted for 28 percent of the workforce.

As these numbers indicate, more needs to be done to encourage greater representation of minorities in the higher grade levels at FEMA. Not only do we need to find ways to recruit additional minorities for the FEMA workforce, but we also need to encourage FEMA’s minority employees to stay and develop their careers within the agency. The longer their tenure, the more likely it is that they will rise in the organizational structure and assume leadership positions. This is exactly why a comprehensive diversity plan is so important for the future of FEMA.

Administrator Fugate has made the development of a diversity plan a top priority for FEMA, and he has been actively working with his senior staff to ensure that a final plan is approved and in place by the end of the year.

As it is currently drafted, the plan will add a number of key objectives to FEMA’s overall strategic plan to:

- Strengthen FEMA’s commitment to workplace diversity and FEMA’s awareness of diversity’s direct link to successful organizational performance;
- Cultivate the recruitment, development, advancement, and retention of a diverse workforce;
- Proactively identify potential barriers that impede the development of a diverse workforce; and
- Establish accountability and monitoring mechanisms to ensure that these objectives are being met in a timely fashion.

Goals and objectives are important, but so are the specific tactics and strategies used to meet these goals. That is why FEMA is committed to developing realistic methods to achieve a more diverse workforce, especially in the higher GS levels. To identify these strategies, FEMA is seeking input from a variety of sources, including its own employees.

U.S. CUSTOMS AND BORDER PROTECTION

U.S. Customs and Border Protection (CBP) values diversity as a tool for achieving readiness and accomplishing its core mission. CBP fully embraces the concept of diversity and inclusion management to create and maintain a positive work environment where the similarities and differences of individuals are respected and valued.

CBP is the largest uniformed Federal law enforcement agency in the country. It stations over 20,000 CBP officers at access points around the Nation, including at air, land, and sea ports. It has deployed over 19,000 Border Patrol Agents between the ports of entry. These forces are supplemented with 1,133 Air and Marine Agents, 2,392 Agricultural Specialists and other professionals. These personnel are key players to the implementation of the Administration’s Southwest Border Security Initiative announced by Secretary Napolitano on March 24, 2009.

CBP cannot perform its mission with the success it has shown without an outstanding and diverse workforce—in fact, CBP is successful because of its workforce. CBP has a higher percentage of Hispanics, Asians, and Pacific Islanders within its workforce than the Federal average and is equal to the average for Native Americans. The table below illustrates CBP’s workforce demographics over between fiscal year 2006 and fiscal year 2009.

	Fiscal Year 2006	Fiscal Year 2007	Fiscal Year 2008	Fiscal Year 2009 as of 8/29/2009
	43,545	47,606	52,543	58,290
Male	75.7%	76.9%	77.8%	78.2%
Female	24.3%	23.1%	22.2%	21.8%
White	56.3%	56.4%	57.7%	58.1%
Black	7.1%	6.5%	6.1%	6.0%
Hispanic	31.5%	32.4%	31.8%	31.5%
Asian American	4.5%	4.2%	3.8%	3.8%

	Fiscal Year 2006	Fiscal Year 2007	Fiscal Year 2008	Fiscal Year 2009 as of 8/29/2009
Native American	0.6%	0.5%	0.5%	0.5%
Non-Hispanic in PR	0.1%	0.1%	0.1%	0.0%

However, CBP recognizes it has low numbers of females and African Americans in its workforce compared to the Government and civilian labor force averages. Women and African Americans are underrepresented throughout CBP, but especially within the CBP Office of Border Patrol.

CBP is constantly working to create a work environment that recognizes diversity, fosters inclusion and provides equal opportunity. To further these goals, CBP established a Human Capital Advisory Committee to focus on improving the morale of the workforce and providing recognition for employees who perform at high levels each day. CBP has developed a draft diversity plan and an executive recruitment hiring strategy. In addition, CBP utilizes diversity strategies to advance its mission by focusing internal and external diversity activities.

Internal and External Diversity Activities

The responsibility to establish and maintain a diverse workforce is not limited to managerial actions regarding recruiting and employment; it is the responsibility of all CBP employees to work to dispel stereotypes and to build a work environment that is based on mutual respect. By fostering a positive work environment based on diversity and inclusion, we can leverage the strengths afforded by the cultural perspective of each person to achieve our homeland security mission. To integrate diversity and inclusion principles into CBP's organizational culture, CBP focuses on external and internal outreach and cultural awareness. In fiscal year 2009, as part of CBP's external outreach program, CBP increased community outreach activities by 13 percent, from 39,426 in 2008 to over 44,553 in 2009 year-to-date.

To foster diversity and cultural awareness internally, CBP increased the number of employees participating in Diversity and Special Emphasis Committees (committees) by 93 percent, from 60 in fiscal year 2008 to 115 in fiscal year 2009 year-to-date. The increase in the number of committees led to a 59 percent increase in the number of internal diversity and cultural awareness activities, from 247 in fiscal year 2008 to over 393 in fiscal year 2009 year-to-date. Employee attendance and participation in diversity and cultural activities increased by over 72 percent, from 16,828 in fiscal year 2008 to over 28,894 in fiscal year 2009 year-to-date. In addition, the number of employees receiving diversity and EEO training increased by 11.3 percent over fiscal year 2008. CBP provided training to 5,629 employees.

Recruitment and Hiring

CBP has undertaken a targeted recruitment effort during the past 2 years in an attempt to raise the number of women and African Americans in its workforce. CBP continues to work towards the goal of increasing female and African American representation in its workforce by increasing community outreach activities and directing CBP National Recruitment Team events toward diversity-oriented programs.

In addition to recruiting and hiring events at minority serving colleges and universities, CBP has reached out to special emphasis organizations like the Southern Arizona Federal Women's Program Interagency Council, Northwest Job Exposition, Peninsula Women's Exposition, Pierce County veterans, and participated in several diversity events such as Diversity Employment Day (Minneapolis, MN), Job Fairs sponsored by Congressmen Bennie Thompson and Lincoln Diaz-Balart, Diversity Jobs USA, Metro Diversity Partners, National Society of Black Engineers, and Hispanic Alliance for Career Enhancement (HACE).

CBP's overall workforce increased by 10 percent, from 52,543 employees in fiscal year 2008 to over 57,811 as of August 2009. Since 2007, the number of executives on board increased by 30. While the percentage of female and African American executives of the current executive population decreased 1 percent and 1.4 percent respectively, the actual number of executive females increased from 23 to 29 (26 percent increase) and the number of African American executives remained the same (5). Since 2008, senior management reviews the status of recruitment efforts on a monthly basis in meetings chaired by the Commissioner or Acting Commissioner, and CBP produces monthly recruitment and hiring status and analysis reports outlining progress toward annual hiring goals.

CBP facilitated five targeted recruitment events to recruit Auditors for the Office of Internal Trade in spring 2009. These hiring events continue to modernize job fairs and streamline the way CBP hires candidates for the positions. The events

took place in Boston; Long Beach, CA; Miami; New York; and Washington. From the five events, CBP offered positions to more than 60 candidates from diverse backgrounds.

In May 2009, CBP hosted its first career fair targeting careers in the human resources profession. Local newspaper ads were placed, a news release was issued, and various special emphasis organizations and individuals were contacted to attract potential applicants to the event. Over 300 people from diverse backgrounds attended the fair.

From June through July 2009, CBP conducted its first Federal Career Intern Program (FCIP) Virtual Job Fair for entry-level positions including Accountant, Budget Analyst, Contract Specialist, Human Resources Specialist, IT Specialist and Management and Program Analyst. Promotion of the virtual job fair was posted on Career Builder in addition to a CBP news release and postings at multiple community, professional, and special emphasis organizations Nation-wide to attract applicants to the on-line job fair. The advertising and outreach of the fair resulted in over 40,000 views by the public and approximately 4,500 applications for the positions advertised.

With regard to CBP's Senior Executive Service (SES) ranks, the representation of women increased from 23.7 percent to 25.7 percent between fiscal years 2007 and 2009; Hispanics represent 12.8 percent, whites 80 percent, African Americans 5 percent, and Asians 2 percent of the SES ranks. To continue our efforts to increase the representation of all employee groups at the SES level, we must implement a diversity strategy to create a diverse pool of qualified candidates. The tables below illustrate CBP SES workforce demographics between October 2007 and September 2009.

CBP-SES GENDER Profile	October 2007		September 2009		Change	
	Female	23	28.75%	29	28%	+06
Male	57	71.25%	75	72%	+18	+.75%
Total	80		104		+24	+30.00%

CBP SES—RNO Profile	October 2007		September 2009		Change	
	White	68	85.00%	82	79.00%	+14
Hispanic	07	8.75%	15	14.4%	+08	+5.65%
African American	05	6.25%	05	4.8%	00	-1.45%
Asian American	00	00.00%	02	1.9%	+02	+1.9%
Total	80		104		+24	+30.00%

Building upon prior successes, CBP has enhanced its workforce planning and analysis efforts to assist in developing strategies, solutions and tools for managing human resources needs, to include a focus on diversity improvement activities. To that end, the following tools and activities are underway to strengthen CBP's workforce diversity:

- *Workforce Profiles.*—This quick reference document provides quarterly workforce data and analysis to assist the agency with its recruitment, hiring, and succession management activities. The workforce profiles focus on diversity data to include gender, race and national origin, and veterans.
- *Workforce Plans.*—These plans identify short- and long-term strategies for building and sustaining a diverse and quality workforce. Based on a thorough analysis of data, strategies are identified to address workforce gaps and challenges. The strategies may target recruitment, retention, and succession efforts of particular concern or unique to a program office.
- *Workforce Planning Training.*—CBP has begun to train management and employees on the workforce planning process. During these sessions, time is spent discussing the gaps analysis exercise that examines areas of improvement with respect to diversity, competencies and skills, and staffing numbers. The gaps analysis is critical to workforce planning because it drives the strategies that are later developed for closing gaps and adequately preparing the agency for future workforce needs.
- *DHS Efficiency Retention Subgroup.*—CBP participates on this subgroup responsible for identifying best practices that could be implemented across DHS for retaining a talented and diverse workforce.

UNITED STATES SECRET SERVICE

The Secret Service recognizes its responsibility to ensure that the fundamental rights of its employees and all applicants for employment are respected and protected. All applicants are provided a full and fair opportunity at employment, training, and career advancement without regard to race, color, religion, national origin, disability (physical or mental), gender, age, reprisal, sexual orientation, genetic information, or parental status. Its Equal Employment Opportunity (EEO) program continually provides its internal and external customers with professional leadership that promotes equality for all.

Elimination of Barriers

The Secret Service is committed to finding and removing barriers to entry and barriers to promotion whenever or wherever they are identified. The barrier identification and elimination planning process includes the review and analysis of workforce data and information, Affirmative Employment Plans, agency policies, procedures, strategies, and performance reports dealing with recruitment, retention, or accessibility.

The major approaches, which make up the EEO Plan to Eliminate Identified Barriers, are as follows:

- Provide training for employees that address diversity awareness, EEO guidance and regulations, including providing reasonable accommodation to employees with disabilities and ensuring compliance with the documentation requirements of Section 508 and accessibility for Persons with Disabilities; and, Federal hiring/selection procedures.
- Monitor recruitment initiatives and other initiatives and policies established by the Workforce Planning Office, the Recruitment Program, or the Diversity Management Program at the Secret Service.
- Focus the Secret Service's resources for barrier analysis and elimination on areas of primary concern for the agency. Those areas are recruitment and retention.
- Ensure accountability of Secret Service managers and supervisors in the area of EEO as outlined in EEO Management Directive 715.

Secret Service Recruitment Initiatives

Recruitment and hiring of qualified applicants from ethnically diverse backgrounds is a top management priority and an important component of the Secret Service's recruitment business plan.

The recruitment of special agents and Uniformed Division officers is conducted through the Secret Service's 164 field offices throughout the world. However, overall coordination of minority recruitment and outreach is administered through the Recruitment Program at Secret Service headquarters in Washington, DC.

The Recruitment Program uses numerous methods to attract and recruit potential candidates from ethnically diverse backgrounds. On average the Recruitment Program will attend over 300 career fairs a year. Many of these events are held at HBCUs, HSIs, TCUs, and women's colleges. The Recruitment Program will advertise career opportunities with ethnically diverse magazines, radio stations, and websites. Further, the Recruitment Program will target select cities to host recruitment events, which have a large population of individuals from ethnically diverse backgrounds.

The Secret Service Recruitment Program has implemented a yearly national recruitment strategy with specific initiatives, incentives, and strategies to attract and recruit the best and the brightest high-quality candidates for a diverse workforce. Key elements include:

- Attendance at career fairs throughout the United States, including those specifically targeting minority groups, Nation-wide military recruitment events, and Nation-wide diversity conferences. Specifically, the Secret Service attended 1,083 career fairs from fiscal years 2007–2009 and 154 Nation-wide military recruitment events.
- Focused outreach at HBCUs, HSIs, TCUs, and women's colleges and universities.
- Sponsor Secret Service recruiting and testing events in cities throughout the United States which have high minority populations.
- Targeted recruiting of veterans of the United States Armed Forces, who represent a source of highly qualified, ethnically diverse candidates for Secret Service positions in all occupational categories.
- Using the services of a contractor, LEAP Frog solutions, a minority women-owned business, to help coordinate print, on-line, and radio advertising that specifically target ethnically diverse populations.

African-American Recruiting Initiatives

The Recruitment Program has consistently maintained an aggressive and proactive recruiting approach as it pertains to the African-American community. In fiscal year 2008, the Recruitment Program attended 20 career fairs specifically targeting African-Americans. The Recruitment Program attended five national conferences and sponsored seven recruiting events in cities with large African-American populations. In fiscal year 2009, the Secret Service attended 29 career fairs specifically targeting African-Americans; attended six national conferences; and sponsored six recruiting events in cities with large African-American populations. Additionally, the Recruitment Program advertises career opportunities in several print magazines, radio stations, and websites specifically targeted towards the African-American community.

Additionally, in support of Executive Order 13256, which established the President's Board of Advisors of HBCUs, the Secret Service participated in the White House Initiative on Historically Black Colleges and Universities (WHI/HBCUs). Secret Service involvement in this initiative was part of a continuing effort to effectively engage the African-American community and promote public service as a professional career.

This meeting also served as an opportunity to better assist the Secret Service with developing comprehensive strategies to strengthen support for African-American students, share ideas and information, and recognize promising best practices to accelerate African-American success in higher education.

The Recruitment Program also initiated a Service-wide program of conducting college and university educational presentations to career counselors. This program will provide an opportunity for college and university career counselors to become educated about the duties and responsibilities of the Secret Service's dual mission and to promote the Secret Service to their students.

Hispanic/Latino Recruiting Initiatives

The Secret Service Recruitment Program has maintained an aggressive recruiting approach as it pertains to the Hispanic/Latino community. In fiscal year 2008, the Recruitment Program attended 23 career fairs specifically targeting Hispanics/Latinos; attended three national conferences; and sponsored six events in cities with a large Hispanic/Latino population. In fiscal year 2009, the Recruitment Program attended 18 career fairs specifically targeting Hispanics/Latinos; attended three national conferences; and sponsored five events in cities with large Hispanic/Latino populations.

The Recruitment Program advertises career opportunities to the Hispanic/Latino community through a variety of media outlets, including print magazines, radio and websites. The Secret Service also has advertised career opportunities on the Univision television network in the past.

In compliance with Executive Order 13171 (Hispanic Employment in the Federal Government), the Secret Service also has cultivated a partnership with Excelencia in Education. This new partnership is part of a continuing effort to effectively engage the Hispanic community as partners and promote public service as a professional career. In addition, the Secret Service has sponsored career advertisements in the Hispanic Association of Colleges and Universities Capitol Forum Program, and advertised career opportunities with the Excelencia in Education Hispanic Serving Institutions Almanac and on their website.

Native-American Recruiting Initiatives

The Secret Service has maintained a recruiting effort as it relates to the Native-American community. In fiscal year 2008, the Recruitment Program attended two career fairs specifically targeting the Native-American community. In fiscal year 2009, the Recruitment Program attended five events specifically targeted at the Native-American community. The Recruitment Program has recognized that additional efforts and outreach need to be focused towards this community. On Oct. 27, 2009 the Secret Service Recruitment Program is scheduled to participate in a career fair at the Haskell Indian Nations University in Lawrence, Kansas.

The Recruitment Program has established a relationship with the White House Initiative for Tribal Colleges and Universities (WHITCU). This Partnership will assist the Secret Service in establishing and maintaining a working relationship with over 35 recognized WHITCU institutions.

To increase the number of American Indian/Alaskan Natives recruited for employment opportunities during fiscal year 2008, the Secret Service has partnered with DHS Office for Civil Rights and Civil Liberties and the WHITCU to meet with seven Tribal Colleges and University Presidents in Washington, DC.

Asian-American Recruiting Initiatives

The Recruitment Program continues to develop its recruitment efforts to inform the Asian-American community about career opportunities within the Secret Service. In fiscal year 2009 the Recruitment Program attended four career fairs specifically targeted to the Asian-American Community.

The Recruitment Program has begun to work with field offices throughout the country with significant Asian-American populations to coordinate outreach activities to educate this community about career opportunities with the Secret Service.

Women Recruiting Initiatives

The Recruitment Program has consistently maintained a proactive recruiting approach in its efforts to recruit women. In fiscal year 2008, the Recruitment Program attended 16 career fairs specifically targeting women and two national conferences. Thus far in fiscal year 2009, the Recruitment Program has attended two career fairs specifically targeting women and two national conferences, with additional events already scheduled this year.

The Recruitment Program also has advertised in Professional Women's Magazine and Essence Magazine, and it has distributed pamphlets to over 74 women's colleges and universities.

Military Recruitment Strategies

Our Nation's Armed Forces are a source of highly qualified, diverse candidates for Secret Service positions in all occupational categories. The Recruitment Program developed a coordinated system of advance planning and recruiting tools in order to establish a pipeline of high-quality candidates to fill vacancies and to enhance and maintain long-term relationships with the military community. These events will assist the Secret Service in achieving the strategic staffing/workforce needs in hiring special agent, Uniformed Division officer, and administrative, professional, and technical personnel.

Special Agent Hiring

As a result of its recruiting efforts, between Oct. 1, 2007 and Sept. 30, 2008, 426 (34.22 percent) of the 1,245 applicants for the USSS Special Agent position who voluntarily identified their race were women and minorities. In fiscal year 2008 the Secret Service hired 169 new Special Agents. Out of the 169 new hires, 42 (24.9 percent) were women and minorities.

Uniformed Division Officer

The Secret Service also actively recruited for the Uniformed Division Officer position in fiscal year 2008. Between Oct. 1, 2007 and Sept. 30, 2008, these efforts yielded 1,134 applicants for Uniformed Division Officer position of whom 516 (45.50 percent) were women and minorities. In fiscal year 2008, the Service hired 149 new Uniformed Division Officers. Out of the 149 new hires, 51 (34.2 percent) were women and minorities.

USSS Diversity Management Program

The Secret Service's Diversity Management Program continues to maintain a constituency base with several external law enforcement organizations in order to implement strategies for ensuring best practices throughout the agency's diverse population.

In an effort to maximize the career development potential for its workforce, the Secret Service designates employee representatives to attend various national minority training Conferences on a yearly basis. These training expeditions are sponsored by the following law enforcement organizations: Hispanic American Police Command Officers Association; Women in Federal Law Enforcement; National Organization of Black Law Enforcement Executives; National Asian Peace Officers Association; and the National Native American Law Enforcement Association.

Annual Conference Participation

The Secret Service chose 25 representatives within the special agent and Uniformed Division ranks to attend this year's Women in Federal Law Enforcement 10th Annual Leadership Training Conference. A team of recruiters from the Recruitment Division also provided information to potential candidates who were interested in future employment with the Service.

For more than 15 years, the Secret Service has been an avid supporter of the National Organization of Black Law Enforcement Executives (NOBLE). This year, the Secret Service's Diversity Management Program sent 26 representatives to NOBLE's annual conference, where they took full advantage of a training agenda designed to prepare future leaders for the next level in their law enforcement careers.

The conference provided an opportunity for the Secret Service to recruit more African Americans.

The Secret Service also served as co-sponsor of the National Asian Peace Officers Association (NAPOA) 22nd Annual Training Conference. Over 35 Secret Service employees within the special agent, Uniformed Division, and the administrative, professional, and technical ranks participated in this year's NAPOA conference. The NAPOA Executive Board also hosted an open job fair at the conference.

SPECIAL PROGRAM PLAN FOR THE RECRUITMENT, HIRING, AND ADVANCEMENT OF
INDIVIDUALS WITH TARGETED DISABILITIES

The Special Program Plan for the Recruitment, Hiring, and Advancement of Individuals with Targeted Disabilities evaluates employment trends and participation rates in agency employment programs for individuals with targeted disabilities. The Secret Service currently employs 15 individuals with targeted disabilities.

JOHNS HOPKINS UNIVERSITY—MASTERS IN MANAGEMENT PROGRAM

In order to further develop future leaders of the Secret Service, supervisors, and managers are selected biennially to participate in a 2-year program offered by Johns Hopkins University. Upon successful completion, participants receive a Masters in Science and Management Degree from the Johns Hopkins University of Business and Education.

The program has a multi-disciplinary curriculum, which includes practical and theoretical management, human resources management, and leadership courses. Since 2003, 90 Secret Service employees have been selected by the Director to attend the program, 35 of whom were minority or female.

SENIOR EXECUTIVE SERVICE CANDIDATE DEVELOPMENT PROGRAM

For fiscal year 2008, the Secret Service Senior Executive Service Candidate Development program had 19 candidates. Ten (52.6 percent) of the candidates were minority or female.

Chairman THOMPSON. Thank you very much for your testimony. I now recognize Vice-Chair Griffin to summarize her statement for 5 minutes.

**STATEMENT OF CHRISTINE GRIFFIN, VICE-CHAIR, EQUAL
EMPLOYMENT OPPORTUNITY COMMISSION**

Ms. GRIFFIN. Thank you for inviting me to testify today on behalf of the Equal Employment Opportunity Commission and to speak to the importance of diversity in the Federal workforce, specifically at the Department of Homeland Security.

I am currently the acting vice chair of the EEOC, and in that capacity I have taken a particular interest in diversity issues in the Federal workforce. I was nominated by President Obama on May 12 to be deputy director of the Office of Personnel Management. I was confirmed by the Senate on July 31, but have not yet been sworn in. It is from this unique perspective that I speak today.

The United States Government employs over 2.5 million men and women across the country and around the world. The ability of our Government to Federal agencies to meet the complex needs of our Nation and the American people rests squarely on these dedicated and hard-working individuals.

Perhaps now more than ever before with increasing public expectations of Governmental institutions, Federal agencies must position themselves to attract, develop, and retain a top-quality workforce that can deliver results and ensure our Nation's continued growth and prosperity.

Equal opportunity in the Federal workforce is the key to accomplishing this goal. With proper implementation, the Equal Employment Opportunity Commission's guidance to Management Directive

715 helps agencies uncover and undress all impediments to fair and open competition in the Federal workforce. MD-715 sets forth guidance for agencies regarding their affirmative employment programs under both Title VII of the Civil Rights Act and the Rehabilitation Act.

One of the major changes that MD-715 brings to the Federal community is the focus on barrier analysis. In order to develop a competitive, highly qualified workforce, Federal agencies must fully utilize all workers' talents without regard to race, color, religion, national origin, sex, disability, or sexual orientation. This goal cannot be accomplished when barriers to equal employment opportunity persists in an agency's policies, procedures, or practices.

MD-715 instructs Federal agencies to stop merely treating the symptoms of discrimination and start finding the root causes of the problem. As such, barrier analysis is the core philosophy of this guidance.

Barrier analysis begins with analyzing all source material available to the agency. This, of course, includes the basic workforce statistics, but workforce statistics are not the end at all. They are rather the beginning of the analysis.

The Department of Homeland Security has submitted its MD-715 report to the EEOC annually for each of the last 5 years. The Department has been able to identify numerous issues affecting opportunity within its workforce. However, we have seen very little analysis up until now attempting to actually uncover and examine and remove the barriers to equal participation at all levels of the workforce.

In 2005, for example, the Department reported to the EEOC a plan to conduct a detailed barrier analysis due to lower-than-expected participation rate for females throughout the Department. They also recognized the need to capture applicant data to analyze and measure its recruitment efforts. But our view indicates that the Department has really failed to provide the adequate resources necessary to resolve these issues.

Another point of concern. While diversity at the senior levels of the Department were raised by this committee, DHS has not been able to share how it will analyze and go about implementing appropriate steps to address diversity at the senior level.

We stand ready to assist the Department in meeting the serious challenges, and let me assure the committee that OPM Director John Berry and I are committed to increasing diversity within the Federal Government as a whole and in the Senior Executive Service in particular.

OPM has the responsibility to annually report to Congress on progress in achieving a diverse workforce under the Federal Equal Opportunity Recruitment Program. In addition, OPM is in the process of creating an SES office whose primary mission is to ensure that the Federal Government draws from a diverse pool of individuals who are trained and ready to join the SES ranks.

We should look to agencies that have increased the diversity of the workforce with best practices on how to accomplish these achievements.

Ours is a Government filled with employees capable of keeping our planes and trains running safely and on time. We can send

men and women into space, and it is full of people who daily protect us from all the dangers aimed at our homeland and our citizens abroad. I refuse to believe that creating a broad and diverse workforce is somehow beyond our capabilities as well.

Thank you for your time, and I look forward to any questions you might have.

[The statement of Ms. Griffin follows:]

PREPARED STATEMENT OF CHRISTINE GRIFFIN

OCTOBER 14, 2009

Good morning Chairman Thompson and Members of the committee. Thank you for inviting me to testify today on behalf of the Equal Employment Opportunity Commission (EEOC) to speak to the importance of diversity in the Federal workforce, specifically at the Department of Homeland Security. I am currently the acting vice chair of the EEOC, and in that capacity have taken a particular interest in diversity issues in the Federal workforce. I was nominated by President Obama on May 12 to be the Deputy Director of the Office of Personnel Management. I was confirmed by the Senate on July 31, but have not yet been sworn in. It is from this unique perspective that I speak today.

The United States Government employs over 2.5 million men and women across the country and around the world. The ability of our Government, through Federal agencies, to meet the complex needs of our Nation and the American people rests squarely on these dedicated and hard-working individuals. Perhaps now more than ever before—with increasing public expectations of Governmental institutions—Federal agencies must position themselves to attract, develop, and retain a top-quality workforce that can deliver results and ensure our Nation's continued growth and prosperity. Equal opportunity in the Federal workplace is key to accomplishing this goal.

In order to develop a competitive, highly qualified workforce, Federal agencies must fully utilize all workers' talents, without regard to race, color, religion, national origin, sex, age, disability, or sexual orientation. While the promise of workplace equality is a legal right afforded to all Federal applicants and employees, equal opportunity is more than a matter of social justice. It is a national economic imperative. Federal agencies must make full use of its talent by promoting workplace practices that free up opportunities for the best and brightest talent available. All workers must compete on a fair and level playing field and have the opportunity to achieve their fullest potential. The productivity of an agency is based on the productivity of its staff. One sure way to contribute to maintaining satisfied and productive employees is to treat them fairly and equally.

Creating a level playing field requires a significant effort by all agency management. From the agency head to first line supervisors, equal employment opportunity must be integrated into every aspect of the agency. This includes everything from agency personnel policies and practices to the agency's culture. With proper implementation, EEOC's guidance through Management Directive 715 (MD-715) will help agencies uncover and address all impediments to fair and open competition in the Federal workplace. MD-715 sets forth guidance for agencies regarding their affirmative employment programs under both Title VII of the Civil Rights Act and the Rehabilitation Act. In this directive, EEOC introduced six essential elements it would use to measure the effectiveness of an agency EEO program: Demonstrated commitment from agency leadership; integration of EEO into the agency's strategic mission; management and program accountability; proactive prevention of unlawful discrimination; efficiency; and responsiveness and legal compliance. EEOC also provided a self-assessment diagnostic tool to help agencies determine possible deficiencies which may compromise the effectiveness of their EEO efforts.

BARRIER ANALYSIS

One of the major changes that MD-715 brings to the Federal community is the focus on barrier analysis. In the past, affirmative employment in some instances was finding under-representation and trying to reach statistical parity with labor force data. Barrier analysis is a more in-depth process by which agencies uncover, examine, and remove barriers to equal participation at all levels of the workforce.

MD-715 instructs Federal agencies to stop merely treating the symptoms of discrimination (under-representation), and start finding the root causes of the problems (barriers). As such, barrier analysis is the core philosophy of this guidance. Barrier

analysis begins with analyzing all source material available to an agency. This, of course, includes basic workforce statistics. Workforce statistics, however, are not the end at all, but rather they are the beginning of the analysis. Other material that should be used by an agency include EEO complaint trend information, exit interviews, internal audits or studies, external audits or studies, and employee surveys. Agency EEO professionals should also take a close look at all of the agency's employment processes, beyond hiring and firings, to include disciplinary actions and performance awards.

In the past, an agency may have made a concerted effort to hire more women into their workforce, but never examined why women were historically excluded from certain opportunities. Such exclusion may have resulted from societal discrimination or the agency's own practices. As a result, while the number of women hired increased, the attrition rate for women was much higher than men because the inequitable systems were left in place. The low participation rate for women was a symptom but to find the root cause the agency would need to analyze and improve all relevant employment policies, procedures, and practices that limited opportunity.

In order to develop a competitive, highly qualified workforce, Federal agencies must fully utilize all workers' talents, without regard to race, color, religion, national origin, sex, disability or sexual orientation. This goal cannot be accomplished when barriers to equality employment opportunity persist in an agency's policies, procedures or practices.

HOMELAND SECURITY

The U.S. Department of Homeland Security (DHS) became the Nation's 15 and newest Cabinet Agency 6 years ago, consolidating numerous programs and agencies from across the Federal Government into one unified organization with an overriding and urgent mission: To secure the American Homeland and protect the American people.

This consolidated organization employs over 170,000 individuals. Men comprise 68% of the Department's workforce while women comprise 32% of the workforce. Men occupy 76% of the Department's senior-level positions. Government-wide, men account for 57% of the Federal workforce and 71% of the senior-level positions.

The Department has the highest participation rate of Hispanics in comparison to all Cabinet and large Federal agencies at nearly 20% of the workforce. However, Hispanics account for only 6% of the Department's senior-level positions. Hispanic females account for less than 1% of the senior-level positions. Government-wide, Hispanic employees account for 8% of the Federal workforce and 4% of the senior-level positions.

White employees account for 60% of the Department's workforce and 87% of the Department's senior-level positions. Of this latter number, White females only account for 21% of the senior-level positions. Government-wide, White employees account for 65% of the Federal workforce and 85% of the senior-level positions.

Black employees account for 14% of the Department's workforce and 5% of the Department's senior-level positions. Black females only account for a little over 1% of the Department's senior-level positions. Government-wide, Black employees account for 19% of the Federal workforce and 8% of the senior-level positions.

Asian employees account for 4% of the Department's workforce and 1.5% of the Department's senior-level positions. Government-wide, Asian employees account for 6% of the Federal workforce and 3% of the senior-level positions.

Employees with disabilities account for 3.5% of the Department's workforce. Employees with targeted disabilities account for 0.39% of the Department's workforce. EEOC has paid particular attention to the progress of individuals with targeted disabilities because these individuals tend to have more severe disabilities that are immediately apparent to potential employers and which the employers are likely to believe will require accommodation. Individuals with targeted disabilities (IWTDD) serve as the indicator for the success or failure of the Federal Government's efforts with respect to all individuals with disabilities. To assist Federal agencies, EEOC has set a benchmark for agencies to increase the participation rate of IWTDD. This benchmark is 2% of the workforce. Currently, the Federal Government has dropped to an average participation rate of 0.88%.

The Department has submitted annual reports (MD-715 Reports) to EEOC for each of the last 5 years. The Department has been able to identify numerous issues affecting opportunity within its workforce. However, we have seen very little analysis attempting to uncover, examine, and remove barriers to equal participation at all levels of the workforce.

In 2005, the Department reported to EEOC that it planned to conduct a detailed barrier analysis due to lower than expected participation rates for females through-

out the Department. Our review indicates that the Department has failed to provide adequate resources necessary to analyze and solve the issue. For example, since 2005, the Department has recognized the need to capture applicant data to analyze and measure its recruitment efforts, but resources have not been allocated to collect this crucial data.

Another point of concern—while diversity at the senior levels of the Department has been raised by this committee, DHS has not shared with EEOC how it has engaged in substantive efforts to analyze what is going on at the senior level and how it will implement appropriate steps to address diversity at the senior level.

We stand ready to assist the Department in meeting these serious challenges. Let me assure the committee that OPM Director John Berry and I are committed to increasing diversity within the Federal Government as a whole and in the Senior Executive Service in particular. OPM has the responsibility to annually report to Congress on progress in achieving a diverse workforce under the Federal Equal Opportunity Recruitment Program (FEORP). The FEORP report contains information on the representation of minorities and women in the Federal Government and provides information on agency practices in support of FEORP. OPM has also taken other steps to increase Federal agencies awareness of the importance of a diverse workforce; for example, it has partnered with EEOC to promote our LEAD Initiative and the use of special appointing authorities to increase the hiring of people with disabilities within the Government. It has worked with our military to promote Federal career civil service jobs to soldiers transitioning to civilian life. It has engaged in outreach efforts to minority organizations such as Historically Black Colleges and Universities and Hispanic-Serving Institutions to broaden the appeal of Federal employment. In fact, as I speak to you today, OPM is in the process of creating an SES Office. One of its primary missions is to ensure that the Federal Government draws from a diverse pool of individuals who are trained and ready to join the SES ranks. I am personally committed to greatly expanding on these efforts once I assume my position as Deputy Director.

We all know the statistics by now. Yet too many Federal agencies look at the production of these reports as goals in and of themselves, rather than the tools to reach the broader objective of a diverse and inclusive workforce at all levels of Government. Knowing the statistics and determining whether there are any barriers to inclusiveness are two very different things. I won't rest until every Federal agency, including the Department of Homeland Security, has identified any barriers that might exist and has implemented a viable and effective blueprint for eliminating them.

I do not believe such an effort requires a wholesale change of how the Government recruits, hires, and promotes its employees. As the President stated in his September 9, 2009, address to the Joint Session of Congress, "it makes more sense to build on what works and fix what doesn't, rather than try to build an entirely new system from scratch." We can look to those agencies that have increased the diversity of their workforce for best practices on how they accomplished such achievements. We can learn from the mistakes made by other agencies whose diversity efforts have fallen short. Ours is a Government filled with employees capable of keeping our planes and trains running safely and on time; who can send men and women into space; and, who daily protect us from all the dangers aimed at our homeland and our citizens abroad. I refuse to believe that creating a broad and diverse workforce is somehow beyond our capabilities as well.

Thank you for your time and I look forward to any questions you may have.

Chairman THOMPSON. Thank you very much. I did omit your new appointment. Congratulations.

Ms. GRIFFIN. Thank you.

Chairman THOMPSON. I do know you are kind of serving to keep up for him on the existing facility going, so we thank you for both jobs.

Ms. GRIFFIN. Thank you.

Chairman THOMPSON. I do thank you for your testimony.

I now recognize Director Jones to summarize her statement for 5 minutes.

**STATEMENT OF YVONNE D. JONES, DIRECTOR, STRATEGIC
ISSUES TEAM, GOVERNMENT ACCOUNTABILITY OFFICE**

Ms. JONES. Mr. Chairman and Members of the committee, thank you for the opportunity to discuss the Department of Homeland Security's efforts to identify and address barriers to equal employment opportunity in its workforce.

We have reported that it is important for Federal agencies, including DHS, to use available flexibilities to acquire, develop, motivate, and retain talented individuals who reflect our Nation's diversity. This testimony is based on our recently issued report on equal employment opportunity and barrier analysis at DHS.

I will discuss three points: First, the extent to which DHS has taken steps to identify barriers to EEO in the workplace; second, efforts DHS has taken to address identified barriers and what progress has been reported; and third, how DHS oversees and supports its components in identifying and addressing barriers.

First, our review of DHS's MD-715 reports show that the agency has generally relied on workforce data to identify triggers, the term EEOC uses for indicators of potential barriers.

However, according to the EEOC, in addition to workforce data agencies should consult a variety of sources such as exit interviews, employee groups, and employee surveys to identify triggers. By not considering employee input, DHS is missing opportunities to identify triggers.

My second point is that once the trigger has been identified, agencies are to investigate and to pinpoint actual barriers and their causes. In 2007, through its Department-wide barrier analysis, DHS identified for barriers: (1) Over-reliance on the internet to recruit applicants, (2) over-reliance on noncompetitive hiring authorities, (3) lack of recruitment initiatives directed at Hispanics, and (4) non-diverse interview panels.

In its 2007 and 2008 MD-715 reports, DHS defined activities to address these areas. However, our analysis of the two reports also showed that DHS has extended nearly all of its original target completion dates by a range of 12 to 21 months and has not completed any planned activities to address and identify barriers.

To ensure that agency programs are effectively implemented, it is important for agencies to use internal control activities such as establishing and tracking goals with timelines and establishing milestones. These controls allow agencies to pinpoint performance shortfalls and to suggest midcourse corrections.

My third and final point is that DHS uses a variety of means to support its components, including preparing workforce data tables for components, providing written feedback on draft reports to components that prepare their own MD-715 reports, conducting program audits, and convening a council of the EEO directors from each component.

Also, we learned that the reporting relationship between the DHS acting officer for civil rights and civil liberties, who is also the EEO line of business head, and component EEO directors is not a direct reporting relationship. The EEO directors report not to him, but to their component heads.

While this EEO structure is similar to other cost-cutting lines of business in DHS, those lines of business have reporting relation-

ships established through management directives. In contrast, the acting officer for civil rights and civil liberties stated that he relies on a collaborative relationship with the component EEO directors to carry out his responsibility.

Based on our work described above, we recommended in the report that the Secretary of Homeland Security direct the officer for civil rights and civil liberties to develop a strategy to regularly include employee input and trigger definition and that the officer also be directed to identify essential activities and develop interim milestones necessary to complete all planned activities to address identified barriers to the EEO. DHS agreed with our recommendations.

Mr. Chairman, this concludes my statement. I am happy to respond to any questions that you or Members of the committee may have.

[The statement of Ms. Jones follows:]

PREPARED STATEMENT OF YVONNE D. JONES

SEPTEMBER 16, 2009

EQUAL EMPLOYMENT OPPORTUNITY.—DHS HAS OPPORTUNITIES TO BETTER IDENTIFY AND ADDRESS BARRIERS TO EEO IN ITS WORKFORCE

GAO-09-1010T

Mr. Chairman and Members of the committee: Thank you for the opportunity to discuss the Department of Homeland Security's (DHS) efforts to identify and address barriers to equal employment opportunity (EEO) in its workforce. Since its inception in March 2003, DHS has faced a number of challenges, one of which is effectively and strategically managing its large workforce (about 216,000 employees) to respond to current and emerging 21st Century issues.

The Federal Government is faced with a workforce that is becoming increasingly eligible for retirement. We have reported that it is important for Federal agencies, including DHS, to use available flexibilities to acquire, develop, motivate, and retain talented individuals who reflect all segments of society and our Nation's diversity. The Equal Employment Opportunity Commission's (EEOC) Management Directive (MD) 715 provides that in order to attract and retain top talent, Federal agencies are to identify barriers to EEO in the workplace, execute plans to eliminate barriers, and report annually to EEOC.

This testimony is based on our report that we plan to release at the hearing entitled *Equal Employment Opportunity: DHS Has Opportunities to Better Identify and Address Barriers to EEO in Its Workforce*.¹ I will discuss: (1) The extent to which DHS has taken steps, according to its MD-715 reports, to identify barriers to EEO in the workplace; (2) efforts DHS has taken to address identified barriers and what progress has been reported; and (3) how DHS oversees and supports its components in identifying and addressing barriers. For this work, we analyzed DHS's identified barriers and plans to address those barriers obtained from its fiscal year 2007 and 2008 reports. In addition, we reviewed DHS policies, guidance, directives, and diversity plans related to identifying and addressing barriers. We interviewed DHS officials from its Office of Civil Rights and Civil Liberties (CRCL) and the Office of the Chief Human Capital Officer (OCHCO). We also reviewed MD-715 and EEOC instructions and guidance on MD-715, and interviewed EEOC officials from its Office of Federal Operations. We obtained information from the Office of Personnel Management's (OPM) Strategic Human Resource Policy Division on the availability of Federal Human Capital Survey (FHCS) data to Federal agencies. Our report contains a more detailed discussion of our objectives, scope, and methodology. Our work was performed in accordance with generally accepted Government auditing standards.

In brief, Mr. Chairman, we found that: (1) DHS has not regularly included employee input from available sources to identify potential barriers to EEO; (2) DHS has modified nearly all of its original target completion dates on planned activities

¹GAO-09-639 (Washington, DC: Aug. 31, 2009).

to address identified barriers and has not completed any of those planned activities; and (3) DHS uses a variety of means to oversee and support components, including conducting program audits and convening a council of EEO directors from each of the components. I will cover each one of these in turn.

First, our review of DHS's MD-715 reports showed that DHS has generally relied on workforce data to identify "triggers," the term EEOC uses for indicators of potential barriers. More specifically, such workforce data can provide a very valuable perspective. However, DHS could provide additional perspectives by regularly including employee input from available sources. DHS generally relied on workforce data to identify 13 of 15 triggers, such as promotion and separation rates, as table 1 shows.

TABLE 1.—TRIGGERS IDENTIFIED IN DHS'S 2008 MANAGEMENT DIRECTIVE 715 REPORT

Trigger	Groups Affected	Source
1. Participation rates in the total workforce were below participation rates in the civilian labor force (CLF)(a).	Total females and White females	Analysis of workforce data.
2. Participation rates among officials and managers (b) were below participation rates in the relevant civilian labor force (RCLF)(c).	Total females and White females	Analysis of workforce data.
3. Participation rates among professionals (b) were below participation rates in the RCLF.	Total females and White females	Analysis of workforce data.
4. Participation rates among service workers (b) were below participation rates in the RCLF.	Total females and White females	Analysis of workforce data.
5. Participation rates among General Schedule (GS) grades GS-14 and GS-15 and the Senior Executive Service (SES) were below participation rates in DHS's total GS workforce population.	GS-14: Hispanic males, GS-15: Hispanic males, SES: Hispanic males, total females, African American females, and African American males.	Analysis of workforce data.
6. Participation rates among cross-cutting, high-profile occupations (d) were below participation rates in the RCLF.	Total females and White females	Analysis of workforce data.
7. Participation rates among new hires by type of appointment (e) were below participation rates in the CLF.	Total females and White females	Analysis of workforce data.
8. Award rates of quality salary increases were below participation rates in DHS's permanent workforce.	Total males, Hispanic males, White males, African American males, American Indian/Alaskan Native males, American Indian/Alaskan Native females, and males identified as two or more/other races.	Analysis of workforce data.
9. Separation rates (voluntary and involuntary) were higher than participation rates in DHS's permanent workforce.	Voluntary: Total females, White females, African American males, and African American females. Involuntary: African American males and total females.	Analysis of workforce data.
10. Participation rates (temporary and permanent workers) were below the "Federal high" in DHS's total workforce (f).	DHS employees with targeted disabilities (g)	Analysis of workforce data.

11. Physical barriers to employment DHS employees with targeted disabilities MD-715 self-assessment checklist (part G) and comments made at a disability awareness training for managers.
 Analysis of workforce data.
12. Separation rates (total and voluntary) exceeded participation rates in DHS's permanent workforce. DHS employees with disabilities and targeted disabilities.
 Analysis of workforce data.
13. Promotion rates (competitive and non-competitive) were below participation rates in DHS's permanent workforce. DHS employees with disabilities and targeted disabilities.
 Analysis of workforce data.
14. Participation rates were below the "Federal high" in DHS's temporary workforce. DHS employees with disabilities and targeted disabilities.
 Analysis of workforce data.
15. Increased incidents of workplace harassment, discrimination, and violence. Muslims, Arabs, South Asians, and Sikhs November 19, 2001, EEOC, Department of Justice and Department of Labor "Joint Statement Against Employment Discrimination in the Aftermath of the September 11 Terrorist Attacks".

Source: GAO analysis of DHS's 2007 and 2008 MD-715 reports.

(a) The CLF is defined as those 16 and older (including Federal workers) who are employed or looking for work and are not in the military or institutionalized. (b) EEOC uses nine occupational categories for the Federal workforce—officials and managers, professionals, technicians, sales, administrative support workers, craft workers, operatives, laborers, and service workers.

(c) EEOC defines the RCLF as the available pool in the CLF for a specific occupation, including geographic considerations of the recruitment area.

(d) According to DHS's 2008 MD-715 report, cross-cutting, high-profile occupations within DHS are mission-critical occupations that reside in multiple organizational elements or by their very nature are high-profile occupations, for example, transportation security officers.

(e) Types of appointment include permanent, temporary, and nonappropriated funds.

(f) EEOC has designated the "FEDERAL high" as the benchmark for comparing an agency's employment of individuals with targeted disabilities. The Federal high is of a Federal agency (with 500 or more permanent employees) that had the highest participation rate of employees with targeted disabilities during the prior fiscal year. For 2008, the Federal high was 2.65 percent.

(g) According to EEOC, to encourage the hiring, placement, and advancement of selected individuals with disabilities in affirmative action planning, EEOC has identified nine categories of targeted disabilities: (1) Deafness; (2) blindness; (3) missing extremities; (4) partial paralysis; (5) complete paralysis; (6) convulsive disorders; (7) mental retardation; (8) mental illness; and (9) distortion of limb, spine, or both.

According to EEOC, in addition to workforce data, agencies are to regularly consult a variety of sources, such as exit interviews, employee groups, and employee surveys to identify triggers. Involving employees helps to incorporate insights about operations from a frontline perspective in determining where potential barriers exist. DHS does not consider employee input from such sources as employee groups, exit interviews, and employee surveys in conducting its MD-715 analysis. Data from OPM's Government-wide FHCS and DHS's internal employee survey by race, gender, or national origin are available, but DHS does not analyze these data to determine whether employees perceive certain personnel policies or practices as possible barriers. By not considering employee input on DHS personnel policies and practices, DHS is missing opportunities to identify triggers.

Once a trigger is revealed, agencies are to investigate and pinpoint actual barriers and their causes. In 2007, through its Department-wide barrier analysis, DHS identified four barriers: (1) Overreliance on the internet to recruit applicants, (2) overreliance on noncompetitive hiring authorities, (3) lack of recruitment initiatives that were directed at Hispanics in several components, and (4) nondiverse interview panels. In DHS's 2007 and 2008 MD-715 reports, DHS articulated planned activities to address these barriers. Nearly half of the planned activities involve collaboration between the civil rights and human capital offices.

In regards to my second point, our analysis of DHS's 2007 and 2008 MD-715 reports showed, as indicated in table 2, that DHS has modified nearly all of its original target completion dates by a range of 12 to 21 months, and has not completed any planned activities.

TABLE 2.—DHS IDENTIFIED BARRIERS, PLANNED ACTIVITIES, AND TARGET COMPLETION DATES

Identified Barrier	Planned Activities (a)	Modified Target Completion Date From 2008 MD-715 Report and (Original Date From 2007 MD-715 Report)	2008 Update	
Overreliance on the internet to recruit applicants for cross-cutting, high-profile occupations.	1. Partner with OCHCO to “Implement an enterprise-wide recruitment strategy” (b).	(09/30/2009)	No 2008 update was listed for this planned activity.	
	2. Partner with OCHCO to “Deploy applicant flow tool to analyze recruitment and hiring results”.	12/31/2009 (09/30/2008).		OCHCO indicated that it is working toward a redeployment of the e-Recruitment System. A lesson learned in fiscal year 2008 was that targeted recruiting can be done more efficiently over the internet and that DHS needs to develop an on-line methodology in fiscal year 2009 to reach active candidates looking for jobs and passive (not actively looking) candidates who have the appropriate skills and education. See No. 3.
	3. Collect and analyze additional data that could more conclusively demonstrate a link between overreliance on on-line recruiting media and equality of opportunity for applicants (c).	12/31/2010 (09/30/2009).		
	4. Develop a financial grid with information about the employee group(s) targets for a specific recruitment tactic (d).	12/31/2010 (03/30/2009).		
Overreliance on non-competitive hiring authorities.	1. Coordinate with OCHCO to ensure that the applicant flow tool has the capability to capture the additional data identified in No. 2.	12/31/2009 (09/30/08).	OCHCO indicated it is working toward a redeployment of the e-Recruitment System.	

TABLE 2.—DHS IDENTIFIED BARRIERS, PLANNED ACTIVITIES, AND TARGET COMPLETION DATES—Continued

Identified Barrier	Planned Activities (a)	Modified Target Completion Date From 2008 MD-715 Report and (Original Date From 2007 MD-715 Report)	2008 Update	
Lack of specific recruitment initiatives directed to Hispanics in several components.	2. Collect and analyze additional data that would more conclusively demonstrate a link between overreliance on noncompetitive hiring authorities and equality of opportunity for applicants (c).	12/31/2010 (09/30/2009).	CRCL will identify any specific follow-on actions required after the potential barriers are confirmed.	
	3. Have the DHS Corporate Recruitment Council target candidates for components that have low participation rates (e).	12/31/2010		N/A (f).
	1. Partner with OCHCO to “Implement an enterprise-wide recruitment strategy” (b).	(09/30/2009)		CRCL participated in the DHS Corporate Recruitment Council, which in fiscal year 2008 targeted five major categories of candidates to target.
	2. Coordinate with OCHCO to ensure that the applicant flow tool has the capability to capture the additional data identified under item No. 3.	12/31/2009 (12/31/2008).		OCHCO indicated that it is working towards a redeployment of the e-Recruitment System.
	3. Collect additional data that could more conclusively demonstrate a link between problematic/insufficient responses to Executive Order 13171 and equality of opportunity for applicants and employees (c).	12/31/2010 (09/30/2009).		CRCL will identify any specific follow-on actions required after the potential barriers are confirmed.
4. Develop Department-wide guidance to address the issue of levels of education among Hispanics in the pipeline.	12/31/2010 (03/31/2009).	No 2008 update was listed for this planned activity.		
5. Have the DHS Corporate Recruitment Council target candidates for components that have underrepresentation (e).	12/31/2010	N/A (f).		
Nondiverse interview panels.	1. Collaborate with OCHCO in the development of guidelines that addresses the diversity/composition of interview panels.	12/31/2009 (09/30/2008).	No 2008 update was listed for this planned activity.	

2. Collect additional data to determine the impact of nondiverse interview panels(c). 12/31/2010 (09/30/2009). CRCL will identify any specific follow-on actions required after the potential barriers are confirmed.

Source: GAO analysis of DHS's 2007 and 2008 MD-715 reports.

- (a) DHS has identified 12 unique planned activities. The planned activities listed total 14 because 2 planned activities are listed twice.
- (b) This planned activity is listed twice.
- (c) In the fiscal year 2008 MD-715 report, DHS specifies the additional information to obtain.
- (d) According to DHS's 2008 MD-715 report, the financial grid will identify the cost-effectiveness and human capital yield that results from using a specific recruitment tactic to acquire specific employee groups. Also, the grid data will produce information about the investment costs allocated for each recruitment tactic for each employee group as well as information about the number of contacts made using a specific approach.
- (e) This planned activity is listed twice.
- (f) Not applicable. This planned activity was first identified in the fiscal year 2008 MD-715 report; therefore, it could not have been modified in the 2008 report.

Although DHS officials reported completing other activities in fiscal year 2007 and 2008 associated with its EEO program, DHS said that it modified the dates because of staffing shortages. To ensure that agency programs are effectively and efficiently implemented, it is important for agencies to implement internal control activities,² such as establishing and tracking implementation goals with timelines.³ This allows agencies to pinpoint performance shortfalls and gaps and suggest midcourse corrections. DHS has not developed project plans with milestones beyond what is included in its MD-715 report and its *Human Capital Strategic Plan*. These documents include only the anticipated outcomes and target completion dates, not the essential activities needed to achieve the outcomes. For example, in DHS's 2007 and 2008 MD-715 reports, CRCL identified analyzing recruitment and hiring results using an applicant flow tool as a planned activity to address the barrier of overreliance on the use of the internet to recruit applicants. DHS's *Human Capital Strategic Plan* also identified analyzing recruitment and hiring results using an applicant flow tool as an action to achieve its Department-wide diversity goal. DHS does not articulate interim steps or milestones that would help it to achieve this outcome in either document. Identifying the critical phases of each planned activity necessary to achieve the intended outcome with interim milestones could help DHS ensure that its efforts are moving forward and manage any needed midcourse corrections, while minimizing modification of target dates.

My third and final point is that DHS uses a variety of means to oversee and support components, including providing written feedback on draft reports to components that are required to prepare their own MD-715 reports, conducting program audits, and convening a council of EEO directors from each of the components.⁴ At DHS, according to the DHS Acting Officer for CRCL and the Deputy Officer for EEO Programs, component EEO directors do not report directly to CRCL but to their respective component heads. While this EEO organizational structure is similar to other cross-cutting lines of business (LOB), other cross-cutting LOBs have indirect reporting relationships, established through management directives, between the component LOB head and the DHS LOB chief for both daily work and annual evaluation. In contrast, the Deputy Officer for EEO Programs stated that he relies on a collaborative relationship with the EEO directors of the components to carry out his responsibilities. A management directive interpreting the scope of authority delegated by the Secretary of Homeland Security to the Officer for CRCL to integrate and manage the DHS EEO program is awaiting approval.

CONCLUSIONS AND RECOMMENDATIONS

Input from employee groups reflects the perspective of the individuals directly affected by employment policies and procedures and could provide valuable insight into whether those policies and procedures may be barriers to EEO. Because CRCL does not regularly include employee input from available sources, such as the FHCS and DHS's internal employee survey, it is missing opportunities to identify potential barriers to EEO. For barriers DHS has already identified, it is important for DHS to ensure the completion of planned activities through effective internal control activities, including the identification of critical schedules and milestones that need to be completed by a given date. Effective internal controls could help DHS ensure that its efforts are moving forward, manage any needed mid-course corrections, and minimize modifications of target completion dates. Additional staff, which DHS plans to add in 2009, could help DHS implement effective internal control activities.

²GAO, *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, DC: November 1999). We used the criteria in these standards, issued pursuant to the requirements of the Federal Managers' Financial Integrity Act of 1982 (FMFIA), to provide the overall framework for establishing and maintaining internal control in the Federal Government. Pub. L. No. 97-255, 96 Stat. 814. Also pursuant to FMFIA, the Office of Management and Budget issued Circular No. A-123, revised December 21, 2004, to provide the specific requirements for assessing and reporting on internal controls. Internal control standards and the definition of internal control in Circular No. A-123 are based on the aforementioned GAO standards.

³GAO, *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations*, GAO-03-669 (Washington, DC: July 2, 2003).

⁴According to MD-715 guidance, components with a certain amount of autonomy from their parent agencies are to prepare their own MD-715 reports. Components are to submit these reports to their headquarters for inclusion in the agency-wide report and must also file a copy with EEOC. DHS has eight reporting components that must prepare and submit their own MD-715 reports. DHS reporting components are the Federal Emergency Management Agency, Federal Law Enforcement Training Center, Transportation Security Administration, U.S. Citizenship and Immigration Services, U.S. Coast Guard, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and U.S. Secret Service.

We recommend in our report that the Secretary of Homeland Security:

- direct the Officer for CRCL to develop a strategy to regularly include employee input from such sources as the FHCS and DHS's internal survey in identifying potential barriers to EEO; and
- direct the Officer for CRCL and the CHCO to identify essential activities and establish interim milestones necessary for the completion of all planned activities to address identified barriers to EEO.

AGENCY COMMENTS

We provided a draft of our report to the Secretary of Homeland Security for review and comment. In written comments, which are reprinted in the report, the Director of DHS's Departmental GAO/OIG Liaison Office agreed with our recommendations.

Mr. Chairman, this concludes my statement. I would be pleased to respond to any questions you or the other Members of the committee may have. For questions about this testimony, please contact Yvonne D. Jones.

Chairman THOMPSON. Thank you very much.

I thank all the witnesses for their testimony.

I remind each Member that he or she will have 5 minutes to question the panel. I will now recognize myself for questions.

Secretary Lute, you have heard the barrier analysis referred to by our other witnesses. Have you had an opportunity to either review past barrier analysis to see what is the status of those findings? Can you share that with the committee?

Ms. LUTE. Yes, Mr. Chairman, I have. I have also spoken to the component heads, and we have discussed how to understand these barriers in plain language. What is preventing our recruitment and retention and promotion and elevation to senior ranks of minority candidates?

The barriers are something that emerge out of the MD-715, as was noted, and these are things that the component heads have assured me they are taking extremely seriously.

For example, we know that we are weak on recruitment, that we are underrepresented in women, that our weakness in promotion in part relates to challenges of geography and mobility, and in part work related to quality of life show there has been an examination of these barriers within each of the components. We are looking to examine those comprehensively and to learn from each other those strategies that might help us overcome those barriers to doing better.

Chairman THOMPSON. Thank you. Now, GAO made some recommendations about how you could structurally integrate those findings within DHS. Can you share with the committee how you plan to approach it from DHS's perspective?

Ms. LUTE. We agree with both of the principal GAO findings and believe, for example, in engaging our civil rights and civil liberties officer into understanding how we can remove those barriers and creating a better data understanding of how these barriers are operating. Understanding, for example, how is mobility and geography and remoteness of location, for example—how does that factor into people's unwillingness to be recruited to a site or to be transferred to a site when it might involve a promotion? So we want to drill down to a greater extent in terms of understanding the data, but then translate that understanding into policy recommendations so that we can make better progress here.

Chairman THOMPSON. Thank you.

Ms. Griffin, can you share with the committee whether or not those barrier analyses, in your experience, have proven beneficial in looking at issues like diversity?

Ms. GRIFFIN. Sorry—bears for them their organization. We have actually found that they then can develop a plan to address that. We never really ask an agency to do everything overnight. The MD-715 was really meant as a tool to be a strategic plan for the agency.

So you do your barrier analysis, and you start planning: How am I going to address all of these issues? What is my plan going to be? How much time is it going to take me to do it? We found that agencies that take this seriously end up with a more diverse workforce.

Chairman THOMPSON. Dr. Lute, am I to understand that this will be an annual review, this 715? How do you look at this process going forward?

Ms. LUTE. We look at the 715 not only as an accountability document, Mr. Chairman, but as a management document as well. As Ms. Griffin has just said, when you drill down and understand what are really presenting barriers to recruitment or retention—are we having non-diverse panels, for example? When you don't have diversity on your panel, you are less likely to select the candidate who is diverse.

We need to look at that and understand where is that happening. That is an easy one to fix. So we look at this as an annual exercise, for sure, but also something that will be constantly instructive to us as leadership to reduce those barriers where we can.

Chairman THOMPSON. You referenced input from staff. Can you explain to us the process by which that input is received back from staff?

Ms. LUTE. One of the findings from the GAO report was that we relied on workforce data and that we did not pull in input from the staff, either through staff surveys or staff associations. In fact, what we discovered as we have begun to look at this issue systematically, Mr. Chairman, is that we did not have a Department policy on staff association. So, we have corrected that.

While many of the components have had a policy on encouraging staff associations and outlining the requirements or the issues to be followed when creating a staff association, we did not have one at the Departmental level. In consequence, we only have three staff associations in the third-largest department in this Government. So we corrected that.

Yesterday I signed the management directive outlining a Departmental policy on staff associations. This would be one means, meeting regularly with the staff associations to hear from them providing input and feedback to these processes.

Chairman THOMPSON. Thank you very much.

I now recognize the gentleman from California for 5 minutes.

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

Thank the witnesses for being here.

Ms. Jones mentioned that, as I understand it, I think the third point you made at the end was that there is under-representation of Hispanics in the Department. Is that correct?

Ms. JONES. That is what we learned from our review of the MD-715, yes.

Mr. LUNGREN. Okay. As I look at the military, it doesn't appear that there is under-representation of Hispanics in the military, which would suggest that maybe the veterans pool would be an excellent pool to attempt to attract people into DHS.

Secretary Lute, in your testimony, you made mention of the Department's effort to reach out to veterans. You talked about—I know that the Department hosted its first veterans jobs affair in July, I think. You had 745 people, something like that, show up.

What has the Department done since then? Does that appear to be a pool that you ought to be working with, not only because we want to make sure our veterans are properly appreciated, but also that it might assist you in the under-representation that evidently now occurs with respect to Hispanics?

Ms. LUTE. Thank you for that question. This is an issue that speaks to my heart. I am a veteran. As the senior veteran in the Department of Homeland Security, I take very seriously our outreach in connection to veterans for their ability to continue to serve.

In this respect, I would like to point out that the Department's overall representation in Hispanics is just over 18 percent. The U.S. population is 15.5 percent. The real issue is our representation of Hispanics at management levels where we are under-represented and at more senior levels and doing what we can to encourage the promotion and retention of Hispanics as well as other minority candidates.

We believe that outreach to veterans is an important aspect of a successful strategy.

Mr. LUNGREN. Well, what are you doing beyond the fair is my question?

Ms. LUTE. So we have followed up. We have increased our numbers of veterans that have been brought into the Department. The Secretary has declared that she would like us to be employing over 50,000 veterans by the end of 2010. We are 3,500 away from that figure. But this is also a rich source of information, leads, and of possibilities and of creating the culture that we want to create of committed service to our country from a very diverse pool that veterans represent.

Mr. LUNGREN. Okay. I guess my question is, though, what are you doing? You had a job fair. You had 745 people.

Ms. LUTE. Right. We have brought in 3,000 veterans in that intervening period of time. We have—the Secretary has set a mark on the wall for us to achieve. We are continuing our outreach.

Mr. LUNGREN. Okay. Let me ask you a question. This is a general question, but I would like the three of you to respond to it.

I am one of those who, frankly, has been offended by the reaction I have seen on television to a personality named Letterman. The way I view it from what he has said and what is come out, it appeared that there was in that environment a hostile environment for women working. The reason why I am offended is not only that environment existed—but the reaction I have seen on television and the reaction I have seen in the general press with some exceptions has been, well, he is a celebrity. That is what you do, and so forth.

If that message goes out to women—and I have two daughters, and I have two granddaughters. If that message goes out to women that a hostile environment as far as a person in authority making it clear how you advance, that is a terrible, terrible message. So I guess I would have two questions. When you are talking about triggers, is there a way to see if in certain areas of your Department there might be a hostile environment with respect to superiors dealing with women?

Second, is it your observation that what I have seen with respect to Letterman and the response an aberration to where we are as a society? Or is it such a problem today that hostile environment with respect to a superior dealing with women establishing an everybody knows what is going on and if you want to advance, that is what you do, if you don't want to advance or if you don't want to play that game, you are not going to advance—whether that is—that is the norm now.

I would have thought that we have gone far beyond that and that major corporations, major organizations, governmental or non-governmental would understand that that is a time past and that we—the law doesn't allow it and we don't allow it. But what I have observed in response to that—those things on the show has got me questioning whether I am right and whether we have made much progress. I know that is a general question, but you three are experts in this area. I would love to hear what you have to say on that.

Ms. GRIFFIN. Well, off the top of my head, I don't have statistics right now on the complaints we see in the Federal workforce. But that is what I would look at. If I was in an agency, I would be looking at what are the complaints that are alleging sex discrimination or retaliation filed by women. That would tell me—I would be looking at that data continuously at an agency. That would tell me where I might have problems.

So if you see that you have complaints alleging sexual discrimination or retaliation filed by a lot of women in a certain department or an area of the country or, you know, something that shows you a trend or a bad supervisor or a bad—

Mr. LUNGREN. But without that input from employees, can you really reach that? I mean—

Ms. GRIFFIN. It is hard. If someone isn't complaining and telling you about it, it is pretty difficult to discover it unless, you know, someone else is coming forward.

Mr. LUNGREN. Ms. Jones.

Ms. JONES. With respect to our engagement, when we examined the MD-715 from the Department of Homeland Security, there were a number of cases in which they noted that by examining workforce data that the percentage of women in certain occupations was lower than their percentage in the relevant comparative labor force.

As we noted in our report, we felt that other information sources should be used to gather information about why women and other groups appear to be under-represented. As Ms. Griffin said, we noted that if you don't have or are making use of complaint data or other kinds of data, for example, by talking to employee associations, it could be difficult to know to what extent a barrier persists

or to know whether you have identified all of the barriers. So I would simply reiterate what I and others have said, is that it would be helpful for the Department to use other sources of information to get at the bottom of this issue.

Ms. LUTE. I have been addressing this issue for 32 years. I am the mother of daughters as well. I take very seriously and I take very personally the work climate that women are exposed to because they don't always tell you. They think there is merit in silence.

I take very seriously my responsibilities as a leader. Leaders get the work climate they deserve. You have to encourage a climate not where people earn respect. Human beings deserve respect. Human beings deserve respect. You can tell a leadership climate by walking into an office—how do people act with each other? How do they act with their bosses? If you are not walking around, if you are not talking to people, you won't find this out because it is not going to come walking to your desk.

It is not just through associations. You have to make a concerted effort as a leader to reach out and understand what is the work experience like for entry-level employees, for working level employees who are not in management positions. Who comes to the meetings? Who does the work? Are people getting recognized? Are people getting thanked? Are basic human courtesies being observed?

You can tell the climate of a workforce, the climate in a working environment. That is your responsibility as a leader to do so.

So, what—it is my personal commitment—it is certainly the Secretary's personal commitment that Homeland Security will not only be a department where diversity can thrive, but where we are the leading edge of best practice in the Federal Government for a diverse workforce.

Mr. LUNGREN. Okay.

Chairman THOMPSON. Thank you very much.

In support of Mr. Lungren's comment, Mr. Cao raised a question about some issues going on at the FEMA office in New Orleans with respect to employee complaints.

Secretary Lute, I want to thank you for sending the tiger team to look into that issue. I think there were some actions taken from that. But I think part of what we are trying to say is if you are on notice about things happening, then it is incumbent upon the Department to take action. That was something that came out of some hearings. I would hope that that disbanded operating procedure Department-wide.

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

The Chair now recognizes for 5 minutes the gentleman from New Jersey, Mr. Pascrell.

Mr. PASCRELL. Thank you, Mr. Chairman. I want to associate myself with the comments of Mr. Lungren from California and all of our panelists. I hope everyone recognizes the real need for this kind of a hearing. We not only need to ensure diversity within the

Department, and not because it is politically correct, but simply because it is the right thing to do. Many times it takes us a long time to figure out what the right thing to do is.

Amongst all of our Federal departments spread throughout the Government, I cannot think of too many more that may actually have more interaction on a daily basis with the public than DHS, from our airports to our borders, every day. It reflects the diversity of the American people themselves. If we do not recognize that diversity, then we are doomed to continue the us-versus-them mentality that pervades our domestic security relationship.

Ms. JONES, I have a question for you. In your report, you emphasized the importance of obtaining employee input to identify barriers to equal employer opportunities. In fact, there are many examples of how other Federal agencies have used this information to identify barriers. In your opinion, why has DHS failed to conduct exit interviews and gather other employee input to identify barriers? Part B of that question, how does the failure to perform exit interviews affect the Department's chances of success in its efforts to improve diversity?

Ms. JONES.

Ms. JONES. Yes. I need to inform you that, in terms of the focus of our engagement, we were principally focused on looking at the contents of the MD-715 analysis as well as the barriers that had been identified. While we recognized that exit interviews would be a viable and important source of information and recognized that, on the basis on reviewing EEOC's MD-715 instructions, we did not look specifically at why the Department did not conduct more exit interviews with their staffs.

Mr. PASCARELL. Why do you think that would be—well, let me ask you this question. How significant would you think that would be?

Ms. JONES. Sir, that is a little bit difficult to tell. If we—to say. As we mentioned in the report, there are many other sources of information that we think that the Department could use, that EEOC has said that they can use. That has been mentioned at the hearing. So we didn't actually collect the kind of information that would permit us to weigh, for example, the importance of doing exit interviews as compared to employee information that you would get from an employee feedback survey or other sources of information, like complaint data.

Mr. PASCARELL. Well, it would seem to me that, if you are—and I believe you are—but if you are really trying to get a handle on this particular problem, which we recognize, or else we wouldn't be here, that folks that are leaving the Department would be of—give us tremendous amount of information about where we stand. I mean, what am I missing when I recommend that?

Ms. JONES. No, I think we, as we noted in our report, we agree with that—with the premise that there—information should be collected from exit interviews. We simply didn't focus on that particular activity that DHS could undertake as distinguished from other activities.

Mr. PASCARELL. Yes. I am not caught up in the process. I am not a process person. I want to see results. But it seemed to me that that is a good mechanism, as you have pointed out, to really get to the heart of the issue. Particularly, somebody is going to be a

lot more apt to speak, I think, when they are leaving, rather than when they are coming into a Department as to what they have seen and what they have heard. I would think that this should be a priority. That is my opinion.

Ms. JONES. Well, we certainly think that it would be a viable source of information amongst others.

Chairman THOMPSON. Thank you very much.

The Chair now recognizes Mr. Austria for 5 minutes.

Mr. AUSTRIA. Thank you, Mr. Chairman.

I would like to add my voice to those here today who have talked about the importance of improving diversity throughout the Department of Homeland Security. It is without question a worthy goal. I think it is important that diversity be promoted at all employment levels of the Department and throughout the Federal Government. I think we have seen some improvement. I know this is the second committee hearing we have had on this particular issue in the last 17 months. We have seen some improvement. I certainly appreciate the testimony today.

However, I do think that everybody in this room would agree that the critical mission of DHS remains protecting the American people. I think, I hope, that that is where the view of this—the focus of this committee remains. But let me—I would like to ask—just follow up on a couple of questions that were raised today.

In talking about some of the changes that have occurred, Dr. Lute, in particular—Mr. Chairman, if I can.

You have talked about—you have looked back at some of the past barriers that you have seen within DHS. You have talked about, touched on, some of the future changes. You talked about the climate of a work force, how important that is. The follow-up on what Mr. Lungren had brought up earlier, you see that there are barriers or things that would be deterring women or minorities from taking these type of positions within the Department.

Ms. LUTE. Thank you. Yes, we do. We have encouraged the components to look very carefully and—at these barriers with a common-sense eye to understanding how they function to inhibit people from taking up positions or being promoted.

One, which I mentioned, was non-diverse interview panels. If you are seating—sitting in front of an interview panel of all men, for example, the chances are that the candidate selected will be a man. So, we have to institute diversity in our interview panels.

We have looked, for example, at the Air Marshal's program to understand what are barriers to entry and barriers to continued service there. One, of course, is the mobility, the frequent travel, the flying around. There is a—to a certain extent, some of those things we can't change. It is in the nature of the job. But we can look at predictability of schedules and other aspects of job performance, which may reduce or mitigate those barriers.

Equally, we are looking at degree requirements. Are they really essential for our advanced degree requirements. This is true for everyone across the board, not just minority or female applicants.

Many of our positions are law enforcement positions. They require extensive background checks, security clearance, et cetera. These are standards for everyone, not just minorities. But we are

looking at these closely, to see if there are not hidden barriers within those requirements as well.

Mr. AUSTRIA. Thank you, Mr. Chairman.

I appreciate that answer. Let me ask you, are you—and I wasn't clear on this—regularly gathering information from employees, getting input from employees to try to identify potential barriers and how to overcome those barriers?

Ms. LUTE. We have been relying on the MD-715. It is not good enough. We have to make more outreach to our employees directly. Hence, my signing yesterday of a management directive regarding the establishment of employee associations. We need greater interface with those associations.

We need greater interface, as was mentioned earlier, with those who are exiting. We do conduct exit interviews. We don't do it comprehensively enough. We don't have a good enough handle yet on that data, what that data is telling us. We are going to make improvements in all of those areas.

Mr. AUSTRIA. One follow-up question to your responses is, you talked about the different positions within DHS that you are having to deal with in trying to overcome what these barriers—how do you—I mean, how do you do this when you have so many different areas?

I know we are going to have testimony from FEMA, from some of the other groups that are coming in. I mean, how do you do that as a Department overseeing that? I would certainly like to get response from our other two panelists as well, as to how they view that as well.

Ms. LUTE. You need a multitude of strategies or strands.

Mr. AUSTRIA. Well, for example, you have got first responders out there.

Ms. LUTE. Right.

Mr. AUSTRIA. We have been working on a program in our area dealing with first providers, with the health care side of things, which is a little bit different than those first responders that go into the field. I don't know if you are familiar with Calamityville. We are trying to create a national site for providers, which would be health care side of things.

How do you distinguish between the two different areas, you know, trying to identify those barriers?

Ms. LUTE. Oh, in fact, we rely on the inputs from our components who know their specialized areas very well. But we are also trying to promote One DHS, because we think there is a lot of overlap between these areas. We want to encourage the interplay of the expertise from emergency managers, to law enforcement, to the policy side, to other expertises as well that we have in the Department.

As Ms. Griffin said in her opening statement, every single day, this country is interfacing with the public and providing services across the array of homeland security responsibilities. We think we need to bring these together and understand how we can best take advantage of that expertise and bring it up through the ranks.

Mr. AUSTRIA. I know my time is up, Mr. Chairman. But thank you—

Chairman THOMPSON. Well, I mean, we will let the other two witnesses answer the question. Can you turn the mic on, please?

Ms. GRIFFIN. Sorry, I keep doing this. I keep turning it off. But you authorize the right of the director to have oversight over the other components. Make sure you start collecting all of the data that you need and start really analyzing it and start looking at the barriers. So, look at your complaints.

Look at—do the exit interviews in a comprehensive way that is also consistent. So, you are asking the same things of people that are leaving, so that you can analyze that.

The associations are important. Conduct employee surveys. All of that information will certainly lead to identifying what your barriers are, and then helping you come up with the strategies. But authorizing people to do this and making their role important in the organization, reporting directly to the leadership, is important.

Ms. JONES. I would simply briefly add, besides what we said in our report, that the EEOC's instructions for completing the MD-715 and doing the barrier analysis contain lots of examples, not just instructions on how to fill out forms, but lots of examples and ways that agencies can do about, both identifying triggers and identifying barriers, and then taking steps to overcome the barriers.

Mr. AUSTRIA. Thank you, Mr. Chairman.

I would just like to invite the—Dr. Lute to come down and to meet with some of the folks I have talked to from the National Center of Medical Readiness and Calamityville and get their input; because I—they have talked to me about this to some degree. I think going out and hearing first-hand what, in the field, and seeing what is going on, I think, would be very helpful.

I thank you, Mr. Chairman.

Chairman THOMPSON. Thank you.

The Chair now recognizes gentlelady from New York, Ms. Clarke, for 5 minutes.

Ms. CLARKE. Thank you. Thank you very much, Mr. Chairman. I would like to associate myself with many of the comments I heard from my colleagues. It is very interesting to hear how we discuss this topic. It seems though there is a category for women, and there is a category for minorities. There is also the intersection of women who are minorities. I think we need to be very conscious of that as we speak, and as we look at how we promote.

One of the sentiments that I am really picking up from this hearing is somewhat of the same-old, same-old. Being a woman in a nontraditional position myself, I just seem to hear the same commentary over and over. I am—maybe I am hypersensitive, Mr. Chairman, but it just appears that way.

One of the things that concerns me that, as a relatively new agency, Homeland Security has a golden opportunity to recreate itself, to really step out of the box, if you will, to create a new culture, a culture of productivity and promotion, one that mentors new employees as opposed to the same-old, same-old.

I know that, when you are dealing with law enforcement, there is oftentimes the sort of paramilitary set-up that we are accustomed to, because, again, we are all kind of conditioned around the same-old, same-old male-dominated institution building.

I would like to raise a couple of questions. One, Deputy Secretary Lute, about the Diversity Council. I have looked at all of the stra-

tegic planning, all of the 1-day—120-day plans, but what makes that process new and different and not the same old bureaucratic, “Let’s do a timeline,” “let’s”—you know, it just seems like it—we are creating more bureaucracy to do something that is very fundamental and very specific.

What is the practical application of the outcome of the Diversity Council? Then I would like to open that up to the other panelists to speak to.

Ms. LUTE. Thank you for that, Congresswoman. I think it would be fair to say that Secretary Napolitano could not have been clearer in her instructions to me.

She and I represent two women that—the only two women who are the heads of a major Federal department, third-largest in the United States Government. If the culture doesn’t change under our watch, shame on us.

She could not have been clearer to me in how she intends to create a culture of excitement, create a culture that is truly different and capitalizes on the very deep commitment that every single man and woman who works in Homeland Security feels for the job that they have chosen to do.

We want to build on that. We want to be a place that innovates, a place that welcomes, a place that is open, a place that marshals the very best expertise. Neither the Secretary nor I believe that if you emphasize diversity you are somehow sacrificing quality. Nothing could be further from the truth.

In fact, it is insulting to think that somehow you are sacrificing standards of performance because you are looking for diversity of perspective, diversity of input, and reflecting the interaction that we have with the American public.

The Secretary will—does herself engage me on this issue. Every week she asks me how we are doing. The Diversity Council is something that I am taking a personal interest in. Our outreach to veterans is something I am taking a personal interest in.

The climate that women have to operate in our Department is something I take a personal interest in. So if—I am like you. I have been around a long time. So many of the words have already been said. It is time for deeds.

Ms. GRIFFIN. I would just say that, you know, when you have leadership that is committed to something, like making a workforce diverse, it gets done. I think what we are seeing a President who is saying this is important to me.

We are seeing the appointees that he is putting in charge of different agencies saying it is important to me. I think we are going to see a difference. But it has to come from leadership.

If leadership doesn’t say this is important to me and, oh, by the way, I am measuring your performance and your success on how you accomplish these goals, then it doesn’t happen.

But if leadership is saying it, that is when you—that is when you see it happen. Good agencies that are good on this issue are good because someone at the very top said this is important to me and I want you to get it done.

It is not rocket science. It is going out and recruiting people and hiring them when you have an applicant pool that is diverse.

Ms. JONES. I would just simply say it would be another mechanism for discussing these kind of issues in DHS and potentially identifying issues, potentially perhaps identifying triggers, but bringing them to the attention of management so that they could be discussed and thoroughly analyzed through the MD-715 process and other internal decision-making and discussion processes at DHS.

Ms. CLARKE. Secretary Lute, are all of the employees in the Department of Homeland Security aware that there is an emphasis on the diversity of the workforce? Has that been something that has permeated the—all of the ranks? Has there been a discussion with all of the employees about promotion and mentoring?

Is there that sort of conversation taking place within the agency, or is this something that management is doing in isolation of the rank and file who are there? Do they understand the value of it? Is that a discussion that takes place?

Ms. LUTE. I would say the answer to that is not yet. The message has not fully filtered down. But it is something that we take very seriously as a leadership responsibility. But the rank and file are a rich source of ideas, of input, and of energy into changing this culture that we have.

Again, we want to be a Department that is at the leading edge of best practice in this area.

Ms. CLARKE. Mr. Chairman, I know my time is up.

I would just suggest to you that informing the workforce of the goals that you are trying to set may help in terms of changing that culture.

Thank you, Mr. Chairman.

Chairman THOMPSON. Thank you very much.

Gentleman from Pennsylvania, Mr. Dent, for 5 minutes.

Mr. DENT. Thank you, Mr. Chairman.

Also, thank you to Deputy Secretary Lute for joining us today. I appreciate your willingness to come before this committee before your most senior team members to speak on the issue of diversity.

I would also like to thank Director Sullivan for making his inaugural appearance before this committee, I know, during the second panel. So thanks to him as well.

Ms. Lute, while the Chairman and others have asked some important questions about both past and future diversity initiatives at the Department, I would be remiss if I didn't ask you and your team a few important questions about the deadly terrorist threats that still face our great Nation and the Department's efforts to counter those threats.

In a recent interview with Bloomberg television, Secretary Napolitano, when questioned about sleeper terrorist cells operating in the United States, responded, "It is fair to say there are individuals in the United States who ascribe to al Qaeda-type beliefs."

For clarity's sake, please answer directly yes or no. Do you have reason to believe that al Qaeda has sleeper terrorist cells positioned within the United States?

Ms. LUTE. Congressman, as the Secretary said, we know that there are individuals who are influenced by al Qaeda. We are actively partnering with the FBI and with the National Counterter-

rorism Center to develop intelligence products that further analyze what beliefs exist here.

We anticipate providing that information to our State and local tribal partners as soon as we have handles on the extent of these beliefs among these individuals. But we know that there are—individuals here are influenced by these beliefs.

Mr. DENT. Specifically as it relates to terror cells, do you believe that they exist in the United States?

Ms. LUTE. Congressman, I think I would stand on what I have just said.

Mr. DENT. Do you believe we should expect more terrorist arrests in the United States like last month's arrest of suspected terrorist Najibullah Zazi as well as separate arrests in both Illinois and Texas?

Ms. LUTE. I think we are—as I have said, we are working closely with the FBI and the NCTC to identify and develop intelligence and understanding about individuals who hold these beliefs and leading toward appropriate action to be taken at the appropriate time.

Mr. DENT. While the full committee has held hearings on H1N1, FEMA housing, and the President's fiscal year 2010 budget, we have yet to have any hearing whatsoever on the closure of the detention center at Guantanamo Bay.

Following a small bipartisan delegation to Gitmo earlier this year, I asked the full committee to schedule a visit to the terrorist detention center. I am still waiting for the committee to find time in its busy oversight schedule to accommodate a 1-day trip to this facility.

Since I see the majority is not scheduling a trip any time soon to Gitmo, let me ask you, Ms. Lute, have you ever visited the detention facility at Guantanamo Bay, Cuba?

Ms. LUTE. I have.

Mr. DENT. Are you aware of prison facilities in the United States that would be capable of providing a comparable level of security? If so, where?

Ms. LUTE. At the President's instruction regarding the closure of Guantanamo, an extensive interagency effort has been undertaken to examine all of the options for the disposition of the detainees that are held there, and that work is still under way.

Mr. DENT. Mr. Chairman, I would only like to reiterate the concerns of the Members of this committee about moving the terrorists held at Gitmo to the United States for any reason, even prosecution. It certainly presents a number of serious challenges to this Nation.

I would also like to renew our request for a Member congressional delegation to Gitmo as soon as possible. I think we need to see this situation firsthand. So I just wanted to make that comment.

Finally, a few other questions, Ms. Lute. Can you elaborate generally on the Department's role in the terrorism investigation, particularly in light of what is happened recently with the Zazi case?

Ms. LUTE. Congressman, the Department works very closely with our interagency partners in the Department of Justice, the FBI, the National Counterterrorism Center, to identify and investigate and

work through any and all information that we have regarding those who might pose a threat of violent extremism in this country and remain an active part of that effort together with our colleagues to successfully ensure that they do not pose any threat to the American people.

Mr. DENT. Do you feel the Department was fully equipped to contribute to the Government-wide case against Mr. Zazi? If not, what additional resources would you recommendation DHS have to strengthen its antiterrorism role?

Ms. LUTE. The Department is actively part of the interagency process that is working on these cases. We have a number of issues related to data, to activities on the ground, that we are engaged in with our interagency partners, and we feel as though the Department is making an extremely valuable contribution to keeping this country safe.

Mr. DENT. I yield back.

Chairman THOMPSON. Thank you very much.

The Chair now recognizes gentlelady from California, Ms. Richardson, for 5 minutes.

Ms. RICHARDSON. Well, thank you, Mr. Chairman.

Actually, Deputy Secretary, I would like to congratulate you because you just answered a bunch of questions that had nothing to do with the subject of what we are here to talk about today.

I point that out because diversity is very important. Although we always want to take advantage of an opportunity when we have key people here, I think we shouldn't minimize the point of why we are here today, which is to talk about diversity at the Department of Homeland Security and what challenges and opportunities must be addressed, because I would venture to say if we focused more on diversity and we had more people in the Department who were diverse, we could be more out in the community and see some of the things that are happening—hear some of the things that are happening—so we could respond to the questions and to the people of what Mr. Dent is referring to.

So I want to kind of bring us back on track of what the purpose of this hearing is all about.

Deputy Secretary, in your analysis we talked about a 120-day plan, and that has now passed. That was due in August 2009. Some of the outreach that you reflected, particularly within the African American community, is the HBCUs. Now, I didn't—unfortunately, I didn't go to one of them. I went to both UCLA and USC.

So what I would like to say is we need to make sure that our strategy—although I would agree that that is a key place in terms of concentration of where you can see folks, I think we have to think broader than that and realize that students are going to many different colleges, and so the same strategy that you are considering at our HBCUs need to be considered at other universities as well.

So I wanted to get your thoughts on that. I also—building upon what Congresswoman Clarke talked about, I think it is important, if we are going to talk about diversity and outreach, that we think of new models.

So I would say: Are we thinking about PSAs, are we thinking about radio, are we thinking about YouTube? What other things

are we thinking about to begin to get into this entry-level position and other positions that we can move people up the ladder within the Department?

So I wanted to get your thoughts of have you guys talked about that beyond the HBCUs and beyond the traditional outreach techniques that you are talking about in this report.

Ms. LUTE. Thank you, Congresswoman. I am also a Trojan.

Ms. RICHARDSON. Oh, I didn't know that.

Ms. LUTE. I was born in—

Chairman THOMPSON. That doesn't change the testimony.

[Laughter.]

Ms. RICHARDSON. Not at all.

Ms. LUTE. I was born in north New Jersey. I went to State school in New Jersey, East Orange and Montclair. We are very aware that while the HBCUs represent a very rich source of talented individuals that there are many talented individuals across the country at many institutions, both obvious and not so obvious.

So yes, in fact, we had that discussion just yesterday. How do we broaden our outreach and learn what we have learned from talking to HBCUs about reaching out to communities more broadly, No. 1.

No. 2, our workforce is a tremendous resource. It is a tremendous asset for us in creating this climate of diversity and excitement and of best practice. Where did they come from? What do we know about them and their backgrounds?

How can we build on the calling that they felt to come to Homeland Security and attract others who may feel inspired by the role model that they represent?

Not just senior role models, but role models of people doing this every single day, working moms and dads who have multiple languages in their background, who may be the first members of their family to go to college or to work for the Federal Government—how do we exploit that experience in a positive way to create this climate of excitement?

So on both changing the way we reach from the outside—new media, just as you say, exploiting that in a positive way, but also internally, using our workforce as the rich resource it is.

Ms. RICHARDSON. So I would recommend, for example, we just had our conference of the CBC. There is a hip-hop caucus. I would be happy to supply you maybe with some contact that you may want to explore and talk about ideas of how we might outreach to other avenues.

My last point—and I would like to—we have Administrator Fugate, who is here. I am going to be on the floor in just a moment talking about some of the response with American Samoa. Let me just share with you why I think diversity is so important.

I happen to represent the largest Samoan population here in Congress. I might seem a little odd—from California. I represent the second-highest amount of Cambodians outside of Cambodia. So for me when we talk about diversity, it is important because these are the people who we need to get involved in your Department so when we are responding, when we have disasters, when we need to make decisions of, yes, this way or, no, this way—because I want to be very frank.

I am not satisfied with what happened in American Samoa. I am not satisfied with the chain and all of what happened there. I will discuss that at another point and hopefully another hearing that the Chairman will allow.

But I think that diversity is key. It is critical. I appreciate the efforts that you are making so far. Thank you very much.

Chairman THOMPSON. Thank you very much.

The Chair now recognizes the gentleman from Alabama, Mr. Rogers, for 5 minutes.

Mr. ROGERS. Thank you, Mr. Chairman. Thank you for calling this hearing and pulling together two panels of individuals who have significant responsibility within the Department. This is our second hearing on diversity. It is important.

I would reemphasize that the points that were made by the full committee Ranking Member as well as Mr. Dent that I would like to see these kind of panels pulled together so that we can talk about things in addition to this such as the weapons of mass destruction threat, Guantanamo Bay, and the progress or lack of progress with SBI and many other important issues.

But having said that, I want to commend Ms. Lute and the Department. I represent a district with six universities, three of which are HBCUs. Your Department has for the last 3 years done an incredibly good job of reaching out repeatedly participating in job fairs at Alabama State and Tuskegee and has committed to Talladega College. Hasn't been there yet, but I do appreciate that very aggressive role that has been taken over the last 3 years.

I want to talk a little bit about a subject that you touched on earlier. That is this problem with continuity within the workforce in DHS, particularly at the upper levels. This has been a recurring theme for the last—well, since the Department was organized. But it has been particularly problematic in the last few years.

What is the Department doing to deal with this level of exodus from the upper level management levels of the Department that continues to create these constantly evolving roles within the Department or goals or objectives or lack thereof?

Ms. LUTE. Congressman, one of the things that we need to get a better handle on is why stuff is happening. As I mentioned earlier, we do do some exit interviews. We don't do them comprehensively and—

Mr. ROGERS. Why? Somebody—Mr. Pascrell asked that question earlier. Why don't we do them comprehensively?

Ms. LUTE. This will be something that we will—I don't know why.

Mr. ROGERS. See? Now, what you are describing is exactly my point. Since this committee was established—and I came on with the Chairman from its onset—we have constantly seen this revolving door of people who have responsibility, not just the political appointees, but folks who are professionals, come and go. They don't have an institutional knowledge.

It is like we never get a long-term view of what the organization—and I mean that all 22 agencies that are combined—have done and what they are going to do. It just seems like a real problem to me. I am wondering if you are seeing it.

Ms. LUTE. Congressman, I can tell you this is a relatively new Department. It is only 7 years old. That is actually good news. It is not 1 year old for the seventh time. It is a Department that has consistently built over the course of these 7 years. But it is a vast Department, the third-largest.

There is a lot of work to be done, bringing together 22 agencies with legacy responsibilities even as they are given new responsibilities in the wake of 9/11 and the challenges that we discover on how to do homeland security better and better every year. So this Department in many ways lives in its past, its present, and its future at the same time. But that is something that we as a leadership understand and acknowledge.

Those who have gone before us did it—done a tremendous job in creating this Department in establishing its place. It is not only the bureaucratic structure, but in the challenge of keeping Americans safe. We are building on that. As we confront these issues with this committee's help, we will continue to do so.

Mr. ROGERS. Well, I would urge you to consider making a look back at the positions of management responsibility within the full Department and just look and see the turnover and I think it is something that we have got to acknowledge happens and find a way to remedy that because there is great value in institutional knowledge and to make sure we don't repeat past mistakes.

Lastly, I want to ask—goes back to Mr. Dent's question. What is the role—I don't want to go into Guantanamo. That is not fair. You weren't called here for that. But I would like to know more about Guantanamo. You asked—you mentioned earlier reaching into employee associations for help. Are you talking about unions? What are you talking about, employee associations?

Ms. LUTE. I am talking about employee associations like the black agents of the Secret Service, the National Association of African-Americans in DHS.

Mr. ROGERS. Okay, okay. That is it. Thank you very much.

Chairman THOMPSON. Thank you very much.

The Chair now recognizes the gentleman from Texas, Mr. Green, for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman. Thank you, Mr. Chairman.

I thank the witnesses for appearing.

If I may, Mr. Chairman, I would like to engage in a colloquy with my friend, Mr. Dent. He left. Did he—yes. Okay. Sorry he left. I wouldn't have offered if I had known that he had left. When I had looked up just a moment ago, he was still here.

Hence, I will engage in a soliloquy. There was reference made to—and I—I don't like doing this in the absence of a person. I would much rather have him here to give his response. But there was reference made to Guantanamo. Not wanting any person from Guantanamo to come to our continental United States. That wasn't the exact term that was used. But that was the import.

I have some concern about the notion that we should not allow persons to come here who may be of harm to us simply because if we want to keep them contained, I think we do about as good a job as anybody in the world. As a matter of fact, I don't think that

there is anybody in the world that can exceed our supermax prisons.

The question becomes why would I want someone that may be of harm to me to be in the hands of someone else when I have the facilities, I have the capabilities of dealing with it myself and making sure that the person doesn't harm me. I wanted to talk a little bit about the logic that says give them to someone else or place them somewhere else when, in fact, I think that if we want to secure ourselves, we should secure ourselves by securing ourselves. Simply put, let's keep our hands on people that may want to harm us and we will know where they are and we will know how to properly deal with them.

Sorry that he wasn't here to hear my commentary because I wanted to hear his response to it and engage in a colloquy. That is not for you to respond to, either, any of the witnesses.

Having said this, let me move to the topic at hand. I concur with Ms. Griffin.

I concur with you. It does start at the top. The tone and tenure of diversity is shaped by the person at the very top. I want to commend those at the top who are advocating diversity. I think it is important to do so.

But I also understand that notwithstanding your best efforts, when you don't extend a hand to organizations that deal with this on a daily basis, you may miss something. My question—maybe I shouldn't ask a question. But my comment is this: I think that organizations like the NAACP, LULAC, organizations that deal with these issues daily can be of great benefit to you. They really can offer you paradigms that you may not consider.

They can give you an opportunity to on occasions when you are not preparing for a Congressional hearing, to receive input from people who have studied these issues and can probably help you identify areas of weakness that you cannot identify yourselves because you don't deal with it on a daily basis. It is not your life's calling. It is not the thing that you wake up to every morning and that you go to bed with every night.

These organizations and the people therein do this. They can help you make a difference.

Finally, this: When I say I am for diversity, I truly mean that I am for diversity. I am an integrationist. I believe in integrating everything, by the way. That includes the money as well, something we haven't quite gotten around to. But that is another story, too.

But I am a complete integrationist. I want to let you know that a climate that is friendly to people causes people to want to be a part of it. Integration is not only simply saying the doors are open, come in.

It is extending the hand of friendship and saying you are welcome here. We want you here. This place is a place where you can build your life, your career. We want you, notwithstanding your race, your creed, your color, your gender, but also your sexual orientation.

This country is great because it recognizes everybody's worth. If there are people who happen to be of a different persuasion than I, they still have worth. Because we sometimes don't make things

friendly, we sometimes find that friendly people don't find their way into our organizations.

So I am sorry I had to take up so much of your time and not get to a question. But I do thank you for listening. I hope that something I have said will be of benefit to someone that I will never meet and greet, but who will have an opportunity to serve our country within the agency that you work with.

Thank you, Mr. Chairman. I yield back.

Chairman THOMPSON. Thank you very much.

The Chair now recognizes the gentlelady from Texas, Ms. Jackson Lee, for 5 minutes.

Ms. JACKSON LEE. I thank you. I thank the Chairman and the committee for holding this hearing.

On May 21, 2008, this committee held a hearing and as well was responding or did respond to a March 2008 report prepared by the committee's majority staff at that time that found that racial minorities constitute 20.3 percent of the DHS workforce, but only 10.8 percent of the DHS Senior Executive Service, which is, I think, the crux among many other issues of what we face today.

I associate myself with a number of comments that have been made, one, the issue of terrorism is much better determined, as we have found out, when the intelligence agencies, DHS, Department of Justice have diverse populations, even those who speak different languages who are able to exist in their various levels. So it baffles me—and I recognize that the present administration is not even a year old and that this report that was done by our majority staff was done in the past administration, which I had several issues with—one, the rapid turnover, constant turnover and seemingly no solution to the constant turnover because if you had a solution, you might have a far greater outreach to reach to populations who might be very, very interested in this area.

We expect that there will be 273,000 new Federal jobs coming up over the next couple of years. Sixty-five thousand of those will be new employees hired by the DHS. Fifty-four thousand of these positions will occur in various security and protection positions with about 25,000 on TSA. So I won't put any more numbers—and if I can get them, I will put them—and I think there were some numbers here that I wanted to put in before I asked questions.

African-Americans comprise 14 percent of overall DHS workforce. While they only comprise 6.9 percent of the DHS SES. Hispanics comprise 19 percent overall of DHS, but only 5 percent of SES. It goes on in terms of others. But White Americans comprise 85 percent. That is where the decisions are made.

So, Secretary Lute, here are my questions. First of all, in July 2009, I had 4,000 people at a job fair in Houston. In September 2009, I had 4,000. So I had a total of almost 8,000 people looking for work. It was promoted as a Federal job fair.

I have a general complaint that maybe you will send an e-mail. I think there is a lazy attitude with the Federal Government in its outreach. Everybody is on-line—

Different ethnic populations are not on-line. They have paper. They like people to come out and recruit. So the first thing I would like to ask is the Department's attitude about sending real recruiters to various job fairs, which might include those held by members

or city government or county government that might extend an invitation to you.

The second question is I think the Department needs to put in place accountability measures. A report was done in 2008. I believe there should have been a definitive report that would come back to us, even with the young administration, so let me just make the caveat I know you all are working very hard, to account almost by a 6-month period of what kind of success you are making to this committee with respect to your diversity, which helps to enhance the security of this Nation.

So, No. 1, what is your response to this issue of really sending real human beings and real recruiters out into the heartland of America, invited by whoever might invite you. No. 2, what is your approach for accountability?

No. 3, the Senior Executive Service position is aghast with no diversity. Those are the decision-makers. What is the definitive plans going forward of really diversifying? I believe those employees newly recruited will be the employees that will stay. I appreciate your answers.

Ms. LUTE. Thank you very much, Congresswoman. Recruitment is something that we have talked about a lot among the senior leadership of the components in the Department. We can't be passive. The kind of Department we want to be is not going to become that kind of Department if we exist in the passive voice. We have got to actively reach out.

The very best colleges reach out with their alumni, reflecting the communities, that they are asked to go out and touch young people and demonstrate personally the kinds of opportunities that exist for them. That is a model that we can and will replicate in a recruitment as well.

One of the findings of GAO was that we had an over-reliance on the internet. As you rightly point out, not all communities—they may have access to the internet—all the libraries have free internet access—that is—this is a cultural issue.

We need to reach out to communities and meet them where they are and demonstrate where they are and where we are can be met by attracting young people and quality people willing to serve in homeland security.

So on the recruitment side, we cannot rely on any single measure, and we certainly cannot rely simply on the internet. Even with the new media and its ability to touch people's lives, we know that there is a personal aspect.

As Congressman Green said, we want to be home to the world's finest security professionals. We take that word "home" seriously, a place where they can have careers, where their families can thrive, and they can imagine contributing to the welfare of this country and a long-term way.

In terms of accountability, the Secretary has put me on notice. She has put herself on notice to the Chairman that we are accountable for how we are doing on diversity. I have spoken to each of the component heads personally and do so on a regular basis in this area. It is not simply about the numbers. It is about the climate, the welcoming climate, the mentoring, the fostering, the

management climate that we create as leaders, for which we must be held accountable.

Are people leaving? If so, why? We have tasked ourselves with the responsibility to get better data to understand what is the heart of our problem. How do we tackle the difficult problems first?

With respect to SES employment and hiring opportunities, one strategy that I am very familiar with from previous positions that I have held is that you get better in this area one at a time by engaging with hires one at a time and ensuring could be considered a diverse pool? Was the panel that interviewed candidates itself diverse? Did people have a genuine opportunity for promotion from within?

You have to create a climate where these kinds of things are fostered. We had a forum on September 16 reaching out to some of the organizations that Congressman Green mentioned, those who have experienced every single day and wake up thinking about opportunities for the diverse constituencies that they represent.

We had a number of them come to that forum and share their ideas and best practices in the area of recruitment, in the area of creating a favorable workplace environment. We intend to learn from these best practices and continue that dialogue.

Ms. JACKSON LEE. Thank you.

Thank you, Mr. Chairman.

Chairman THOMPSON. Thank you very much.

We now recognize the gentleman from Texas, Mr. Cuellar, for 5 minutes.

Mr. CUELLAR. Thank you, Mr. Chairman.

I want to thank all of you all for being here. Secretary Lute, the questions are going to be directed to you, and thank you for the work that you have done.

Every agency should have a vision, a mission, the strategic goals, the objectives, the accountability measures that Representative Lee talked about, in order to get results. If you don't have that, it is going to be hard to reach those results.

Let me start off with what happened in Texas. Back in 1997 when the 5th Circuit came out with the Hopwood decision—I don't know if you are familiar with that decision—basically, it had to do with admissions to the law school there at Texas. The court at that time said you cannot use race as a factor to get students into the law school, so there was a scramble as to how do we address that issue.

I used to chair the budget at that time with higher education, so I got to talk to all of the universities in Texas. There was one that came up—the University of Houston—that was just outstanding. Even after that decision not using race as a factor, they were able to get a good diversity. I asked the Dean, Mr. Samor, at that time, you know, how are you doing this when University of Texas and A&M and the other ones can't there. Why are you doing this, or how are you able to do that?

Basically, his answer was very simple. He said, "We just said we are going to get to hiring minorities"—I mean, not hiring minorities, but getting minorities looking for them. What was happening was a lot of them were looking at a pipeline that was very narrow. I think it has been mentioned by the other folks you just got to ex-

pand the pipeline. I think the same thing comes to, you know, to what we are trying to do here, get a good diversity.

My question is this: Your human strategy strategic capital plan for the years 2009 to 2013 lists the governing bodies of human capital oversight, but the Diversity Council is not mentioned. I mean does that mean that it is not a priority to get the diversity that we are looking for? In other words, if you set the strategic plan and you don't even mentioned the Diversity Council there, then what is the priority that—what is the message that we are trying to give out here?

Ms. LUTE. Congressman, the message that we are trying to give out on diversity is that it is important, beginning from the Secretary right on down through the Department. We are trying to broaden the pipeline. We are trying to direct that pipeline to number of sources, so not just be a single place that we are looking to attract talented individuals of diverse backgrounds.

We are trying to learn best practice from universities, from other organizations, from other parts of the Federal Government that have successfully made progress in this area.

Mr. CUELLAR. Madame Secretary, I am sorry. I don't mean to interrupt. Do you know why the Diversity Council is not even mentioned in the human strategic capital plan?

Ms. LUTE. I don't know.

Mr. CUELLAR. Can you—

Ms. LUTE. We will find out.

Mr. CUELLAR. Can we fix that?

Ms. LUTE. We will fix diversity in the Department of Homeland Security and the role of the Diversity Council. It is something I take a personal interest in.

Mr. CUELLAR. Okay. If I can ask just one other question, the sample—is the example that we give as leaders is very important. How many Hispanics and blacks do you have working right under you?

Ms. LUTE. The young lady that I had was just given a great opportunity—an Hispanic, the young Hispanic woman I had working in my office was just given a great opportunity, so I just lost her, and we are adding African Americans to my direct office very—

Mr. CUELLAR. Okay. So before you lost that young lady, you had one Hispanic and one—or three African Americans?

Ms. LUTE. No. Three African Americans are coming in. We are—

Mr. CUELLAR. So before that literally just one Hispanic.

Ms. LUTE. That is right, and that—

Mr. CUELLAR. Yes, and no African Americans coming in. The reason I say that is because we got to be productive in our words, but in also in our actions, and if you are in charge of diversity, I think it would set a good example that we would get more diversity in your office, your direct office also.

Thank you very much.

Thanks to all of you.

Thank you, Mr. Chairman.

Chairman THOMPSON. Thank you.

I would like to just support my colleague from Texas. But, Secretary Lute, I think there was a problem getting minutes from the

Diversity Council meetings. Now, have you found out whether or not minutes were taken or they just don't exist?

Ms. LUTE. We owe you an answer on that question, Mr. Chairman.

Chairman THOMPSON. Okay. So you don't know yet. Well, I think part of Mr. Cuellar's concern is if you just put something in the Department, that window dressing, and don't give it any authority or anything, then that is real—a question as to whether or not this is legitimate or not. A simple thing like minutes would reflect a lot of legitimacy. If there are no minutes, then I think your concerns are even more compounded, because they didn't exist. But please look for the minutes.

I recognize the gentleman from Kansas City for 5 minutes. Mr. Cleaver.

Mr. CLEAVER. Thank you, Mr. Chairman. Let me apologize for my subbing for my colleague, my long-time friend, Mr. Green. We both are in Financial Services, and there is a markup of the financials Consumer Protection Agency, one of the most important pieces of legislation that would hopefully come out, so I apologize. We both felt that this subject was so important that we had to risk getting our Chairman upset with us by coming.

Contrary to what many people believe about those of us who are people of color in the Congressional Black Caucus, I represent a district of only 17 percent African-Americans. I served as mayor of Kansas City, Missouri, for two terms before I came here.

It is very clear to me that the people in my district expect me to be strong on issues of diversity. I think they would be upset and angry if I did not, and so I celebrate the Chair's interest in and willingness to diversity hearings. I appreciate him for a lot of the things that we are discussing now, that he is not hesitant to talk about these subjects, even though they are not supposed to be discussed in 2009.

Ms. Griffin, I remember when the EEOC was formed, and it was considered to be one of the top agencies. Everybody was interested. Of course, things change and people are not that interested in equal employment opportunities anymore.

I was very disturbed in your testimony. The one thing that disturbed me was you mentioned that the Department had not shared the substantive efforts they have taken to improve the diversity at senior levels.

Maybe they don't know what they need to do, so maybe we could take this opportunity for you to share what you think the Department might be able to do with regard to improving its diversity at senior levels, since they have not—at least up until the time you prepared this report, they had not shared what they were doing.

Ms. GRIFFIN. Well, I actually think Secretary Lute talked about some of the changes that they are going to make with—

Mr. CLEAVER. If you would—

Ms. GRIFFIN. Did I do this again?

Mr. CLEAVER. Yes. Go ahead.

Ms. GRIFFIN. All right. Is that on?

Mr. CLEAVER. Well, try it again.

Ms. GRIFFIN. All right. Is that on?

Mr. CLEAVER. Okay. Thank you.

Ms. GRIFFIN. Okay. She shared some of the things that they are going to do with powers, creating a diverse panel that will be choosing people at the Senior Executive level, because she is right. The experiences—if you have all White men, you are more likely to have a candidate chosen who is also—looks like the people doing the choosing, and that to include women and include diversity on those panels is very important.

I would actually like to extend to the Department of Homeland Security not only EEOC's assistance to help them figure out what is going wrong and how to fix it, but also to extend, as I go over to the Office of Personnel Management as the deputy director, the help from Director Berry and myself, diversity is going to be a No. 1 issue that we work on at OPM to come up with a plan for the whole Federal work force.

This isn't only a problem that we see at the Department of Homeland Security, especially in the SES ranks throughout the Government. We are in the process right now, at OPM, of creating an SES office. One of the major functions of that office will be to come up with a plan and a strategy for all the agencies to use in order to create more diversity within the SES ranks.

So, I would like to extend that to the Department. If we can show progress at the Department of Homeland Security, we can create, I think, a model for all the rest of the Federal Government.

Mr. CLEAVER. Mr. Chairman, may I have 10 more seconds, since her microphone was not at full volume when we—

Chairman THOMPSON. Yes.

Mr. CLEAVER. Thank you, Mr. Chairman.

Are you from Massachusetts?

Ms. GRIFFIN. I am. I am from Biloxi, Massachusetts.

Mr. CLEAVER. It is the way you wear your hair.

Ms. GRIFFIN [continuing] On Sunday.

Mr. CLEAVER. It is the way you wear your hair that gave you away.

Ms. GRIFFIN. Yes.

Mr. CLEAVER. I thought it was the accent.

Ms. Jones, in your report, you stated that DHS failed to use timeliness or milestones to track the progress of activities aimed at eliminating the barriers to equal opportunity. Perhaps they did not know how to do this. I mean, maybe they did not know to use timelines or milestones. So maybe the role for you is to make suggestions on how they—why it is important to use timelines and milestones. Is that something that the GAO can do?

Ms. JONES. Mr. Cleaver, we have some work, prior reports, that were issued on that topic, and which are cited in our report. But certainly, we would be happy to share with the Department of Homeland Security any of our work from any of our teams that would be helpful in that respect.

Mr. CLEAVER. Thank you.

Thank you, Mr. Chairman.

Chairman THOMPSON. Thank you very much.

I would also like to thank our panel of witnesses for their valuable testimony and the Members for their questions. However, before being dismissed, I would remind our first panel of witnesses that the Members of the committee may have additional questions

for you and will ask you to respond expeditiously in writing to those questions. I also remind witnesses of some commitments to get some information to us that came up during the hearing.

I would again like to thank you. I would like to now ask the clerk to prepare the witness table for our second panel of witnesses. Thank you very much.

I would like to welcome our second panel of witnesses. Before we begin, I would indicate that we plan to ask questions and—of the witnesses and forgo the opening statements.

Those witnesses, our first witness is Craig Fugate, who is our new FEMA administrator, comes to us from Florida. Anytime someone gives up Florida for Washington, we want to congratulate you for that. Your history of working in the emergency management as well as a volunteer firefighter is well-established.

Our second witness, Mr. Jayson Ahern, was named acting commissioner of U.S. Customs and Border Protection in March 2009. During this interim period, Mr. Ahern continues to serve as chief operating officer also, overseeing daily operations of 56,000 employee work force and an \$11 billion budget.

Welcome.

Our third witness, Ms. Gale Rossides, thank you. Ms. Rossides is the acting administrator for Transportation Security Administration. She was one of the six original Federal executives hand-picked in 2002 to build TSA—congratulations—and still around to see it. As you know, TSA also includes the Field Air Marshal's service and a security regime for highways, railroads, ports, and mass transit.

We would like to welcome you also.

Our fourth witness is Mr. Mark Sullivan. Mr. Sullivan was sworn in as the 22nd director of the United States Secret Service on May 31, 2006; has a distinguished career and received numerous awards, including a distinguished Presidential rank award in 2005.

Welcome, Mr. Sullivan.

Again, we thank all of you for coming to this hearing today.

Since Mr. Cleaver and I will be here, there are a couple of mark-ups going that most of our Members are tied up in, as already has been said.

Mr. Fugate, I will start with you. A lot of what we do as Members of Congress, we interact quite a bit with your agency, especially in times of disaster. I think Ms. Richardson indicated a concern she had. My request, as Chair, is that, at some point, you schedule and opportunity to sit down with Ms. Richardson and work through those concerns that she raised.

Generally Members are a little more concerned on issues when emergencies directly impact them. I am sure you will do it. I refer to the situation in New Orleans. That is a personnel-related issue. Can you tell us, other than removing the person that Congressman Cao talked about in New Orleans, whether other personnel actions have been taken there?

STATEMENT OF W. CRAIG FUGATE, ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

Mr. FUGATE. Mr. Chairman, I would not be able to speak specifically to others, other than my—before I was sworn in, the acting administrator, Nancy Ward, at the direction of the Secretary, did go down there, spend time with staff, talked to many people, both in the supervisory ranks, but also rank and file, and made the determination that, not only did she need to change the leadership down there; but also, there had to be better communication within the team.

The decision was made to appoint Tony Russell, who was one of our Federal coordinating officers, on an acting basis, to go down there.

As you know, Mr. Chairman, we were dealing with multiple situations there, not only with the personnel, but also with the backlog of projects within the States that we were serving. So, we have made progress.

One of our—well, it is just a part of the business, though, in that, in doing projects that require large numbers of people be hired for a disaster, that there is also a lifespan to those disasters, when the work is done, the work force is being released. That was not laid out. There was not communication being done ahead of time.

So, again, the situation that we found ourselves in was one that, I think, Nancy and Tony took the appropriate steps. It has moved forward. I am not saying that we have all problems resolved. But we do, I think, have the structure in place to continue working those issues and making sure that people are treated fairly and equitably as we go through the process of continued recovery in those States.

Chairman THOMPSON. Well, thank you. I know you have heard the President might be on a trip that is going, I believe, tomorrow. I am almost certain that some of the this will come up at that discussion. So, I guess I am kind of preparing you in anticipation of what you probably all already know will come up, just given what people have said to us.

In addition, one of the concerns, you heard talk about the barriers.

Mr. FUGATE. Yes, sir.

Chairman THOMPSON. Have you done any kind of barrier analysis at FEMA?

Mr. FUGATE. Mr. Chairman, I have not done a formal one. But I can tell you just from looking at the applications and candidates that I have seen the last couple of—where I have had—one example is Federal coordinating officers—that, not only did I not see any diversity, I didn't see any diversity geographically or in skill sets. It seemed to be that we were almost going to central casting and getting live candidates who all looked the same, all had the same backgrounds and were geographically pretty much from the same area.

As you know, those Federal coordinating officers are actually the people that work with the Governors in the States representing FEMA, working with those State governments. Many of these folks did not have any State or local experience.

So, I looked at that, and I said, "What is happening?" They said, "Well, you know, we post these jobs on-line. And we get—this is who applied." I am like, "Well, that is the problem, then." We are going to have to go out and find folks.

Again, when we are talking about Federal coordinating officers, I am talking about people that are senior, have experience managing emergencies or other complex operations. I said, "Well, have we gone out to the associations?" Like, within the International Association of Police Chiefs and Fire Chiefs, there is a Black caucus, there is a Female Chiefs Association, there is a Hispanic Chiefs Association, both within the International Association of Firefighters and Police Officers.

I said, "Have we gone to those folks and recruited?" No, sir, we did not.

So, we had changed that process to put more emphasis on we are physically going to go out to where we know there are people that have the skills sets that we desire. We are going to increase our candidate pool by going—not waiting for people to know about a job, not waiting for them to apply on-line, but we want to go recruit and tell people about the opportunities at FEMA and ask them to consider a service in their country, as serving in FEMA and those positions.

Chairman THOMPSON. Thank you, and I appreciate your acknowledgment.

Mr. Sullivan, might have been 3 years ago, or was it 2 years ago you and I met out at the——

Mr. SULLIVAN. It was right after I became director 3 years ago.

Chairman THOMPSON. Right. There were some real issues that surfaced. Have we resolved a lot of those issues around recruitment of people, inter-level for the Secret Service?

STATEMENT OF MARK SULLIVAN, DIRECTOR, U.S. SECRET SERVICE, DEPARTMENT OF HOMELAND SECURITY

Mr. SULLIVAN. We have, sir. That day, I was disappointed, as was you. You and I had a conversation about that. I took that to heart. You know, every graduating agent class and every graduating agent class and every graduating uniform division class, the deputy director and I will meet with that class in my office for about an hour, hour and a half or so. It is right before graduation.

Last week, we met with our latest agent class. It was 23 agent trainees who will be graduating on October 20. Of that group of 23 individuals who came in and who will be graduating, a third were either minorities or women. We——

Chairman THOMPSON. Well, in your—and congratulations on that. In picking a third of that class, did you lower any standards for the Secret Service? Or did you make any special considerations for those candidates? Or how did you find—how did you——

Mr. SULLIVAN. No, the——

Chairman THOMPSON [continuing]. Find the third?

Mr. SULLIVAN. No, our standards are the same for everybody. I would say, No. 1, I do think the class that both you and I witnessed 3 years ago was an aberration. I will tell you, Chairman, that as happy as I was to a third, I want to see it higher than that. I think we can always do better.

I do think, though, that we have been extremely aggressive over the—since 2007, we have done 1,100 job fairs. I have put out a message that—one of my priorities that I put out to our people—I put out annual priorities, and one of our priorities was recruitment with an emphasis on diversity.

I go out and I do office meetings in the field and here in Washington, DC. During those meetings, what I emphasize is recruitment and diversity.

I tell all of our people that we can't just depend on H.R., our human resource people, to do our recruitment, that everybody in this organization, our organization, has to be a recruiter.

I appeal to our people, and I tell them that if they do believe that we are an organization that is looking for talented people of a diverse background, I want them to be out there and be recruiters whether they are at church—

Chairman THOMPSON. Thank you. I guess my point is that with some enhanced methods of recruiting and leadership from the top, you were able to find a more diverse pool of applicants that did not lower the standards for the Secret Service.

Mr. SULLIVAN. That is correct.

Chairman THOMPSON. Thank you.

Gentleman from Kansas City.

Mr. CLEAVER. Thank you, Mr. Chairman. I am going to move real quickly, so—but, Mr. Sullivan, since you are here, I am just curious. Does it make the Secret Service a little nervous when people show up at rallies with the President with guns?

Mr. SULLIVAN. Recently we have seen people showing up at venues close—close to venues where the President is going to appear. According to the law, those people are within their rights to have that firearm. However—

Mr. CLEAVER. Yeah, I understand that. I was just concerned about the nervousness, but—

Mr. SULLIVAN. We are nervous all the time.

Mr. CLEAVER. Okay. Thank you.

Mr. Ahern, the committee staff requested from all of the participants today if we could get a diversity action plan. We did get one from Secret Service and from GSA. We did not get one from Customs and Border Protection.

Do you have one?

STATEMENT OF JAYSON AHERN, ACTING COMMISSIONER, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Mr. AHERN. Yes, we do, and I regret it did not get here timely. We will certainly correct that. We do have a diversity plan. We actually have our Diversity Council meeting this week, which is the assistant commissioners that report to me. We will be meeting on Friday of this week.

This calendar year—fiscal year, excuse me, 2010, will be our year of diversity, and we are going to be driving this from a leadership level down to the organization as we go forward. That will be reflected in our plan as well as our calendar events going forward. We will get that to you.

Mr. CLEAVER. I appreciate it.

Are you near completion or—

Mr. AHERN. It is complete, and it has been issued—

Mr. CLEAVER. Oh, okay.

Mr. AHERN [continuing]. So I—again, I regret it did not get here.

Mr. CLEAVER. Okay. So what—when do you think we would get a chance to look at it?

Mr. AHERN. We will submit that immediately.

Mr. CLEAVER. Okay. I appreciate it very much. Thank you.

Chairman THOMPSON. Will the gentleman yield on that?

One of the issues that we hear from CBP is that while you carry the lion's share of the Hispanic diversity within DHS when you look at the entry-level slots, but as you look into leadership, it changes.

Does your plan reflect something that you will address that change?

Mr. AHERN. Yes, it will. You know, and just—the numbers are certainly reflective of a lot of the hiring we have done in the Border Patrol over the last few years as we have doubled the size of the Border Patrol.

Just looking at the Border Patrol agent population, it represents—about 50 percent of the 20,000 we have are of Hispanic descent. Our overall agency number is 31.6 percent for Hispanic.

As we take a look also getting into the leadership ranks, those numbers are comparable to the civilian labor force, but we want to go ahead and improve and increase those numbers going forward, so we will be looking at our candidate development program.

We will also be looking at the targeted pool of GS-14s and -15s that will be the eligible individuals pulling into those Senior Executive ranks going forward.

We also just recently hired an individual who is going to be our succession management director as well that will be identifying people at the mid-career level to prepare them for Senior Executive positions in the near future.

Chairman THOMPSON. What is the civilian percentage that you referenced?

Mr. AHERN. For which population specifically?

Chairman THOMPSON. For Hispanic.

Mr. AHERN. I have got that, if you would just—for the—just for the—31 percent—30 percent—almost 36 percent for—31.6 percent for our labor workforce within CBP represents—of the civilian labor force—is 10.7 percent.

Chairman THOMPSON. So is your goal 10.7 percent or 31 point—

Mr. AHERN. We are on board for—Hispanics is 31.6. The national civilian labor force is at 10.7. So our goal is to make sure we strive—better balances in the organization.

Chairman THOMPSON. But I guess my point is that 31 percent—are they at the entry level, or if I put the percentages in the Department, would 80 percent of that 31 percent be entry level?

Mr. AHERN. Have to get you the very specific—precisely.

Chairman THOMPSON. Okay. I am sorry.

Mr. AHERN. But just on average, 50 percent of the Border Patrol agents are of—Hispanic, and you take a look at the growth, a lot of those—at the five, seven, nine—

Chairman THOMPSON. Well, and I think—and I am going to yield back to the gentleman. We have plenty of time.

If you would, just get us the statistics from you all the way down.

Mr. AHERN. We have that.

Chairman THOMPSON. Well, thank you.

Mr. AHERN. We will provide that.

Chairman THOMPSON. Yield back.

Mr. CLEAVER. Thank you, Mr. Chairman.

Ms. ROSSIDES, as you can imagine, most of us do a lot of traveling. I do 2,400 ground miles a week. In 6 years, almost 6 years, I have spent 6 weekends here, so I do a lot of traveling.

I am always amazed, and somewhat pleased, when I see the diversity with TSA employees in the airports. I think that has been almost all around the country.

My pleasure turns to some pain when I realize that 80 percent of them are at GS-9 or below. I also notice a tremendous turnover—this—I don't have any statistics on turnover. This is visual, you know, just going in and out of the airport.

I mean, at National, for example, about four of the folk who have been there the whole time—we know each other, we ask about each other's family. The other folks seems like—it seems like it is a revolving door.

I am wondering—I am wondering—maybe we need to take a look at this 80 percent and below who are GS-9, classified GS-9. Is there an awareness of that?

STATEMENT OF GALE ROSSIDES, ACTING ASSISTANT SECRETARY, TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY

Ms. ROSSIDES. Yes, sir. Yes, sir. In fact, you are correct. Our transportation security officer workforce that you see in the airports is one of the most diverse workforces in the Federal Government.

Mr. CLEAVER. I agree. I agree.

Ms. ROSSIDES. We also, as we have built the agency and in the most recent years, have looked at the issue of retaining that diverse workforce. The retention was as much a critical factor for us as our recruitment efforts.

I am happy to say that our retention numbers are now, for the overall workforce, at about 7 percent. At one time, that revolving door that you saw had an overall retention of in excess of 30 percent—or an attrition rate.

So we have done a number of things to focus on: How do we retain that workforce? One of the tremendous efforts has been in developing a whole series of career developmental opportunities, so that a TSO can become a supervisor there in the airport, they can become a mid-level manager, somewhere across the system move up to a Federal security director position.

We have also had a new series of initiatives launched to bring people into headquarters jobs, because as we stood up the agency we hired people from all across America, from all sorts of backgrounds, and one of the things we are now doing is we are being able to bring people up from the officer ranks into headquarters positions and giving them career opportunities.

Mr. CLEAVER. So do you have any idea now what the percentage would be of minorities above GS-9?

Ms. ROSSIDES. Yes, sir. In our mid-level and senior-level ranks, women represent about 30 percent of the workforce and minorities represent about 30 to 35 percent.

It is from the front-line workforce, where our diversity is over 45 percent, and the mid-level that we want to get even more employees into that level through our management development program. Then that becomes the pool for our Executive cadre.

Mr. CLEAVER. One final question, Mr. Chairman, if I could, please.

Are the supervisors who are providing the direction in these airports—are they aware of or have they been told that there are consequences for not being inclusive and giving attention to issues of diversity?

Ms. ROSSIDES. Yes, sir. We have what we call our model workplace program in every airport in the country. In that program—the principle of that program is how to lead diverse teams in a very inclusive manner. Our supervisors have been trained in that.

We also just, in the course of the last year, finished a coaching class for all supervisors about what it means to include and listen to the diverse opinions of their employees.

Lastly, a tremendous amount of our focus is at the airport level, and every airport has an employee advisory council where they look at all of the issues of concern to the employees.

Mr. CLEAVER. Thank you.

Thank you, Mr. Chairman.

Chairman THOMPSON. Thank you.

I now recognize our Ranking Member for 5 minutes, Mr. Austria.

Mr. AUSTRIA. Thank you, Mr. Chairman—the opportunity to sit in this seat, so it is an honor to be here in this seat. But thank you.

I apologize to our panel for walking in late on your testimony. I had two committees going on at the same time. But I just again want to echo what I said earlier about the importance of improving diversity throughout all your departments.

I think it is extremely important that—and it be promoted at all employment levels, not just within your departments but within the Federal Government. I think it is very important.

I would like to begin my questioning with Mr. Fugate, as far—with FEMA. I asked the Secretary—Deputy Secretary earlier of Homeland Security her thoughts on how you go about looking at the different areas within the Department to ensure diversity.

One of the areas that I kind of focused in on was first responders versus, for example, first providers. I don't know if you are familiar with what is going on in Ohio.

We just broke ground on a very important first provider training program that we are trying to put together that—you know, those citizens that are first on the scene after a disaster who have the training to provide initial basic medical care to the injured, that could mean the difference between life and death.

Does FEMA have a plan to train and coordinate and ensure diversity to first providers as well as first responders? I know you have got two different tasks. First responders are out digging

through the concrete. You have got firefighters, law enforcement, military.

First providers are more on the health side—doctors, nurses, you know—and if so, could you describe that?

Mr. FUGATE. Congressman, the answer, I think, is—as far as the health care community is no, we don't have any specific programs. Most of our responsibility is in providing grants through the States for those programs. We don't really have that role as far as the hiring or any of that.

But I would go back to—when you talk about the response community as a whole, when I got in the fire service, women were not yet accepted as firefighters. That has changed. It has gotten to the point now within the associations like the International Association of Police Chiefs and Fire Chiefs that we now have a critical mass of people who have moved up through the ranks and are now in senior leadership roles.

Again, that is an area that I am trying to reach out to and recruit from because when you talk about the things we have to do—we talk about diversity. But one of my concerns is when you look at FEMA as a whole, we don't have a lot of representation from local and State folks that have done the work in the field. I think if we are to support that team, then we have to reflect that team. So we don't have—and I think this may be kind of a way of expressing this. We do not represent within FEMA many of the folks that we say that we are there to serve such as the health care community.

So when we start talking about these issues, oftentimes we are at a disadvantage because we don't even have that local knowledge of what it is like to be in a hospital, what it is like to be in an emergency room, what it is like to be out there in a clinic when a gas spill occurs. That is another part of this. I think we oftentimes miss the opportunity that we end up getting similar job skill sets when I am looking at not only do how we get and recruit and expand the role of folks, but how do we get to people that traditionally have not always been attracted to FEMA or we haven't recruited.

I mean, we do very good recruiting from the military. We do very good with the Coast Guard. We do very good—and, you know, those types of areas. But if you looked across our organization, many people who are looking for that second career—they haven't—I don't—and I think part of it is we haven't gone to them to recruit, to bring in the different professions to represent the things that FEMA supports.

Mr. AUSTRIA. All right. I certainly appreciate that answer. But let me just say: This particular site, the old climate that is looking at first providers, the areas that you are talking about. It is extremely unique. It is a very—it is a collaboration within this project is what struck me.

You have universities involved. We have the military involved, the veterans involved, all different levels of government, local, State, Federal. It is very unique. I would encourage you, if you are able to, to come down and see the site and talk to these individuals at the local level, the challenges that they are faced with this. I think it would be helpful from where you sit in Washington to be

able to understand from a grass-roots level what they are trying to put together and the challenges they face.

But moving on to just another question and also following up to what you mentioned, now that DHS has conducted its risk assessment with regard to the 100 largest metropolitan statistic areas and received its feedback from these same areas and given that all the information has been collected on a State and local basis, as you mentioned, is it safe to assume that the Department will be using the risk assessment methodology consistent with the previous 3 years?

Mr. FUGATE. Congressman, we are incorporating that in. We are looking at risk as a factor in the grants. But there is another factor, I think, that also is carrying a lot of weight. That is within the communities themselves is looking at some stability as to funding on the longer term.

When you saw the fluctuations as people would look at how you would do that and numbers would go up and down, cities would drop on and drop off, it made it very difficult for communities to look at things that you could not do in just 1 year in which you are trying to build capability and capacity over a multiple-year period. Then how do you sustain that?

So as we have been going out and reaching out to communities and looking at risk factors, something else we are hearing is how do you maintain and sustain what you have built and how do they provide planning for a process that they are not going to be able to complete in 1 year. Having some stability in how we look at that risk so that they can build capability, not just based upon each year allocation trying to make determinations of projects that may take 3 to 4 years to build, maintain, and have that capability ready to serve their communities.

Mr. AUSTRIA. I thank you for your testimony. I know my time is up.

Thank you, Mr. Chairman. I appreciate it.

Chairman THOMPSON. Thank you very much.

Director Sullivan, there have been some disturbing incidents in the past that occurred on Secret Service property with respect to nooses and other things. Has that issue been addressed?

Mr. SULLIVAN. Sir, I am familiar with the noose. Do you have any other examples you wanted me to—

Chairman THOMPSON. Well, let's—the e-mails.

Mr. SULLIVAN. Yes. I will speak to the noose first. Back in April 2008, an African-American employee walked into our training center and saw a noose hanging down from a doorway. That was reported to us by the special agent in charge of the Raleigh training center, who is also African-American. We asked her to immediately open up a fact-finding on that.

I will tell you that we then broadened that to a full-bore inspection. We did numerous interviews. The person who was responsible for that—for putting up that noose came forward and acknowledged putting it up. It was his claim that he did not mean any racial insensitivity by that. Nonetheless, that had an incredible impact on our organization.

I immediately issued two or three e-mails to our 7,000 employees advising them that I would not tolerate any type of behavior like

that. After the conclusion of the investigation, it was the opinion of all those who were involved in the investigation, to include the agent in charge of the Raleigh training center, that he did not intend that as a racial slur. However, that was an eye-opener for us.

It showed us that there are things that are very hurtful to others and that we need to be more sensitive to that. I brought in a contract diversity trainer who in turn brought with her—a contract employee who is the head of African-American studies, I believe, at Houston University to do training for all of our management.

I do believe that—I do believe in the result of that investigation that this was not an event that was intentionally done to hurt anybody, as I mentioned to you. It was an eye-opener that all of us have to be sensitive to all those around us and that what might not be hurtful to one is going to be extremely hurtful to others.

As far as the e-mails are concerned, we are involved in a 10-year old African-American racial discrimination lawsuit. As part of the request by the plaintiff was for some electronic documents going back several years. When I was informed of this request in this order by the judge, I had two options. I could either do it internally, review all of the documents they were looking for or go to an outside contractor.

I opted to go to an outside contractor. The outside contractor went through 20.1 million documents. Of that 20.1 million documents, we found about 12,000 which were found to be responsive to the request.

Of the 12,000 documents we found, there were 61 racially insensitive e-mails. These racially insensitive e-mails were divided into half, about half sent by African-American employees and half sent by White employees.

As a result of receiving this information, I immediately ordered that we open up an investigation into this. We did several hundred interviews, not only of the people that sent the e-mail, the people that received the e-mail, but any additional addressee who happened to be on that e-mail. At the conclusion of this investigation, we took disciplinary action which was appropriate for each particular e-mail.

We put a committee together which was inclusive by gender and by race to make sure that this was done fairly and transparently. But I will tell you that I will not tolerate any e-mails or any communication or any type of language that would convey any type of racial insensitivity. But to answer your question, we have dealt with both issues in a very serious way.

Chairman THOMPSON. Thank you very much.

We have been joined by Ms. Norton.

You have 5 minutes.

Ms. NORTON. Mr. Chairman, I particularly appreciate that this committee is holding this hearing. I am on committee with jurisdiction over OPM. But unless the committees of jurisdiction assume the kind of responsibility you have, the agencies will not be held particularly accountable since OPM seems to cover the whole universe.

Good job that it does, it is the committees of oversight that, it seems to me, have special responsibility. This is a responsibility that I think too few take.

Recognizing I am impressed that we have a new administration that has put together some plans, I know that from my own experience as chair of the Equal Employment Opportunity Commission that it really does take foresight, particularly when an agency is in the position DHS is.

I was astounded, Mr. Chairman, when I looked at articles on expansion of the Federal Government, which seems to be the only growing business in the United States today, to note that of—that DHS was at the top of the list of agencies that were hiring new people. I have got to, therefore, ask you about what amounts to a real bonus for you that you are not going to have in the future. No. 1, even without the present crisis or should I say within the present crisis, your Department is expanding as few others are in the Federal Government, No. 1.

No. 2, undoubtedly some of you have stimulus funds. I would like—and, No. 3, although there may have been some slowing in this, there are the retirements that we all cringe at because the baby boomers are such a large portion of the most promising of Federal workers today.

So I would like to know whether or not your plans take into account what amounts to a one-time-only opportunity to diversify rather than doing what might come naturally, since there are going to be—every college graduate is out of work, everybody is looking for work. If those new jobs are not used—and I am not sure how you are going to diversify—diversifying only within what you already have becomes increasingly difficult. I would like to know what you are doing to take advantage of the new funds you have and the natural growth you have that others do not have in order to get a more diverse workforce.

Ms. ROSSIDES. I can start with addressing your question. At TSA, we have a diversity action plan. Although our transportation security officers are a very diverse workforce, we are focusing on a number of things, first of all, on the career path and the career development of those individuals so that they can move up and assume the mid-senior and executive level positions in TSA.

We have done a barrier analysis of the Federal Air Marshall Service because our—we are under-represented in women in the Federal Air Marshall Service. As a result of that—

Ms. NORTON. But not in minorities.

Ms. ROSSIDES. No, the minority representation is better than it is in females. It is at about 30 percent minority. But the challenge we found for women particularly is the schedule, obviously, of the travel that is associated with the position and that when women were hired, they did not have a good appreciation of the demands of the job. So a lot of our work now is in the candidates' identification and education stage so that applicants have a full understanding of what the job requirements are before they actually go through the whole process and come on-board.

The other areas that we are focusing on is in our Executive ranks. We don't just rely upon the traditional USAJOBS method for recruiting. But we have gone to technical trade organizations. We have gone to major newspaper publications. We have gone to all of the various diversity associations, national law enforcement associations, NOBLE, the Asian-Hispanic Law Enforcement Asso-

ciations. We have tried to cast a very wide net to educate about the opportunities within TSA and the job openings.

Ms. NORTON. What about your colleagues at the table, before my time is up, please?

Mr. SULLIVAN. Ma'am, for Secret Service, as I mentioned earlier, an important part of our recruitment is to make sure that all—

Ms. NORTON. Are you getting new people?

Mr. SULLIVAN. Yes, ma'am.

Ms. NORTON. You are expanding, too?

Mr. SULLIVAN. Yes, ma'am. We are looking to hire about 125 agents and about 150 administrative professional and technical people. So I believe it is very important to make sure that all of our employees realize that we do value diversity, and we are looking to hire. We want them to be part of that recruitment effort.

On March 28 of this year, we had a career fair day here in Washington, DC. We had about 3,000 people attend that career fair. We got very good results from that.

We have been bringing people in to interview them, and looking to bring those people into jobs right here in—

Ms. NORTON. So, those indicate that you will have diversity in those new hires?

Mr. SULLIVAN. Yes, ma'am.

Ms. NORTON. What about Mr. Fugate?

Mr. FUGATE. We are not so much in a growing. We are looking at converting a lot of our core positions into full-time positions as we go through our budget.

Our probably biggest opportunity is going to be in retirements, as you pointed out. If you look at the 3- to 5-year horizon, depending upon how many people take option, we have probably got about half of our permanent work force that will be eligible for retirement.

That is really, I think, for me, not only a challenge, but also the opportunity is, we did not do—again, when you look at our senior level, SES 14s and 15s, when that group moves on, I am not sure—in fact, I know we haven't done what we need to do to make sure that we have taken the next tier of folks where we do have diversity, that they are ready to move up—

Ms. NORTON. Now, how are you going to prepare them to move up? Because this is where you get the SES problem.

Mr. FUGATE. Yes, I understand. I have a couple of opportunities that I had not had before with some of our staff that has come on board.

Chief Kelvin Cochran, who is running U.S. Fire Administration, has built these type of programs, both in Shreveport and Atlanta. Rich Serino, who just was confirmed as the deputy administrator, has also worked to build these teams. I have asked them to take steps now to build internally to FEMA how we build opportunities, to identify people and make it competitive to become our next leaders.

As it is now, it has been an ad hoc system. It is oftentimes depending upon who you were working for, at what time positions became available.

We also tended to buttonhole people into what part of FEMA they were hired into with where their career was spent. They weren't really given an opportunity to move around in FEMA.

We have too many folks that have been at headquarters, have never been in the field. We have too many people in the regions that never had an opportunity to come to headquarters.

So, we want to basically look at this as an opportunity of how you build the work force for the future, given that we are going to have a huge opportunity with vacancies in the senior leadership. I don't want those vacancies to occur, and then have to go outside the organization and find everybody.

I think we need to have balance. We have to give people opportunities and identify and make it competitive, so when those jobs come open, we have a diverse work force.

Ms. NORTON. Mr. Ahern.

Mr. AHERN. Yes, just very briefly. You know, we certainly will not be in the growth mode we have been in in the last several years. That is not any complaint by any means. We have had historic growth. Thank you to this committee, and as well as our appropriators, for funding us very well in the last few years.

That has been to our advantage. That has also been to our disadvantage. As we have seen the huge growth. That is also set the percentages at a disadvantage as we go forward to try to—

Ms. NORTON. How did that—you heard there was huge growth. Why weren't you, in fact, making sure that you used that growth in order to diversify your work force?

Mr. AHERN. Well, in fact, we did on the Border Patrol ranks. That carries us certainly for that particular profession. We had growth in those numbers that were representative of the overall agency numbers, from 50 percent in the Border Patrol, 31 percent in the—

Ms. NORTON. So, where were the—where are the issues?

Mr. AHERN. The issue is actually, as we get to the numbers, large organizations, as we start to make incremental change going forward here with what we have in the forecasts for the future of this fiscal year, even though we have seen some significant increase in numbers for females, for African Americans, that is not necessarily going to change the overall percentage dramatically. So, we have to measure the numbers accurately and put the right context on our discussion going forward.

We have had substantial outreach to historically black colleges, Hispanic institutions, women's organizations, veteran organizations.

One of the opportunities that I see as we go forward, we actually saw as a result of that increase in the applicant flow, from 11 percent African American to 17 percent. We currently have about 2,000 individuals in a cleared mode to fill our attrition coming up this year, where we will see some opportunity for getting better representation going forward.

Ms. NORTON. Mr. Chairman, I appreciate your hearing.

I just want to say, this Department has an opportunity much like the opportunities that were provided for the baby boomers. Government was expanding. There was an idealistic President in office. These people were drawn to the Federal service.

As we saw in the 1970s, 1980s, and 1990s, the private sector became more sexy. People turned away. Federal officials were, in fact, criticizing Government.

Now we have a President that is making Government neat again. You have before you the Department that could turn around much that the Federal Government lacks in diversity.

I appreciate very much what you are doing here today.

Chairman THOMPSON. Thank you very much.

Obviously, just numerically, they have a lot of people who work for them.

Mr. Fugate, one of the things we don't have information on is the temporary or reservist workers. I would like for you to get us some data on those. Those of us who have been involved in emergencies, when the cavalry comes, it doesn't look like America.

Mr. FUGATE. Yes, sir.

[The information follows:]

Please see attached chart.

DAE/CORE DEMOGRAPHICS

As of 10/24/2009

Emp. Type	Grand Total	RNO/Gender															
		2 or More		2 or More		Unidentified		Unidentified		American Indian		American Indian		Asian		Asian	
		Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
2yr CORE	1,696	1	1	2	0	0	0	0	0	6	1	7	14	10	24		
2yr Kat	1,450	0	0	0	0	0	0	0	3	4	7	19	12	31			
4yr CORE	185	0	0	0	0	0	0	0	2	1	3	2	1	3			
DAE-L	164	1	0	1	1	0	1	0	1	0	1	1	2	7	9		
DAE-R	8,953	8	8	16	1	1	2	66	79	145	58	91	149				
Grand Total	12,448	10	9	19	2	1	3	78	85	163	95	121	216				

DAE/CORE DEMOGRAPHICS

As of 10/24/2009

Emp. Type	Grand Total	RNO/Gender											
		African American		African American		Hispanic		Hispanic		Caucasian		Caucasian	
		Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
2yr CORE	1,696	295	109	404	111	76	187	689	383	1,072			
2yr Kat	1,450	294	159	453	11	17	28	440	491	931			
4yr CORE	185	15	10	25	10	2	12	70	72	142			
DAE-L	164	17	18	35	6	5	11	63	43	106			
DAE-R	8,953	691	517	1,208	398	371	769	2,321	4,343	6,664			
Grand Total	12,448	1,312	813	2,125	536	471	1,007	3,583	5,332	8,915			

Chairman THOMPSON. I think we need your help. There are a lot of retired people, veterans and other folk, who could help make up part of that temporary work force that I think would help us get where we need to be.

Mr. FUGATE. Yes, sir.

Chairman THOMPSON. I yield 5 minutes to the gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, thank you very much. This has been a constructive hearing. I thank you for indulgence. Many of us are in meetings in different parts of the campus, if you will.

I am going to have some pointed questions, the first one to, I think, Ms. Rossides, very much. I indicated in the earlier hearing that I had two town hall meetings showing the interest of Americans to work in public service and the Federal Government. They were Federal job fairs. TSA was represented in both. The DHS had Ian Pannell from the human resource capital offices.

But again, I fault the fact that there were no recruiters—real live people concerned with people outside the Beltway. Frankly, this is not directed to TSA, but to everyone—it is insulting, because you can't interface with a blank screen.

There is something to the point that we treat everybody fairly. Will you treat the people that can drive fairly from this region? I have the greatest respect for them, but you don't treat fairly the individuals who are in the hinterlands.

So, my question would be, going straight down the line, Mr. Sullivan, would you join me in my district at one of my historically black colleges to discuss opportunities with the Secret Service?

Mr. SULLIVAN. Absolutely.

Ms. JACKSON LEE. Ms. Rossides.

Ms. ROSSIDES. Yes, ma'am.

Ms. JACKSON LEE. Mr. Ahern.

Mr. AHERN. Without question.

Ms. JACKSON LEE. You have a large diversity component, because you have a sizable Hispanic component, which I think really skews the numbers at DHS. We applaud their bilingualness, and they have been vital to your efforts.

But I know, also, it is important to draw in Pakistani Americans, Indo-Americans. Or it may be—diversity may be an Anglo American in an area where they have not been, or an African American who has proclivity of dealing with Haitians or Africans in terms of border issues.

So, I think you said "yes." You understand what my issue is.

Mr. AHERN. I do.

Ms. JACKSON LEE. You will come down. Let me pose my questions to Mr. Fugate.

Thank you all, and we will be in touch with you.

Mr. Sullivan, if I have enough time, you might be prepared to tell me what the status of the discrimination lawsuit that you have been addressing for a number of years.

Mr. Fugate, I understand that there has been a major procurement—excuse me—activity. I also will invite you both to my district. But I hope that we will have an opportunity—we were supposed to have an opportunity to have a meeting, and we were scat-

tered during the summer. So, I look forward to that meeting being set up.

But could you give me an assessment of a recent procurement extension I think that you had, or offer, for trailers? You were testing some trailers. Could you give me that very quickly? I have a quick question after that, that I want you to—on.

But where is the status? You had some prototypes out in Maryland, and then you have issued a contract. Can you tell me, how much is the contract that you have issued and the prototype situation?

Mr. FUGATE. The prototypes are currently at the National Emergency Training Center, where we are inviting students and residents to stay in those and give Porades feedback on those units.

The other part of your question was, we had gone back at the direction of the Post-Katrina Emergency Management Reform Act and other activities, to look at the temporary housing units—

Ms. JACKSON LEE. Right.

Mr. FUGATE [continuing]. And devise—

Ms. JACKSON LEE. You—just because of my time—you issued a contract. How much was that for?

Mr. FUGATE. I believe it is \$3.5 billion is the total max. It is a contract that we are not purchasing against. It is a contract in case we do have a demand for housing.

Ms. JACKSON LEE. But you are buying it from certain entities?

Mr. FUGATE. Yes, ma'am.

Ms. JACKSON LEE. Are any of those minority businesses?

Mr. FUGATE. I do not know. I would have to research and report. [The information follows:]

It is nearly impossible to determine the exact amount of the \$3.5 billion contract dollars awarded to a minority business. The ethnicity of a small business owner is not a determining factor when awarding a Federal contract. Nevertheless, there is one socio-economic small business group that is likely to be owned by minorities. This group is referred to as a Small Disadvantaged Business (SDB). There are two types of SDBs; (1) 8(a) Small Business and (2) non-8(a) Small Disadvantaged Business. This does not take into account the number of woman-owned or HUBZONE or Service Disabled Veteran-owned small businesses that are owned by minorities. For this particular acquisition, FEMA awarded five contracts as follows:

With respect to the 2 Bedroom Park Model Units, FEMA made the following awards: Circle B Enterprises, Miramar Beach, FL (small business)—ordered 375 units @ \$9.6 million; and Lexington Homes, Lexington, MS (small business)—ordered 375 units @ \$9.8 million.

With respect to the 3 Bedroom Manufactured Homes, FEMA made the following awards: ScotBilt Homes, Waycross, GA (Woman-Owned business and small business)—ordered 50 units @ \$2.5 million; Circle B Enterprises, Miramar Beach, FL (small business)—ordered 50 units @ \$2.2 million; and Indiana Building Systems, Middlebury, IN (small business)—ordered 50 units @ \$2.2 million.

As you can see, none of the contracts were awarded to an SDB. However, this does not guarantee that the owners of these businesses are not minorities.

Prior to releasing the Request for Proposal, FEMA conducted market research using a Sources Sought Notice posted to FedBizOps on June 5, 2009. After reviewing the responses to the Sources Sought Notice, the Contracting Officer determined that there were not two or more vendors in any particular socio-economic group who could perform the services at a fair and reasonable market price to the Government or in the quantity desired by the Government.

Only four businesses submitted capability statements: Alternative Contracting Enterprises of Tucson, AZ (a minority-owned, Veteran-Owned, Service Disabled Veteran-Owned business); Franklin Homes of Russellville, AL (a small business); Adrian Homes of Adrian, GA (a small business); and Nelson LC of Sanford, FL (a small business).

FEMA determined that the best course of action was to set aside the acquisition for competition among small businesses only. In August 2009, FEMA posted the solicitation as a small business set-aside and the following breakdown of proposals was received:

With respect to the Park Model (2 Bedroom Units), FEMA received proposals as follows:

- Number of proposals from 8(a) firms: 1;
- Number of proposals from HUBZones: NONE;
- Number of proposals from Service Disabled Veteran-Owned: 6;
- Number of proposals from women-owned: 3;
- Number of proposal from minority-owned: 2;
- Small Business: 10.

With respect to the Manufactured Homes (3 Bedroom Units), FEMA received proposals as follows:

- Number of proposals from 8(a) firms: 1;
- Number of proposals from HUBZones: NONE;
- Number of proposals from Service Disabled Veteran-Owned: 5;
- Number of proposals from women-owned: 5;
- Number of proposal from minority-owned: 1;
- Small Business: 10.

After technical evaluations and price analysis was performed on all offers submitted, FEMA made awards to the companies identified above.

Ms. JACKSON LEE. Okay. Give me that answer.

So, let's go to your procurement area.

Can you tell me, line and verse, the numbers of people in your procurement? Because I think FEMA has its own procurement.

Mr. FUGATE. Yes, ma'am.

Ms. JACKSON LEE. I would like to have a breakdown of the ethnic population in that area. Do you have that?

Mr. FUGATE. Not before me. We can provide that.

[The information follows:]

Demographics of the Acquisition Management Division:

- Acquisition staff is composed of both Headquarters and Regional personnel. Some of the Regional personnel support the long-term recovery offices in Mississippi and Louisiana.
- Thirty-six percent of the Headquarters staff is African American. Approximately 3 percent of the staff is Asian and Hispanic.
- At the GS-15 level, 8 employees are African-American and 6 are Caucasian.
- At the GS-14 level, 21 employees are African American and 19 are Caucasian.
- At the GS-13 level, 21 employees are African-American and 24 are Caucasian.
- At the GS-12 level, 9 employees are African-American and 20 are Caucasian.
- Nearly half of the Headquarters Acquisition staff is female.

Ms. JACKSON LEE. Would you be able to provide that?

Do you have any individuals who were Katrina survivors, or Rita survivors, or Hurricane Ike survivors? There was, of course, Hurricane Andrew, but let me focus on—do you have Katrina survivors in that area?

Mr. FUGATE. I would have to—

Ms. JACKSON LEE. Can you provide that for me, as well?

What about Hurricane Rita survivors?

Mr. FUGATE. Again, if they would identify. We would have to ask and provide that, as well.

[The information follows:]

Yes, there are Hurricane Katrina survivors on the procurement staff.

Ms. JACKSON LEE. I am sure they wouldn't mind. Then I would also add Hurricane Ike.

My issue is that, out of diversity in employment comes opportunities in decision-making. I am concerned that a \$3.2 billion contract that is impacting people who were the victims of poor deci-

sions on trailers—preceding your time, preceding this administration—are either not in the procurement area or—I don't know, there may be some Katrina survivors; they were predominately African American coming out of the New Orleans area—that might have organized and have a trailer or a temporary housing company.

My question is, has any of the people in your procurement area reached out to try to get the participants or the consumers to be part of the team to make the ultimate decision when we have to unfortunately face that again? Do you have any idea whether that effort was made?

Mr. FUGATE. I do not. I would have to research and report back, ma'am.

Ms. JACKSON LEE. Would you look at that as a viable approach to having a more diversified procurement sector of FEMA, which is one of the largest purchasers by the Government, particularly in times of disaster?

Mr. FUGATE. I will go back to our management section and ask them to incorporate that.

[The information follows:]

While we strive to have a diverse workforce, we do not consider disaster survivors as one of the diversity categories. That said, we agree that it would be a good idea to have disaster survivors on the procurement teams if they are available. These teams could provide valuable input into developing the requirements. FEMA Acquisition Management Division will study how best to include disaster survivors into the acquisition process.

Ms. JACKSON LEE. I would also like to ask that we are not here putting people out of work. We certainly want to make sure that they are in work.

But I would certainly appreciate you looking at the viability of senior leadership in the procurement, if not the procurement officer for FEMA, being a minority, in particular, African American or Hispanic—not to negate anyone else, but because of the drastic status that these individuals happen to be in in time of a disaster.

If not, the head of the office—which that is not my decision, that is yours—but to make sure that that team is fully diverse as it relates to procurement for FEMA.

Mr. FUGATE. My commitment is a diverse work force where we hire the most qualified applicants into the open positions that we have.

Ms. JACKSON LEE. I agree with you on that. Will you make the extra commitment to outreach, so that you could work on diversifying that office, finding qualified people who may happen to be of diverse background?

Mr. FUGATE. Congresswoman, you hit a couple of points we talked about earlier. Again, I understand. Waiting for people to apply on-line does not give us a good applicant pool to select against.

Ms. JACKSON LEE. Absolutely.

Mr. FUGATE. We have got to go out and recruit people. We have to go out and expand our definition of diversity to include people that come from the areas we serve, particularly those that have local and State experience and those that have been in areas of im-

fact, but also geographically just don't happen to be in the areas where FEMA's headquarters and offices are.

[The information follows:]

FEMA has committed to ensuring a diverse workforce in its Acquisition Management Division, as well as throughout the organization.

Ms. JACKSON LEE. Absolutely.

Just to note for the Chairman, I am speaking of a \$3.2 billion contract that is already let. That is just not jobs, but somebody made a decision about the \$3.2 billion. Even if it is a drawdown, somebody made a decision to let that contract out. It will be a drawdown, but I don't believe that any minority company is in the drawdown at this point.

If—

Chairman THOMPSON. Well, and I heard a little bit about it. I guess the question is, Mr. Fugate, were you aware that such a large procurement was in the works?

Mr. FUGATE. Yes, sir, Mr. Chairman.

Chairman THOMPSON. Did you look at that procurement from a business perspective of including smaller minority business opportunity?

Mr. FUGATE. Mr. Chairman, I would have to go back and ask the Chief Procurement Officer Al Sligh, who is over management, but he is certified by the Department of Homeland Security as our chief procurement officer.

[The information follows:]

Yes, FEMA looked at the procurement from a business perspective of including smaller minority business opportunity. As previously stated, FEMA conducted market research utilizing FedBidOpps.gov and a Sources Sought notice. The purpose of such a notice is to determine the capability of all types of small businesses who can perform in accordance with the terms of the contract and at a fair and reasonable price. Had FEMA received a sufficient number of capability statements from small businesses, it may have set aside the acquisition for competition among 8(a) Small Businesses only.

Ms. JACKSON LEE. What is his name?

Mr. FUGATE. Al Sligh. He is the head of our management, associate director for management, and he oversees the acquisition, and he serves as the key procurement officer. I would ask Al to provide that information, and so we can brief back on that, Mr. Chairman.

Chairman THOMPSON. Thank you. Now, did you tell me he is not a Government employee?

Mr. FUGATE. No, sir. He is a Government employee. He is an associate administrator of FEMA.

Chairman THOMPSON. Okay. That is all right. Something I—well, I will yield to the gentlelady.

Ms. JACKSON LEE. If I could just—Mr. Chairman, I want you to continue your line of questioning, and I don't want to drop that point.

Mr. Sullivan, could you just do a sentence, whether you settled, you have the lawsuit or you don't have the lawsuit, because I will let the Chairman continued his line of questioning, because I am—he is going where I am going. But what is your status? Is there an on-going lawsuit dealing—

Mr. SULLIVAN. Let me—you know, we have a racial discrimination lawsuit that goes back to 1990—

Ms. JACKSON LEE. Correct.

Mr. SULLIVAN [continuing]. Brought forward by eight former and current—

Ms. JACKSON LEE. Is your mic on? I am sorry.

Mr. SULLIVAN. Yes, ma'am.

Ms. JACKSON LEE. Okay.

Mr. SULLIVAN [continuing]. Brought forward—

Ms. JACKSON LEE. 1990s?

Mr. SULLIVAN. It goes back to 1998, I believe—

Ms. JACKSON LEE. Right.

Mr. SULLIVAN [continuing]. Brought forward by eight current and former African-American surveillance agents.

Ms. JACKSON LEE. Right.

Mr. SULLIVAN. Currently right now, it is pending several motions that are in front of the judge, and we are awaiting his decision on those pending motions.

Ms. JACKSON LEE. Well, let me say that the last—the first rule of thumb for counsel—and I am a trained lawyer; I am not practicing law at this point as a Member of Congress; a licensed lawyer—is that we are not attempting to interfere with on-going litigation.

But let me make a policy point that this is 1998. This is now 11 years, and I believe the Federal Government, in its good intentions, should look closely and keenly at how we can move forward on this issue. I frankly believe it is long overdue to be resolved, and I don't know whether we are nickel-and-diming petitioners who have some legitimate issues, because you can kill petitioners by longevity and delay.

That is typically what the defendants will do, and I think this is not an issue that our Government, our new leadership, needs to be engaged in. So this is my opinion on the record, because I have been engaged with this lawsuit since 1998, and to hear that it is still going on is a—this is the very thing that will certainly block anybody from trying to come to any agency, if the Federal Government cannot resolve its own business when employees believe they have been discriminated against.

Mr. Chairman, I just want to conclude and note that I will—Mr. Sullivan has a comment—but that \$3.2 billion I have jumped over, that \$3.2 billion and this issue with the Secret Service I think argue for this hearing that you have had.

We would not tell a procurement officer how to make decisions, but I can assure you if Katrina survivors, credential Katrina survivors and everybody that left Katrina were not all one different category, happen to have been brought into procurement, or Hurricane Ike, or others who have had that experience, somebody from the University of Mississippi or University of Florida, Texas—and I know my good friend, Mr. Fugate, I think, hails from Florida.

But these people who have been impacted, were in that office, a \$3.2 billion contract to possibly get the same kind of housing that poisoned the folk in the last time, maybe they would have been appalled, and somebody might have reconsidered by their own intellect and their ability.

So this diversity question is far-reaching. It is beyond even the idea that I want a job. It permeates the whole way we do business

and how we secure this Nation. As Mr. Dent was talking about terrorism, people who speak Arabic, people who come from different communities that may come from nations that have challenges, all of that makes for a secure America.

I am frustrated by this, and I thank you so very much. I thank the witnesses for their honesty and integrity and the fact that they are going to be visiting with me.

Mr. Chairman, I yield back to you. Thank you very much.

Chairman THOMPSON. Thank you very much.

Mr. Fugate, you are aware we held some hearings on alternatives to the kind of housing that was let under this procurement. One of the real concerns we have is that there are some better—and when I mean better, I am talking about pricewise, healthwise—from an alternative standpoint that I am not certain we have fully explored as an agency.

So when a procurement this size rolls out, it causes real concern on our part, and I say that, and what I ask of you is that if you will review the winners of the procurement to see whether or not some of them have in the past violated some of those concerns that FEMA, CDC and some other people have expressed, and share what your review gives back to, more specifically, whether or not some of them have been disqualified from the manufacturer of those type housing.

I think you know where I am going, but just I am asking you to do it and respond back to the committee.

[The information follows:]

The excluded parties list was reviewed prior to awarding the contract and none of the companies were identified as being barred from doing business with the Government.

Chairman THOMPSON. The other issue is the committee staff, to be quite honest with you, has been concerned, because we have pursued information from your shop relative to workforce, administration contracts, security contract, ground leases contracts, and that information has not been forthcoming.

So if you would have your staff put together why this information can't be forthcoming—and the reason, I tell you, there is a procurement on the street right now for those services, and we can't figure out how much is being paid for those services, because the procurements are bundled so that you can't—a layperson can't access that data.

Our staff has been trying for a week to access the data from FEMA, and we still can't get it. Business people all over the country are calling our office saying is this another one of those Katrina-type contracts being promoted, because the transparency that the President and the Secretary talks about is not there. So if you would help us with that, we would appreciate it.

Ms. JACKSON LEE. Mr. Chairman, would you yield, that I could just add addendum? Could he consider debundling those contracts, which is a decision that is internal? Could he also just add to your request the request that I made about knowing who is into procurement office and how those decisions were made and whether or not the \$3.2 billion has any NWBE to it?

[The information follows:]

There were no bundled contracts. Five separate contracts were awarded under this acquisition. All of the awards were to small businesses.

Chairman THOMPSON. Well, the only issue is—and I think, Mr. Fugate, you perhaps are aware—those contracts are awarded to people thousands of miles away from the site, and there are people who live in the impacted area, who would love to compete. But they can't, because they can't get the accurate bid information.

All we want is for that process to be transparent, and if you will assure us that the process will be transparent. If not, then I would say reconsider that procurement until it is, so that all parties interested will have their opportunity to participate.

Let me thank all the witnesses. There are some questions that we will follow up based on this. Thank you for your truthfulness and direction. We ask that in getting those questions to you, you respond expeditiously and in writing to those questions.

Hearing no further business, the committee stands adjourned.
[Whereupon, at 12:55 p.m., the committee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR JANE HOLL LUTE, DEPUTY SECRETARY, DEPARTMENT OF HOMELAND SECURITY

Question 1. GAO found that in 2007 and 2008, the Department delayed nearly all original target completion dates for planned activities aimed at eliminating barriers to equal opportunity, for anywhere from 12 to 21 months, and the Department had not completed any of these planned activities.

What is the reason for these continued delays?

Answer. Department of Homeland Security (DHS) officials explained to GAO that DHS extended some of its fiscal year 2007 target completion dates as a result of identifying and implementing approximately 154 new and related planned activities in fiscal year 2008. The 154 new and related planned Management Directive 715 (MD-715) activities were geared to a new diversity and inclusion strategy that emphasized a stronger partnership with the Office of the Chief Human Capital Officer, implementation of model Equal Employment Opportunities (EEO) essential elements (in particular, Demonstrated Commitment from Agency Leadership, Integration of EEO into the Agency's Strategic Plan, and Management and Program Accountability), and the targeting of activities to the under-representation of EEO groups. For example, establishing a reconstituted Diversity Sub-Council at DHS was a new activity necessary to embrace best practices in EEO leadership.

DHS staff noted DHS has in fact completed 34 activities originally set forth in its fiscal year 2007 and/or fiscal year 2008 reports. Although three staff members have been selected for the Diversity Management Unit, only one has reported due to security process delays. Additionally, the DMU has requested an additional staff member (Management Analyst) to assist in data collection, program analysis, and reporting.

Question 2a. GAO attributed some of these delays to the Department's failure to establish implementation goals with timelines.

How is the Department addressing these concerns?

Answer. The Office for Civil Rights and Civil Liberties (CRCL) and the Office of the Chief Human Capital Officer (OCHCO) will identify essential activities and establish interim milestones necessary for the completion of all planned activities to address identified barriers to Equal Employment Opportunity (EEO). Also, to the extent possible the Department of Homeland Security (DHS) will incorporate component's action plans to address their specific barriers to EEO. On September 2, 2009, CRCL revised its action plan to include specific steps to accomplish the essential activities, as well as interim milestones. In addition, on or about August 28, 2009, CRCL issued a Call Letter for the fiscal year 2009 MD-715 Report to DHS Components highlighting the importance of implementation goals and interim milestones, and on October 1, 2009, CRCL provided training to the DHS Components on MD-715 requirements and reporting and again reiterated stronger project management principles and implementing planned timelines. Lastly, the DHS fiscal year 2009 MD-715 Report due to EEOC on January 30, 2010 will incorporate Components "updated" action plans to address their specific barriers to EEO.

Question 2b. Who is responsible for addressing this issue?

Answer. The Officer for CRCL sub delegated diversity management authority—delegated by the Secretary of DHS—to the CRCL Deputy Officer for EEO Programs. The Under Secretary for Management (USM) assigned diversity responsibilities, through the Chief Human Capital Officer (OCHCO), to the OCHCO's Executive Director, Diversity, Recruitment, and Veterans Outreach.

Question 2c. How is this person or office empowered to ensure that the Department fully addresses GAO's concerns?

Answer. Through DHS Delegation Number 3095 (Delegation to the Officer for Civil Rights and Civil Liberties for Matters Involving Civil Rights, Civil Liberties, and Equal Employment Opportunity) and Delegation Number 19,000 (Delegation to

The Deputy Officer for Equal Employment Opportunity Programs), the Officer for CRCL—through the Deputy Officer for EEO and Diversity Programs—is responsible for: Processing complaints of discrimination; establishing and maintaining EEO programs; fulfilling reporting requirements as required by law, regulation or Executive Order; and evaluating the effectiveness of EEO programs throughout DHS. At DHS, CRCL has responsibility for preparation and submission of DHS's annual MD-715 report. Pursuant to the U.S. Equal Employment Opportunity Commission's (EEOC's) Equal Employment Opportunity (EEO) Management Directive 715 (MD-715), Federal agencies are required to report on the status of their EEO Programs. The Deputy Officer for EEO and Diversity Programs also directs DHS's diversity initiative.

CRCL has also emphasized the importance of implementation goals in the following documentation: (1) Fiscal Year 2009 MD-715 Training slides with emphasis placed on interim milestones and employee input and (2) Fiscal Year 2009 Diversity Management Unit Strategic Plan with emphasis placed on interim milestones and employee input (still in draft). The Fiscal Year 2009 Diversity Management Unit Strategic Plan will be finalized Jan. 30, 2010.

Question 3a. GAO recommends that DHS develop a strategy to regularly include employee input in identifying potential barriers to equal employment opportunities.

Besides the issuance of a management directive to improve relations with employee associations on issues of equal employment opportunity, what is DHS doing to make the changes GAO recommends?

Answer. The Management Directive sets out the guidelines and conditions for Department of Homeland Security (DHS) support for the establishment of employee associations. The new Office of Diversity, Recruitment, and Veterans Outreach (DRVO) in the Office of the Chief Human Capital Officer (OCHCO) will provide technical assistance to employees interested in creating an employee organization. As employee associations are established, DRVO will coordinate the formation of an Employee Association Diversity Round Table for input on diversity-related issues.

Additionally, the OCHCO plans to obtain input on potential barriers by incorporating related questions into the DHS employee surveys, implement a DHS exit survey and follow up process, and conduct focus group interviews of veterans employed in DHS. DRVO will be responsible for this initiative.

The Office for Civil Rights and Civil Liberties (CRCL) is working on a Department-wide strategy to regularly include employee input from the Federal Human Capital Survey (FHCS) and DHS Employee Satisfaction Survey as part of DHS's regular barrier analyses. CRCL notes, however, DHS component EEO and human capital programs already use employee survey data to develop annual action plans to address identified management issues. DHS's components track and report the results of their action plans on a quarterly basis. CRCL also notes DHS has relied upon, and will continue to examine the DHS Today on-line departmental newsletter, periodicals, and news media as a means to identify potential triggers. Notably, EEO and human capital representatives at the component level have worked with OCHCO staff to address component-specific EEO and Diversity challenges during the past 4 years, and successfully achieved improvements as reflected in DHS's fiscal year 2008 FHCS scores.

CRCL has also strengthened its fiscal year 2009 MD-715 reporting requirements (via a recent call letter) through the following action: Requiring the examination of other information sources for possible triggers, such as employee input from advocacy groups, exit interviews, and employee surveys (both Government-wide employee surveys and internal employee surveys) and reports from outside agencies or complaints that show specific patterns or trends.

Question 3b. Will DHS establish a mechanism for obtaining and using exit interviews agency-wide to identify potential barriers to equal employment opportunity?

Answer. Yes, the OCHCO's Office of Policy and Programs has identified this as a fiscal year 2010 action. Their efforts will be coordinated with the new Office of Diversity, Recruitment, and Veterans Outreach (DRVO).

Question 3c. Who will be responsible for making sure DHS collects and reviews employee input as part of its barrier analysis?

Answer. The Officer for CRCL through the Deputy Officer for EEO and Diversity Programs will be responsible in coordination with the Executive Director of DRVO.

Question 3d. What authority does this person or office have to make sure that the Department fully addresses GAO's concerns?

Answer. The Deputy Officer for EEO and Diversity Programs directs the preparation and submission of DHS's annual MD-715 report and also directs DHS's diversity initiative. Also, the Executive Director of DRVO and the CRCL Deputy Officer for EEO and Diversity Programs both serve as members of the new Diversity Execu-

tive Steering Committee, chaired by the Deputy Secretary. These offices will receive direction from the DESC, and will ensure that GAO's concerns are addressed.

Question 4. Does DHS headquarters have a role in developing component agency diversity plans, and if so, what role does it play in this process?

Answer. The new Diversity Executive Steering Committee, chaired by the Deputy Secretary, will exercise this role by providing direction and requirements for component agency plans based upon the corporate plan.

Question 5a. The Department stated that the Chief Human Capital Officer would set up the e-recruitment system by the end of this year.

What is the status of this effort?

Answer. TALENTLink is the Department's enterprise automated recruiting, hiring, and on-boarding solution. Users of the TALENTLink system conform to the new expectations for hiring process mapping, streamlined job announcements, applicant notification, and data collection. Currently, DHS Headquarters, the Federal Emergency Management Agency (FEMA), and the Office of the Inspector General (OIG) are deployed and utilizing TALENTLink.

The Federal Law Enforcement Training Center (FLETC), U.S. Immigration and Customs Enforcement (ICE), National Protection and Programs Directorate (NPPD), and U.S. Coast Guard (USCG) are scheduled for deployment in fiscal year 2010.

Question 5b. How will DHS make sure that this deadline is not delayed any further?

Answer. The Office of the Chief Human Capital Officer (OCHCO) will work collaboratively with the remaining components to ensure timelines are honored and assist with addressing any systemic barriers i.e., incompatible systems, etc. OCHCO anticipates establishing a full deployment schedule by mid-fiscal year 2010.

Question 6a. The Department stated that it planned to collaborate with the Chief Human Capital Officer on developing guidelines to address the lack of diversity on interview panels by the end of this year.

What is the status of these efforts?

Answer. Secretary Napolitano has stressed her position regarding the importance of recruiting and retaining a diverse workforce at the Department of Homeland Security (DHS), including among the Executive ranks. The Office for Civil Rights and Civil Liberties (CRCL) and the Office of the Chief Human Capital Officer's (OCHCO) new Office of Diversity, Recruitment, and Veterans Outreach (DRVO) will collaborate on proposed guidelines for the conduct and composition of interview panels in coordination with OCHCO's Office of Policy and Programs. We expect to have a draft by the end of 2009.

Question 6b. How will DHS make sure that this deadline is not delayed any further?

Answer. These draft guidelines will be one of the first items presented to the newly forming Diversity Executive Steering Committee, chaired by the Deputy Secretary for approval and implementation.

Question 7a. How will DHS use the Race and National Origin data collected through the e-recruitment system to address identified barriers to equal employment opportunity in its workforce?

Answer. As TALENTLink is deployed, the information will be used to address workforce participation rates for all groups by grade, occupations, and locations. This information is also critical in the analysis to determine if policies and procedures are adversely impacting any group more than others.

Question 7b. Will DHS use this tool to assess the success of specific recruitment or outreach efforts?

Answer. Yes, the system will be used as one tool of a larger effort to assess the return on investment of recruitment and outreach efforts.

Question 7c. For example, if DHS goes to a job fair to recruit minority applicants, will DHS then be able to use e-recruitment to track whether candidates from that job fair later applied for positions or got hired at DHS? If not, what is DHS doing to track this data?

Answer. Yes, the system can be programmed to inquire about specific job fairs and recruitment activities. The system will be modified as necessary to respond to the changing trends in recruitment. It is our goal to utilize the system to track and monitor applicant flow.

Question 8a. What security and access restrictions has the Department established to prevent the misuse of Race and National Origin data obtained through e-recruitment?

Answer. Access to the system is limited to those with a business necessity only. Prior to assignment of role and system access, personnel assigned as system administrator, hiring manager, and staffing specialist are adjudicated for a position of public trust and are fully trained on DHS security and privacy policies for protecting

personally identifiable information (PII) and sensitive PII. In addition, personnel assigned these roles are also required to review and sign rules of behavior concerning acceptable use of the TALENTLink system prior to being granted system access.

Question 8b. How will the Department monitor these restrictions to ensure that the Race and National Origin data is not mishandled?

Answer. A system administrator can view the Ethnic and Race Indicator (ERI) data only for the purpose of troubleshooting system problems. The hiring manager and staffing specialist are restricted from viewing ERI information during the hiring or staffing process to preclude the potential for discriminatory hiring practices.

Additionally, when creating summary analysis data of applicant populations to determine trends, ERI data will be summarized instead of being reported at the individual candidate level.

Question 9a. Your Human Strategic Capital Plan for years 2009–2013 lists the governing bodies of human capital oversight, but the Diversity Council is not mentioned.

What authorities do governing bodies of human capital oversight have that the Diversity Council does not have?

Answer. The Department recognizes that the Diversity Council must function at a higher level and, thus, disbanded the Diversity Council and replaced it with Diversity Executive Steering Committee (DESC), which is led by the DHS Deputy Secretary. The DESC will determine the direction, priority, and resourcing of the Department's diversity efforts. The DESC will be able to direct and mandate specific actions and requirements. Therefore, governing bodies such as the Human Capital Leadership Council (HCLC) will be positioned to issue/modify/rescind human capital policies, programs, and requirements; particularly those identified as barriers to diversity.

Question 9b. Without this governing role, what authority does the Council have in the context of human capital oversight?

If the Diversity Council is not fully integrated into the human capital oversight governance structure, how does the Department prioritize diversity in the context of human capital oversight?

Answer. The DESC will be positioned at a higher organizational level than the former Diversity Council and chaired by the Deputy Secretary.

Question 10a. In your testimony, you mention that DHS invited over 50 organizations to participate in a DHS Diversity Forum last month. You also provided the committee with a list of groups who attended the event.

What did you do to include DHS employee groups or to consider employee input as part of the Diversity Forum?

Answer. The Forum was designed to solicit input from external diversity-based organizations to share issues and solutions from outside DHS and outside Government. However, component representatives were in attendance. In addition, in the future, under the newly issued Management Directive for Employee Associations, the Department of Homeland Security (DHS) will have the ability to solicit employee associations, as they are established.

Question 10b. How will DHS ensure that employee input is considered on the same scale and to the same degree as outside groups' input on diversity matters in the future?

Answer. Both DHS headquarters and its components will meet with groups, participate in their annual training conferences, and establish regular lines of communication.

Question 11. Along with the DHS Diversity Forum, DHS opened a public docket to "receive public comments regarding DHS workplace diversity and ways to enhance diversity in DHS senior leadership positions."

In light of GAO's findings and the Department's obligation to seek employee input, how will DHS seek input from employees on ways to enhance workplace diversity and diversity at senior levels?

Answer. We will seek input through the aforementioned employee association roundtable as well as annual employee surveys, exit surveys, and Department-wide suggestion program—Idea Factory. We are also exploring the feasibility and potential benefit of conducting an organizational cultural audit.

Question 12. Has DHS made any significant changes to its approach to diversity since our last hearing in May 2008?

Answer. Yes, we have established a new Office of Diversity, Recruitment, and Veterans Outreach in the Office of the Chief Human Capital Officer (OCHCO) headed by an executive reporting to the CHCO. We are also replacing the Diversity Council role by creating a new Diversity Executive Steering Committee (DESC), chaired by the Deputy Secretary, and composed of each component head, deputy, or high-ranking official approved by the Deputy Secretary. This DESC will provide Department-

wide direction, priority, and resourcing to diversity efforts and outcomes. The Office for Civil Right and Civil Liberties (CRCL) also established a new Diversity Management Unit (DMU) within the EEO & Diversity Programs. The DMU when fully staffed will have seven Full-Time Equivalents, including five Senior EEO Manager who are regarded as Subject Matter Experts.

QUESTIONS FROM RANKING MEMBER PETER T. KING OF NEW YORK FOR JANE HOLL LUTE, DEPUTY SECRETARY, DEPARTMENT OF HOMELAND SECURITY

Question 1a. Deputy Secretary Lute, at our last hearing on the subject of diversity, some of the Members were surprised to learn that the primary employment channel the Department uses to identify candidates is the USAJOBS website. The Department's witness also testified that it was "expanding networks with local associations and universities to inform them of DHS employment opportunities beyond the USAJOBS website."

Has the Department's engagement of local associations and universities been successful in attracting a more diverse workforce to DHS?

Answer. The newly created Office of Diversity, Recruitment, and Veterans Outreach (DRVO) will be engaging with more local associations and universities to establish long-term working relationships in an effort to create partnerships that can be relied upon for years to come. We have attracted a more diverse applicant pool through our long-standing partnership with the Urban Leagues' Black Executive Exchange Program (BEEP), outreach to minority-serving institutions for our Acquisition Intern program, and our partnership with the Hispanic Scholarship Institute. In addition, DHS components have developed relationships with Historical Black colleges and universities, Tribal colleges, and several professional associations to promote opportunities with the Department of Homeland Security.

DHS also has a Minority Serving Institution (MSI) Outreach Planning [MOP] Taskforce. The MOP Taskforce is a collaboration of Science and Technology Directorate's University Programs, CRCL/EEO, and the DHS Corporate Recruiting Council's local or regional representatives to help accomplish Department-wide objectives related to diversity outreach and recruitment.

Question 1b. Do you believe that initiatives such as this will enable the Department to sufficiently fill its workforce with a strong cadre of diverse employees? What other audiences is DHS targeting?

Answer. These initiatives are part of broader recruitment strategy. Our definition of diversity extends beyond race and gender and we are implementing targeted strategies for persons with disabilities, veterans, disabled veterans, experienced hired, specialized skills, spouses of military veterans, and entry level workers.

Question 2a. Deputy Secretary Lute, Under Secretary for Management Elaine Duke testified before this committee that DHS will implement a strategy which will include "initiatives to identify, train, and promote high performing employees and is coupled with external efforts to attract, recruit, and hire diverse applicants and potential leaders."

Has this strategy been implemented? If so, when?

Answer. The recently established Office of Diversity, Recruitment, and Veterans Outreach will integrate all human capital programs and initiatives, including training, into the Department of Homeland Security's (DHS) human resources policy making and program development, from training to recruitment to performance management to retention.

Question 2b. Could you please elaborate on this strategy and describe some of the successes that the Department has had since its adoption?

Answer. Currently, the Office of the Chief Human Capital Officer's (OCHCO) Employee Performance Management Council is re-validating the Leadership competency contained in manager and supervisory work plans through managerial workshops to amplify the diversity advocacy aspects contained in the competency's performance standards. These workshops are scheduled for December, with components providing managers and supervisors in representative occupations for participation, based upon an Office of Personnel Management (OPM) approved methodology. Further, the Department of Homeland Security's executive performance plans have included a "diversity" element for three rating cycles. While these are some of the things the Department is working on, we have also implemented a conversion program for Transportation Security Officers (TSO's) at the Transportation Security Administration (TSA). This program provides career-ladder opportunities to TSO's for positions beyond TSA within DHS.

Question 2c. What challenges does the Department face in its efforts to recruit a diverse cadre of employees to the Senior Executive Service level workforce, and what is the Department doing to overcome these challenges?

Answer. The newly established Office of Diversity, Recruitment, and Veterans Outreach will be responsible for identifying such barriers and will work with the policy functions within the Office of the Chief Human Capital Officer to remove barriers identified. We have shared our Senior Executive Service (SES) vacancy announcements with groups such as the African American Executive Association, National Association of Hispanic Federal Executives, and the Asian American Government Executives Network. We have recently expanded this practice to those organizations which participated in our Diversity Forum last September. We have also established a specific incoming e-mail box for SES applications coming from these sources. While we have yet to realize a more diverse workforce, we believe we are beginning to experience a more diverse recruitment pool.

The Deputy Officer for EEO & Diversity Programs, CRCL, has also been asked to participate in the DHS Employee Resources Committee (ERC), responsible for reviewing and approving all DHS SES selections, and the Employee Resources Council (ERC), responsible for reviewing and approving all DHS SES appraisals and awards.

Question 3. Deputy Secretary Lute, in your testimony you make note of the Department's effort to reach out to veterans. Back in July, the Department hosted its first Veterans Job Fair in Washington, DC, which you attended, and you mentioned that more than 745 veterans attended this event.

Since this July event, what steps has the Department taken to follow up with those veterans who expressed interest at developing a role within DHS? What additional steps is DHS taking to reach out to veterans?

Answer. The Department has created a Veterans Outreach and Awareness Cadre, composed of approximately 180 veterans employed by the Department of Homeland Security (DHS). These DHS veterans will provide mentoring-like services to potential veteran applicants to include; advice on the application process, information on veterans' preference, assistance in identifying positions that best match the veterans' skill set, and any other inquiries a potential veteran may have with respect to employment with DHS. We have increased our staff resources dedicated to veterans outreach at the Department level and will soon do so within our components. Office of the Chief Human Capital Officer (OCHCO) is also creating a veteran applicant file for referrals to components.

Question 4. The postponement of this hearing from its original date back in September has provided us the opportunity to ask questions on the first-ever DHS Diversity Forum. The Diversity Forum was an open discussion about how to enhance diversity among the Department's SES and senior leadership ranks.

Deputy Secretary Lute, could you please tell us about the DHS Diversity Forum? In particular I would like to know what issues were raised, what shortcomings were identified, and what solutions were recommended by the 50 or so diversity-serving organizations who participated in the Forum.

Answer. Twelve organizations actively participated in the Forum. Their recommendations included:

- a diversity outreach communications plan,
- new Senior Executive Service (SES) selection procedures, including the elimination of managerial endorsement to pursue the Candidate Development Program (CDP), conduct SES preparation workshops, and use of more advertising,
- develop/modify human resource (HR) policies and programs which may be barriers; e.g. impact of law enforcement job requirements on women with family obligations,
- continue to develop "diversity" as an element in managers/supervisors performance plans,
- deploy formal structured mentoring programs,
- establish more partnerships with organizations such as theirs,
- begin more aggressive recruitment at minority serving institutions, and
- continue diversity forums on a regular basis. (All participants applauded the Department for holding this first Forum)

We plan to hold forums in the future.

Question 5a. Pandemic influenza is both a health and homeland security issue, and one on which your agency is expending a substantial amount of resources.

What challenges have you faced with the vaccination campaign, and how is HHS working to mitigate those challenges?

From what angles beyond vaccination are you working to approach the yearly flu problem, for example, through exercises, community preparedness, or development of rapid diagnostic tools?

Answer. The Department of Homeland Security (DHS) has been actively engaged with its Federal, State, local, territorial, Tribal, and private sector partners to prepare our Nation and the international community for an influenza pandemic. As di-

rected in the 2006 National Implementation Plan for Pandemic Influenza, and as authorized in HSPD-5, DHS is responsible for the coordination of the overall Federal response during an influenza pandemic, including implementation of policies that facilitate compliance with recommended social distancing measures, development of a common operating picture for all Federal departments and agencies, and ensuring the integrity of the Nation's infrastructure, domestic security, and entry and exit screening for influenza at the borders.

Following the outbreak of 2009 H1N1 influenza pandemic, DHS has worked with a number of partners to coordinate and support guidance for the business community, continuity of Government planning and exercising, in case the virus changes in such a way as to affect continuity of government operations.

Beyond vaccination, DHS has also been working with other Federal departments and agencies; State, local, Tribal and private sector partners; and the White House National Security Staff (NSS) to meet the preparedness and response challenges that the 2009 H1N1 virus presents to the Nation.

Due to the support of Congress in 2006, DHS received funding that enabled the Department to build a foundation for pandemic preparedness, which includes stockpiles of personal protective equipment and anti-viral drugs for DHS employees.

DHS has conducted and participated in more than a dozen pandemic influenza related exercises since 2007 with HHS and other Federal departments along with State, local, Tribal, and private sector stakeholders. The key objectives of the exercises included defining and understanding Federal leadership roles and responsibilities and public communication strategies necessary during a pandemic.

Over the last 2 years, the Federal Emergency Management Agency (FEMA) has also conducted a series of continuity of Government exercises during a pandemic event across the Nation. Titled "Determined Accord" these full-day sessions are targeted to Federal, State, and local government continuity and planning personnel to highlight specific elements of pandemic planning that should be considered in the development and refinement of all levels of Government pandemic continuity plans for severe influenza pandemics.

Since the *National Framework for 2009-H1N1 Influenza Preparedness and Response* was issued by the NSS this past summer, DHS has followed its guidance. This framework provides specified tasks and suspense dates assigned to Departments for action. The Framework also categorizes the tasks into four pillars, surveillance, mitigation measures, vaccine, and communication/education. DHS utilized the *Framework's* pillars and leveraged previous pandemic influenza planning products to develop the DHS 2009-H1N1 Implementation Plan. The *DHS 2009-H1N1 Influenza Implementation Plan* identifies specific component roles and responsibilities, and it also directs all DHS components to develop plans that address key preparation and response actions, performance of mission essential functions, workforce protection, continuity of operations, and communications with key stakeholders during the 2009 H1N1 influenza pandemic.

Through guidance and communication, DHS is continuously working internally to protect its workforce and externally to support the Federal Government issuing of 2009 H1N1-related preparedness and response guidance to schools, critical infrastructure and key resources, and the private sector.

Furthermore, the following excerpt from a memorandum dated November 9, 2009 from Alexander Garza, MD, MPH, Assistant Secretary and Chief Medical Officer, to Deputy Secretary Jane Holl Lute provides more detail on how DHS is addressing DHS preparedness regarding the 2009 H1N1 pandemic:

"On September 10, 2009, more than 70 senior leaders representing every DHS Component and office participated in an Assistant Secretary-level exercise that allowed a candid, solution-focused discussion about DHS preparedness, response and continuity policies for a potentially escalating H1N1 pandemic. The final After Action Report for the September exercise is now available on the Lesson Learned Information Sharing (LLIS) website. This exercise was the third in a series of pandemic influenza/H1N1 exercises coordinated by the Office of Health Affairs (OHA). OHA coordinated a DHS Intradepartmental Pandemic Influenza Tabletop Exercise in September 2008, and a DHS Workforce Protection for Pandemic Influenza Workshop in April 2009. The After Action Report was finalized in late October with the assistance of our multi-Component planning team members and OHA."

For even more information concerning H1N1-related preparedness, please see the accompanying attachment to a QFR addressed to DHS Deputy Secretary Jane Holl Lute at a House Homeland Security Committee Hearing held on July 29, 2009.

In September 2009, DHS, HHS's Centers for Disease Control and Prevention, and the Small Business Administration developed a preparedness guide for small businesses entitled "Planning for 2009 H1N1 Influenza: A Preparedness Guide for Small

Business". This booklet is designed to help small businesses understand what impact a new influenza virus, like 2009 H1N1 flu, could have on their operations, and how important it is to have a written plan for guiding their businesses through a possible pandemic. The guide is intended to help small businesses plan and help spread the message of preparedness. Also, the guide encourages employers to educate their employees on how to prepare their families, such as having a plan to care for sick family members and storing a 2-week supply of food and medical supplies.

DHS and the other agencies worked collaboratively to create the Critical Infrastructure Influenza Pandemic Preparedness, Response, and Recovery Guide. This guide is available to the general public at www.flu.gov and www.ready.gov.

The Healthcare and Public Health Sector has utilized the HSIN website to post the latest guidance from the CDC, Alerts, and Advisories. Information is also posted from ASTHO (Association of State and Territorial Health Officials, as well as State departments of health and the private sector. Mapping information is also posted that tracks H1N1.

In coordination with interagency partners and the individual Government Coordinating Councils (GCC) and Sector Coordinating Councils (SCC), DHS has conducted a series of webinars with 18 of the Critical Infrastructure and Key Resource (CI/KR) sectors to highlight overall pandemic preparedness issues. The largest number of participants to register for the webinars was the Emergency Services Sector where over 800 people registered.

DHS will continue to work with all Federal partners as well as State, local, Tribal, and the private sector to evaluate and refine pandemic planning and preparedness efforts as the 2009 H1N1 flu events unfold and the science of and impact of the current pandemic evolves.

Question 5b. What exercises have been conducted by DHS regarding pandemic influenza (including intradepartmental pandemic influenza tabletops and workshops)? Please provide specific dates, information regarding attendees, scenarios upon which these exercises were based, how/whether the Homeland Security Exercise and Evaluation Program (HSEEP) was used, how the National Exercise Program provided support, after-action reports, and how information from these exercises (including after-action reports) were put into LLIS.

Answer.

DHS PI Exercises	Type	Dates	Attendees	Scenario	HSEFP Compliance	NEP Support?	LLIS Reporting?
Intra-DHS	Table Top (TTX).	Oct 28, 2008	DHS Component representatives.	Overseas outbreak spreads to U.S. Focus on DHS incident management.	Yes; standard planning conferences and documentation.	NEP staff/liaison provided for technical contributions to exercise development.	Used as central information repository during planning and hosts the after-action report.
Intra-DHS	TTX	Apr 3, 2009	DHS Component representatives.	Overseas outbreak spreads to United States; Workforce protection focused.	Yes; standard planning conferences and documentation.	NEP staff/liaison provided for technical contributions to exercise development.	Used as central information repository during planning and hosts the after-action report.
Intra-DHS	TTX	Sept 10, 2009 ..	DHS Assistant Secretaries/Component leadership.	Real-world H1N1 threat; Focus is Continuity of operations and Workforce protection.	Yes; standard planning conferences and documentation.	NEP staff/liaison provided for technical contributions to exercise development.	Used as central information repository during planning and hosts the after-action report.
Principal Level Exercise 1-08.	TTX	Feb 2008	Interagency Deputy Secretaries.	International outbreak.	Yes; standard planning conferences and documentation.	NEP sponsored.	No; the White House maintains control of the Summary of Conclusions.

DHS PI Exercises	Type	Dates	Attendees	Scenario	HSEFP Compliance	NEP Support?	LLIS Reporting?
Through the Regional Exercise Support Program, DHS/FEMA has sponsored exercises across the United States at various levels of government.	Workshops, Seminars, TTX's Functional, Full scale.	All levels/jurisdictions; including senior officials.	Various	Yes; especially those utilizing DHS funding.	Sponsor of exercise support primarily through the Regional Exercise Support Program.	Various means of information management

Question 6. As stated in the President's Executive Order closing Guantanamo, the Secretary of Homeland Security is a member of the President's Detention Task Force and a key player in reviewing the case files of Guantanamo detainees.

In the event that a detainee is transferred to the United States, what type of immigration status will the detainee be given?

Does the Department have contingency plans in place for the transfer of any detainee to the United States? If so, what DHS components will take the lead on such actions?

Answer. While no decision has been made, it is anticipated that any detainees brought to the United States would be paroled into the country. Under the Department of Homeland Security Appropriations Act, 2010, Public Law No. 111-83, Department of Homeland Security (DHS) is prohibited from using any funds to provide any immigration benefit to individuals who were detained as of June 24, 2009, at the Naval Station at Guantanamo Bay, Cuba, except for parole into the United States for purposes of prosecution or related detention. Therefore the only immigration status DHS may legally grant is parole.

While, as you noted, the Secretary of Homeland Security is a member of the task force reviewing the Guantanamo cases, the Department of Justice is the lead agency. Any detainees brought into the United States would not be detained by DHS, and DHS is actively working with other Governmental agencies to ensure any detainee brought into the United States would not be a danger to this country.

Question 7. Many in Congress believe that there should not be an expanded guest worker program until our borders are secure.

What benchmarks or metrics does the Department have in place, especially within ICE and CBP, in terms of securing the border and implementing a robust interior enforcement program?

If you were to grade the current status of these efforts compared to where they need to be, what grade would you give?

What is the status of the administration's work in crafting a comprehensive immigration reform proposal?

Answer. The Department's Annual Performance Report for fiscal year 2008-2010 outlines several measures used to gauge effectiveness in achieving results in border control and interior enforcement. The report outlines the many Department of Homeland Security (DHS) programs and their associated Government Performance and Results Act (GPRA) measures supporting border control and interior enforcement. The tables display prior year performance results and targets for the future. U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) specific performance measures for border control and interior enforcement are indexed below:

INDEX TO CBP AND ICE SPECIFIC PERFORMANCE MEASURES IN THE
FISCAL YEAR 2008-10 DHS ANNUAL PERFORMANCE REPORT

Goal	Component	Objective	Page(s)
1: Protect our Nation from Dangerous People	CBP	1.1: Achieve Effective Control of Our Borders.	23-25
	ICE	1.2: Protect Our Interior and Enforce Immigration Laws.	26-28
	CBP	1.3: Strengthening Screening of Travelers and Workers.	35-37
2: Protect our Nation from Dangerous Goods	CBP	2.1: Prevent and Detect Radio- logical/Nuclear Attacks.	44-45
	CBP	2.4 Prevent the Introduction of Illicit Contraband while Fa- cilitating Trade.	55-57

A grade percentage of performance targets achieved is provided for the performance of each program and its associated measures as they relate to achieving DHS strategic objectives.

Summaries of CBP and ICE program performance ratings related to border control and interior enforcement performance are displayed on pages 19, 26, 29, 42, and 53. In addition, trend performance for each measure, both targets and actual results, is displayed to evaluate current and historical performance.

Please note that the results for fiscal year 2009 will be available in the Annual Performance Report for Fiscal Year 2009–2011 that is published the first week in February and available on our public website (http://www.dhs.gov/xabout/budget/gc_1214235565991.shtm). The main report is attached.* Appendix A of the report is also attached* providing more detailed information on the performance measure description, data collection, and validation/verification procedures.

While performance measurement results have been provided annually in the Department's Annual Performance Report and in other documents, we recognize that these measures can be improved as DHS continues to mature. DHS has for the past 2 years worked collaboratively with the Government Accountability Office in reviewing our entire Government Performance Results Act (GPRA) measure set, and continue to strive to incorporate improvement ideas in future efforts. Another factor impacting performance measurement will be the strategic foundation being formulated by the Quadrennial Homeland Security Review (QHSR) and follow-on activities. The QHSR will establish the strategic foundation for homeland security activities over the next 4 years and will drive the next DHS Strategic Plan and associated performance measures published in our annual performance plan submitted with our annual budget.

With regard to immigration reform, the President recognizes that the current system is broken and that comprehensive immigration reform is essential to fix it. The President hosted a bipartisan group of Members of Congress at the White House on June 25, 2009, to highlight the administration's full commitment to this effort. At the meeting, the President named Secretary Napolitano to take the lead in working with Congress to work through the issues involved in comprehensive immigration reform legislation—including the guest worker program. Interior Secretary Salazar and Labor Secretary Solis have also been actively engaged with the Secretary on behalf of the administration.

The Secretary has been meeting regularly with Members of Congress as well as holding listening sessions with a variety of stakeholder groups across the country to obtain a wide range of views and build broad-based support for comprehensive immigration reform.

The President has maintained that only a “complete solution” can fix the United States immigration system and such a comprehensive reform depends on securing our borders, enforcing our laws, and reaffirming our heritage as a Nation of immigrants.

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR CHRISTINE GRIFFIN, VICE-CHAIR, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Question 1a. GAO found that DHS is not currently using employee input to identify barriers to equal employment.

When did EEOC first publish instructions for Federal agencies on how to identify barriers to equal employment in compliance with Management Directive 715?

Answer. Response was not received at the time of publication.

Question 1b. What did these instructions say about use of employee input in addition to workforce data to identify barriers?

Answer. Response was not received at the time of publication.

Question 1c. What employee input must agencies use to identify barriers?

Answer. Response was not received at the time of publication.

Question 1d. In your perspective, should DHS be using exit interviews to help to identify barriers to equal employment?

Answer. Response was not received at the time of publication.

Question 2a. At DHS, the Acting Officer for Civil Rights and Civil Liberties is also the Deputy Officer for Equal Employment Opportunity Programs.

What are the challenges with an agency having the same person act as the head of both offices?

Answer. Response was not received at the time of publication.

Question 2b. When you have an agency facing low morale, several identified barriers to equal opportunity, and deficiencies in the agency's efforts to identify and address barriers, how urgent is it that the agency establishes political leadership in the Office of Civil Rights and Civil Liberties?

Answer. Response was not received at the time of publication.

*Documents have been retained in committee files.

Question 3. What are the areas of opportunity for increasing diversity within the DHS workforce?

Answer. Response was not received at the time of publication.

Question 4. In GAO's report on equal employment opportunities at DHS, GAO provides examples of DHS initiatives on outreach and recruitment.

In your expert opinion, what more could DHS do to promote equal employment opportunity?

Answer. Response was not received at the time of publication.

Question 5. What are the best practices that EEOC has identified for promoting diversity and equal employment opportunities within an organization?

Answer. Response was not received at the time of publication.

Question 6. In your testimony, you recommend that Federal agencies use equal employment opportunity complaint trend information, internal and external audits, and studies to identify barriers to equal employment.

How will this information assist the Department in identifying and analyzing barriers to equal opportunity?

Answer. Response was not received at the time of publication.

Question 7. In your testimony, you mention that the Department could improve its analysis to uncover, examine, and remove barriers to equal opportunity.

Please explain how the Department can improve its analysis of these barriers.

Answer. Response was not received at the time of publication.

Question 8. In your testimony, you state that to successfully eliminate barriers to equal employment, it is not enough to just hire more diverse employees. You explain that in order to eliminate these barriers, agencies must examine why these employees have been historically excluded from certain opportunities.

Answer. Response was not received at the time of publication.

Question 9. In your opinion, has the Department made a substantial effort to examine why groups may have been historically excluded from certain opportunities?

Answer. Response was not received at the time of publication.

Question 10a. During the hearing, you offered to work through OPM to help make DHS a model for diversity. Please to expand on the following:

How can DHS become a model for diversity?

Answer. Response was not received at the time of publication.

Question 10b. What tools are available to help DHS achieve this goal?

Answer. Response was not received at the time of publication.

Question 10c. What would DHS need to do to start the process?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE MIKE ROGERS OF ALABAMA FOR CHRISTINE GRIFFIN,
VICE-CHAIR, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Question 1a. Ms. Griffin, could you please give a brief description of the Equal Employment Opportunity Commission's Management Directive 715 and its requirements?

Could you also please discuss how this directive works in practice?

Answer. Response was not received at the time of publication.

Question 1b. What is the compliance rate of DHS compared with other Federal agencies?

Answer. Response was not received at the time of publication.

Question 2. Ms. Griffin, the EEOC suggests that in addition to workforce data, agencies should regularly consult a variety of sources, such as employee exit interviews, employee groups, and employee surveys to identify "triggers" which indicate potential barriers to equal employment opportunities. The EEOC also believes that involving employees helps to incorporate insights about operations from a frontline perspective in determining where potential barriers exist.

What steps can the Department of Homeland Security take to ensure that they do not simply rely on workforce data to identify such "triggers"?

Answer. Response was not received at the time of publication.

Question 3. Ms. Griffin, could you please go into some detail concerning what the Department should do once a trigger has been revealed. What steps should be taken to address the lack of equal employment opportunities that the trigger has identified?

Answer. Response was not received at the time of publication.

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR YVONNE D.
JONES, DIRECTOR, STRATEGIC ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE

Question 1. How can DHS establish a mechanism for effective use of exit interviews to identify equal opportunity barriers?

Answer. As we reported in our recent report, employee input can come from a number of sources including exit interviews.¹ At the time of our report DHS did not have a Department-wide exit survey, but according to a senior official from DHS's Office of the Chief Human Capital Officer (OCHCO), DHS plans to develop a prototype exit survey with the eventual goal of proposing its use throughout DHS.

In order to successfully implement this survey, it will be important for DHS to use the same internal controls we recommended for implementing the planned activities to address identified barriers. For example, DHS should identify the activities necessary for implementing the exit survey and establish interim milestones to guide their completion.

Question 2a. At DHS, the Acting Officer for Civil Rights and Civil Liberties is also the Deputy Officer for Equal Employment Opportunity Programs.

What are the challenges with an agency having the same person act as the head of both offices?

Answer. We have not assessed the current organizational structure of DHS's Office for Civil Rights and Civil Liberties (CRCL).

Question 2b. When you have an agency facing low morale, several identified barriers to equal opportunity, and deficiencies in the agency's efforts to identify and address barriers, how urgent is it that the agency establishes political leadership in the Office of Civil Rights and Civil Liberties?

Answer. Filling critical leadership positions is important. We have previously reported that sustained and consistent leadership can help provide the long-term attention required to effectively address significant management challenges and transformational needs at DHS and that top leader must set the direction, pace, and tone for the transformation.² The Equal Employment Opportunity Commission's (EEOC), has also recognized the need for top leadership and under Management Directive (MD)-715, the first element of a model EEO program is demonstrated commitment from agency leadership. MD-715 provides that agency heads and other senior management officials demonstrate a firm commitment to equality of opportunity for all employees and applicants for employment.

Question 3. What are the areas of opportunity for increasing diversity within the DHS workforce?

Answer. It is important for Federal agencies, including DHS, to use available flexibilities to acquire, develop, motivate, and retain talented individuals who reflect all segments of society and our Nation's diversity. According to EEOC, to attract, develop, and retain a top-quality workforce, agencies must ensure that their workforces are free of barriers to EEO. In our recent report on DHS's EEO efforts, we found that DHS was missing opportunities to identify potential barriers to EEO because DHS had generally relied on workforce data and had not regularly included employee input from available sources to identify "triggers," the term EEOC uses for indicators of potential barriers. We also found that although DHS had articulated planned activities to address identified barriers, DHS had modified nearly all of its original target completion dates by a range of 12 to 21 months, and had not completed any planned activities. Using available tools to identify barriers and following through with its plans to address identified barriers could help DHS to attract a diverse workforce.

In addition, according to EEOC's MD-715 instructions, a lack of diversity can be an indicator of a potential barrier to EEO. Our report provided a summary of indicators of potential barriers that DHS reported in its fiscal year 2008 MD-715 report. Among those are areas where representation levels for a particular group are below a designated benchmark. For example, according to DHS's 2008 MD-715 report, participation rates for total females and white females at DHS were lower than participation rates in the civilian labor force.

Question 4a. Your report found DHS delayed nearly all of its target completion dates for activities aimed at eliminating barriers to equal opportunity, for anywhere from 12 to 21 months, and that the Department had not completed any of these planned activities.

What did you find was the cause of this failure to meet deadlines and complete activities?

Answer. In our recent report on DHS EEO efforts, we found that DHS had not established interim milestones for the completion of planned activities to address barriers. According to DHS officials, its MD-715 reports and *Human Capital Strategic Plan* represent the extent of DHS project plans and milestones for completing

¹GAO, *Equal Employment Opportunity: DHS Has Opportunities to Better Identify and Address Barriers to EEO in Its Workforce*, GAO-09-639 (Washington, DC: Aug. 31, 2009).

²GAO, *Department of Homeland Security: A Comprehensive and Sustained Approach Needed to Achieve Management Integration*, GAO-05-139 (Washington, DC: Mar. 16, 2005).

planned activities. However, these documents included only the anticipated outcomes, not the essential activities needed to achieve those outcomes.

Question 4b. How did this impact the Department's equal employment opportunities?

Answer. Although we did not assess the specific effects of delayed or incomplete planned activities on equal employment opportunity at DHS, failure to implement steps to address identified barriers may limit opportunities for some employees or potential employees of DHS. According to EEOC's MD-715, agencies must regularly evaluate their employment practices to identify barriers to equality of opportunity for all individuals. Where such barriers are identified, agencies must take measures to eliminate them. With these steps, according to MD-715, agencies will ensure that all persons are provided opportunities to participate in the full range of employment opportunities and achieve to their fullest potential.

Question 4c. What steps should DHS take to improve this process so they meet these deadlines in the future?

Answer. As we recently reported, in order to help ensure that agency programs are effectively and efficiently implemented, it is important that agencies implement effective internal control activities. These activities help ensure that management directives are carried out. Further, it is essential to establish and track implementation goals and establish a timeline to pinpoint performance shortfalls and gaps and suggest midcourse corrections. Identifying the critical phases of each planned activity necessary to achieve the intended outcome with interim milestones could help DHS ensure that its efforts are moving forward and manage any needed midcourse corrections, while minimizing modifications of target completion dates.

Question 5a. In your testimony, you list the lack of recruitment initiatives directed towards Hispanics as one of the four barriers DHS identified in 2007.

Since 2007, has DHS improved and or developed new recruitment initiatives aimed at Hispanics?

Answer. We did not assess the extent to which DHS has improved and or developed new recruitment initiatives aimed at Hispanics. However, agencies are to annually report their efforts to address identified barriers to EEOC.

Question 5b. If yes, have they had a positive impact and increased the number of Hispanic recruits?

Answer. We did not assess the extent to which any recruitment initiatives had a positive impact or increased the number of Hispanic recruits. However, according to EEOC's MD-715 instructions, agencies are to continuously monitor and adjust their action plans to ensure the effectiveness of the plans themselves, both in goal and execution. This monitoring will serve to determine the effectiveness of the action plan and objectives. Conducting this assessment of its efforts to address identified barriers and determining whether its efforts have addressed those barriers will be an important step for DHS in providing equal employment opportunity.

Question 6a. In your report, you explain that once an agency identifies trigger, such as high minority attrition rates, suggesting a potential barrier to equal opportunity exists, the next step is to investigate to pinpoint the actual barriers and their causes.

In your opinion, has the Department done enough to identify barriers and their causes?

Answer. According to EEOC's MD-715, agencies must conduct a self-assessment on at least an annual basis to monitor progress and identify areas where barriers may operate to exclude certain groups. As we reported, in fiscal year 2007, DHS conducted its first Department-wide barrier analysis. This effort involved further analysis of the triggers initially identified in 2004 to determine if there were actual barriers and their causes. According to its 2007 MD-715 report, DHS limited its barrier analysis to an examination of policies and management practices and procedures that were in place during fiscal year 2004. Therefore, according to the report, policies, procedures, and practices that were established or used after fiscal year 2004 were outside the scope of this initial barrier analysis. DHS officials reported that they have not conducted any other barrier analyses because of resource limitations, such as staffing and limited funding to contract for this activity.

Question 6b. Describe what you consider to be the best practices for pinpointing barriers and their causes, and explain what you believe should be an agency's goals in these efforts.

Answer. In its instructions for MD-715, EEOC has provided agencies with procedures for pinpointing barriers and their causes. According to the instructions, "A thoughtful examination will include, but not be limited to: (1) A thorough examination of relevant policies, procedures, and practices; (2) An evaluation of all related workforce data, statistics, and trends; (3) A review of complaints, survey trends, and other information, such as feedback from exit interviews and focus groups, research

literature, etc.; and (4) An examination of whether the pinpointed barrier is job-related and consistent with business necessity. From this investigation, useful objectives and action items can be developed.”

Question 6c. How would you rate DHS in its investigation of actual barriers to equal employment opportunities?

Answer. According to EEOC’s MD–715, agencies must conduct a self-assessment on at least an annual basis to monitor progress, identify areas where barriers may operate to exclude certain groups, and develop strategic plans to eliminate identified barriers. As noted above, DHS has not conducted a barrier analysis since 2007, which was based on policies and management practices and procedures that were in place during fiscal year 2004. We did not assess DHS’s investigation of actual barriers.

Question 7a. Your report identifies the inclusion of a diversity advocacy competency in SES performance evaluations as a way to address accountability for top-level management.

Do you believe that a diversity competency should also be a part of the performance evaluations of non-SES managers and supervisors?

Answer. In our report on leading diversity management practices,³ we noted that accountability is a key element for organizations to help ensure the success of a diversity management effort. Holding managers accountable provides a means for ensuring that managers at all levels are made responsible for diversity in their organizations and evaluated on their progress toward achieving their diversity objectives and their ability to manage a diverse group of employees.

As we reported, DHS was developing plans to implement a competency for managers and supervisors in 2010 similar to the DHS SES Diversity Advocate competency. At the time of our report, the specific details on implementation of the competency for managers and supervisors were not yet finalized.

Question 7b. What are some incentives that you would recommend DHS tie to high performance in this category?

Answer. In our report on leading diversity management practices, we stated that an organization may make managers’ performance ratings and compensation dependent, in part, on their success in achieving diversity-related goals. Managers can also be held accountable for, as we stated above, their ability to manage a diverse group of employees. In 2002, we reported that Senior Executives can foster fairness and diversity by protecting the rights of all employees, providing a fair dispute resolution system, and working to prevent discrimination through equality of employment and opportunity.⁴

Question 7c. What consequences could DHS employ to address poor performance in the diversity competency area?

Answer. DHS officials should provide feedback when performance is not meeting expectations in any critical SES performance element. As we noted in our report on leading diversity management practices, DHS could also withhold bonuses from the poor performing executives or managers to send a message that such performance has consequences.

Question 8a. In your report, you describe some DHS outreach and recruitment initiatives. Your report highlights some partnerships DHS has with minority groups. In our oversight, we found that DHS has often relied on collecting applications at job fairs organized by college campuses once or twice a year to recruit candidates.

How does this compare to what you believe would be an effective outreach and recruitment strategy?

Answer. In our report on leading diversity management practices,⁵ we found that recruitment is the first step toward establishing a diverse workforce. To ensure that an organization is reaching out to diverse pools of talent, it can widen the selection of schools from which it recruits to include, for example, historically Black colleges and universities, Hispanic-serving institutions, women’s colleges, and schools with international programs. In addition, it is importance for an organization to build formal relationships with such schools to ensure the cultivation of talent for future talent pools. Another outreach strategy is for an organization to consider partnering with multicultural professional organizations and speaking at their conferences to communicate its commitment to diversity to external audiences and strengthen and maintain relationships.

³ GAO, *Diversity Management: Expert-Identified Leading Practices and Agency Examples*, GAO–05–90 (Washington, DC: Jan. 14, 2005).

⁴ GAO, *Results-Oriented Cultures: Using Balanced Expectations to Manage Senior Executive Performance*, GAO–02–966 (Washington, DC: Sept. 27, 2002).

⁵ GAO–05–90.

Question 8b. What efforts should the DHS recruitment and outreach strategy include?

Answer. Please see my response to question 8a.

QUESTIONS FROM HONORABLE MIKE ROGERS OF ALABAMA FOR YVONNE D. JONES,
DIRECTOR, STRATEGIC ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE

Question 1a. Ms. Jones, in the GAO's Equal Employment Opportunity (EEO) report, you stated that the Department has generally relied on workforce data and has not regularly included employee input in identifying potential barriers.

Could you please elaborate on your findings here, specifically why, in your opinion, the Department needs to look beyond workforce data?

Answer. We found that DHS had generally relied on workforce data and had not regularly included employee input from available sources to identify "triggers," the term EEOC uses for indicators of potential barriers. According to EEOC, in addition to workforce data, agencies are to regularly consult a variety of sources, such as exit interviews, employee groups, and employee surveys, to identify triggers. These sources may reveal triggers that may not be present in the workforce data tables. For example, according to EEOC instructions, employee surveys may reveal information on experiences with, perceptions of, or difficulties with a practice or policy within the agency. Involving employees helps to incorporate insights about operations from a frontline perspective in determining where potential barriers exist. At the time of our report, DHS did not consider employee input from such sources as employee groups, exit interviews, or employee surveys in conducting its MD-715 analysis.

Question 1b. What else could the Department be doing to collect information on potential barriers?

Answer. As we reported, employee input can come from a number of sources including employee groups, exit interviews, and employee surveys. DHS officials said that they had not considered input from employee groups in conducting its MD-715 analysis, but the Diversity Council's Diversity Policy and Planning Subcouncil had recently begun to reach out to form partnerships with employee associations such as the National Association of African-Americans in the Department of Homeland Security. In addition, according to DHS's 2008 MD-715 report, DHS did not have a Department-wide exit survey, but according to a senior OCHCO official, OCHCO planned to develop a prototype exit survey with the eventual goal of proposing its use throughout DHS.

Question 2. In your testimony, you state that at DHS, according to the DHS Acting Officer for Civil Rights and Civil Liberties (CRCL) and the Deputy Officer for EEO Programs, component EEO directors do not report directly to CRCL but to their respective component heads.

Do you think that this chain of command should be changed or do you support retaining the status quo? If so, why is that?

Answer. While we did not assess whether the chain of command should be changed, we recently reported that the Deputy Officer for EEO Programs stated that he relies on a collaborative relationship with the EEO directors of the components to carry out his responsibilities; component EEO directors do not report directly to CRCL but to their respective component heads. DHS officials indicated that this organizational structure is similar to other cross-cutting lines of business (LOB); however, other crosscutting LOBs have indirect reporting relationships, established through management directives, between the component LOB head and the DHS LOB chief for both daily work and annual evaluation. A management directive interpreting the scope of authority delegated by the Secretary of Homeland Security to the Officer for CRCL to integrate and manage the DHS EEO program was awaiting approval at the time of our report.

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR W. CRAIG
FUGATE, ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

Question 1. Temporary, or reservist workers, represents about 90% of the FEMA workforce deployed during disasters. Earlier this year, the New Orleans temporary office drew national attention due to dozens of equal employment complaints and serious corruption allegations aimed at the office's Chief of Staff.

How is FEMA making sure that situations like this do not occur in the future at temporary offices?

Answer. Ethics training is essential to FEMA employees' understanding of the Federal ethics rules and what they should do if they should witness corruption. Also, we have attorneys assigned at Temporary Recovery Offices (TROs) who also

assist employees with their ethics questions and advise them if they perceive there is fraud, waste, or abuse of an office or other ethics issues.

We also are working to ensure that all new temporary or reservist workers receive initial ethics training at all Joint Field Offices (JFOs) and TROs and related non-headquarters locations within 90 days of their appointments. The training will soon be available via a web-based application irrespective of whether an employee is currently activated. In addition, we soon will have the agency's annual ethics training loaded on the FEMA intranet site, as well as on the internet site at FEMA.gov.

Further, Disaster Assistance Employee (DAE) field attorneys provide live "new employee" ethics training and advice at all JFOs to which an attorney is assigned. Also, we send out a DVD of this annual training to those JFOs without attorneys. This training can be viewed by all new or current JFO or TRO employees, both individually and in groups.

Importantly, FEMA Administrator W. Craig Fugate has published a short introduction to a video on ethics that advises FEMA staff of his expectations that all FEMA employees will act ethically, that FEMA employees who take action against corruption should be rewarded by their managers, and that FEMA employees should not be retaliated against for raising issues regarding ethical violations, or for raising matters of fraud, waste, and abuse of authority to their supervisors or to the DHS Office of the Inspector General, the U.S. Office of Special Counsel, the FEMA Ethics Office, and Office of Equal Rights, or other relevant entities.

The Louisiana Transitional Recovery Office (LATRO) and the other FEMA Transitional Recovery Offices (TROs) in Mississippi and Florida, as a result of increased concerns about ethics at the LATRO after recent Congressional hearings, is ensuring that all FEMA employees are receiving annual ethics training. This training will emphasize a policy of "no retaliation" against whistleblowers by TRO managers, consistent with the direction of Administrator Fugate, with training to be completed not later than December 31, 2009.

Additionally, the FEMA Security Office, Human Capital Division, and Office of the Chief Counsel have jointly initiated an internal investigations unit to investigate allegations of waste, fraud, and abuse of authority by LATRO and other TRO officials, including whistleblower retaliation and ethics violations. This internal investigations unit, consisting of trained law enforcement officials, will conduct investigations of alleged misconduct and ethics violations, including whistleblower retaliation, and make recommendations concerning whether the agency should take disciplinary action against FEMA managers and employees found to have violated such laws and regulations. If criminal violations are alleged or found, they will be referred to the DHS Office of the Inspector General for further investigation or action.

In response to the work environment issues at the LATRO, FEMA sent a coordinated strike force to address the concerns. As part of a standard protocol for this type of situation, the agency conducted on-site work environment surveys to determine problems, extent of issues impeding equal employment opportunity, and other issues or concerns that impact the work environment. The survey was expanded to include an online aspect for greater inclusion. The immediate survey feedback and analysis determined immediate resonant strategies that responded to the issues and concerns. Part of the resonant strategy was targeted contracted equal employment opportunity (EEO) and work environment training coordinated with the Equal Employment Opportunity Commission (EEOC). Additionally, FEMA subject EEO matter experts, including the Director of FEMA's Office of Equal Rights and the Informal Complaints and EEO Alternative Dispute Resolution Program Manager, were deployed strategically to the TRO to address issues on-site.

Office of Equal Rights

The Office of Equal Rights hires Equal Rights Specialists that are assigned to temporary offices to support the agency's commitment to equal employment opportunity. All complaints of discrimination are considered serious and addressed first informally and, if not resolved, through independent formal investigation by contract equal employment opportunity investigators. Where applicable, alternative dispute resolution (ADR) is utilized. The equal rights specialists receive guidance from headquarters Office of Equal Rights in conducting appropriate discrimination complaint processes and coordination with other FEMA programs to address discrimination issues.

Where indicated, the agency conducts work environment surveys to determine problems, extent of issues impeding equal employment opportunity, and other issues or concerns that impact the work environment. After analysis, strategies are developed to address all issues and concerns.

During disasters, the Office of Equal Rights deploys a cadre of trained equal rights specialists and subject matter experts to support the agency's mission at joint

field offices (JFO) and other disaster work sites. Equal rights training is required for all temporary employees on an annual basis. This training is offered during deployments and conducted by equal rights specialists. On-line training for employees and supervisors is also required.

All equal rights specialists are required to attend annual update training to develop and refine their skills in recognizing and addressing discrimination issues. This training is conducted by the Office of Equal Rights and includes presentations and training in collaboration with other FEMA programs. The skills and core competencies of the equal rights specialists are further developed through credentialing of the equal rights cadre to support consistent and adequate approaches to conduct and resolution of discrimination issues and complaints.

Signs, literature, policies, and posters that provide information on equal employment opportunity, discrimination, and the agency's commitment to equal employment opportunity are prominently displayed in the work area and made available to all employees. A memorandum stating the commitment to equal employment opportunity is issued by the head of the temporary recovery office and joint field office and sent to all hands on the work site. By Equal Employment Opportunity Commission (EEOC) regulation, employees are provided confidential informal EEO counseling where requested.

Question 2a. What are the unique equal employment opportunity challenges facing FEMA's temporary workforce?

How does FEMA track workforce diversity issues among temporary workers?

Question 2b. How is FEMA addressing the equal employment opportunity concerns of its temporary workers?

Answer. An important component of realizing FEMA's mission is providing effective support for the varied demographics of the entire disaster community. While this does not translate directly to matching emergency management demographics, one important factor is having sufficient different perspectives to identify and address all elements of the community.

The challenges that impact recruitment and hiring for temporary positions within FEMA's emergency workforce likewise influence recruitment and hiring a diverse group of workers. The intermittent, part-time nature of the temporary workforce, coupled with lack of benefits, eliminates large numbers of otherwise interested persons. Promoting intermittent employment, with no benefits, in an austere working environment is challenging.

A significant portion of FEMA's temporary workforce consists of public and private sector retirees. These individuals seek part-time intermittent work without regard to benefit as their benefits, in most instances, are part of their retirement package.

The nature of the applicant pool for emergency managers is a challenge to broadening demographics in specialized positions. One very critical element that impacts the available pool of applicants is recruitment. Recruitment must be sufficiently broad-based and inclusive to provide effective promotion and visibility not only within media and markets used by workers generally but within minority communities as well and by minority emergency management workers, specifically.

Most of the data used to track demographics among the temporary workforce comes from voluntary self-identification. This data is believed to be accurate enough to support the Equal Employment Opportunity Commission's (EEOC) required Management Directive (MD) 715 annual report.

The MD-715 report identifies diversity issues through demographics and addresses equal employment opportunity (EEO) barriers demonstrated by the data.

FEMA has a Disaster Reserve Workforce Division (DRWD) that handles general issues among the temporary disaster workforce. Specific equal employment opportunity concerns and issues are handled by FEMA's Office of Equal Rights (OER) through a deployed cadre of trained equal employment opportunity specialists and subject matter experts that support FEMA's mission at joint field offices (JFO) and other locations in the field during declared disasters.

In addition to other metrics and practices, through collaboration and coordination with FEMA program areas, OER uses the MD-715 self-assessment, part H, part I and part J to identify EEO issues, concerns, barriers, problems, and effective practices to support the agency's efforts to develop a model EEO program, part of which includes a vital diversity component.

QUESTIONS FROM HONORABLE MIKE ROGERS OF ALABAMA FOR W. CRAIG FUGATE, ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

Question 1. Administrator Fugate, could you please provide this committee with some examples of how you addressed the issue of diversity during your time in Florida?

I would specifically like to better understand the challenges that you faced with regard to the recruitment of minority employees, and the professional development of your staff. Do you believe some of the programs you used in Florida could be replicated at the Federal level?

Answer. During my tenure at the Florida Division of Emergency Management, some of the activities undertaken to create a diverse workforce included:

- Creation of an Intern Program with Florida Agricultural and Mechanical University (FAMU), a Historically Black College and University;
- Execution of a MOU with the Florida NAACP and adding their State executive team to the State Emergency Response Team;
- Development of a program to create deputies to each of the Bureau Chiefs to increase diversity within the Division Leadership, the first class of Deputy Bureau Chiefs included 5 Deputies, including 4 women and/or minority candidates. Some of the preparedness activities to reach out to a diverse population included:
- Worked with the Department of Elder Affairs to support outreach and preparedness efforts for Florida's seniors;
- Development of emergency public information in English and Spanish. For example: Developing your family's disaster plan—in Spanish <http://www.floridadisaster.org/family/index.cfm?lang=spa>;
- Provided information for Disabled Populations in easy to access formats on the internet <http://www.floridadisaster.org/disability/index.html>;
- Developed video: "Preparedness Messages in American Sign Language" <http://www.floridadisaster.org/disability/Video/index.htm>; and
- Developed preparedness information for children at <http://www.kidsgetaplan.com>.

FEMA is looking at ways to implement some of these programs, including creating an internship program to bring in students from diverse backgrounds. We have just redesigned the FEMA en Espanol website to broaden our reach and products for the community, <http://www.fema.gov/esp/>.

Question 2. We have the National preparedness goal, the target capabilities list, National planning scenarios, and the State preparedness reports, just to name a few.

How does FEMA plan to integrate the country's national response programs?

Answer. FEMA will stand up a Congressionally-mandated Task Force later this fall that will be comprised of State, local, Tribal, and various Federal officials to examine and evaluate all existing preparedness efforts. The Task Force will make recommendations on steps necessary to better focus our National effort. FEMA's efforts to better integrate myriad preparedness programs will be predicated on recommendations from our partners and stakeholders.

Question 3a. With the beginning of the new administration, I understand that you may be re-examining the FEMA Disaster Emergency Communications Division.

Can you give us a description of your view of FEMA's role in disaster emergency communications and your plans for that division?

Question 3b. Since your confirmation, what are some of the management reforms you have instituted?

Answer.

FEMA's Role

The Federal Emergency Management Agency (FEMA) leads and coordinates the Federal Government's disaster response, continuity efforts, and restoration of information technologies and communications essential for an effective response in support of State and local officials. Through FEMA's Disaster Operations Directorate (DOD), communications activities are accomplished which are necessary to unify all communicators around one common effort—the delivery of information to emergency responders. This common vision within FEMA establishes an interconnected system of communications capabilities across all levels of government that provides mission critical information and situational awareness vital to decision making. Strategic, operational, and tactical infrastructures must converge to provide seamless connectivity throughout the designated disaster area, from the incident site to national-level command and control facilities.

Disaster Emergency Communications Division

FEMA's commitment to the Nation's need for rapid, reliable, operable, survivable, and interoperable communications serves as a driving force in FEMA's vision for supporting Federal, State, local, and Tribal agencies in accomplishing their mission. The Disaster Emergency Communications (DEC) Division is the focal point within FEMA for executing the emergency communications portion of our vision and mission.

One of the DEC Division's near-term goals is to build a robust emergency communications program that delivers the information needed for operational and tactical command and control during disaster response operations. Many of the elements necessary to achieve this goal are being set in motion. We are aggressively defining the agency's National strategy for rapid response communications support, coordinating FEMA Regional Emergency Communications Working Groups in each region, which bring together local, State, and Federal communications experts for regional coordination, supporting States in their development of State operational emergency communications plans, reviewing internal agency communications assessments, conducting strategic policy reviews, performing equipment system enhancements, refining our requirements-based approach to procurement, and developing interagency communications doctrine. The groundwork is clearly established to address and resolve current and future operability and interoperability issues while providing new capabilities to the Nation's disaster responders.

Since my confirmation, we have done a bottom-up review of our emergency communications activities and organization, streamlined it and focused our efforts on ensuring the regional response teams have the preparation, planning, and operational support they need to accomplish the mission.

Question 4. How would you assess FEMA's readiness for the remainder of the 2009 hurricane season? After your experiences thus far this year, what new steps, if any, do you plan to take to prepare for the 2010 hurricane season?

Answer. FEMA's readiness remains robust since the start of the 2009 hurricane season. In contrast to the active 2008 hurricane season, the 2009 season has been relatively quiet with little cause for operational mobilization. On November 9, 2009, the National Response Coordination Center was activated for Hurricane Ida, when the storm potentially threatened the Gulf Coast. All requested interagency partners responded for the activation and national level coordination was provided in support of several States. Any after-action items will be incorporated into plans for the 2010 hurricane season.

The changes that will be made will likely reflect more global changes to FEMA hurricane emergency management policy, particularly with regard to evacuation and population protection (i.e., work to shelter more and evacuate less, shorten the distance those that are evacuated travel, increase our effort to educate the public about the distinction between a hurricane "victim" and a hurricane "survivor.").

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR GALE ROSSIDES, ACTING ASSISTANT SECRETARY, TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY

Question 1a. According to DHS data, approximately 80% of African American TSA employees are paid at the equivalent of a GS-9 or below.

What barriers prohibit African American employees from advancing to higher-level positions at TSA?

Question 1b. What steps is TSA taking to address these barriers?

Question 1c. How is DHS headquarters involved in this process?

Answer. During TSA's rapid stand-up after 9/11, the agency hired a large number of senior, experienced, former military, law enforcement, and private industry experts. Many of those hired at the higher pay grades were not minorities because the pool of these senior individuals did not have high minority participation. TSA recognizes the need for improvement with regard to minority employment in positions at the GS-11 equivalent level and above and has developed a series of developmental programs to address this challenge. Both the Senior Leadership Development Program and Mid-Leadership Development Program are aimed at building the next generation of mid-level and senior-level leaders within TSA. TSA recently launched the Career Resident Program (CRP) and Career Evolution Programs (CEP) which are designed to recruit and build diversity in entry-level positions within the agency. The CRP recruits from outside the agency while the CEP is a hiring initiative, for internal candidates only, designed to identify and maximize the incredible talents and experience of our existing and diverse workforce.

TSA has done much in the last several years to promote career progression among the Transportation Security Officer (TSO) workforce, offering additional opportuni-

ties for professional growth by allowing TSOs to continue to advance in their work based on their skills and performance. This effort has allowed for more opportunities for TSOs to potentially qualify for security, protection, or law enforcement jobs elsewhere within the Department of Homeland Security (DHS). In addition to Lead and Supervisory TSO positions, TSA also introduced new positions called Behavior Detection Officers and Bomb Appraisal Officers. These positions offer qualified TSOs additional opportunity for advancement and career growth within the agency.

TSA, like other DHS components, reports regularly to the DHS Office of Civil Rights and Liberties concerning its efforts to improve diversity. Secretary Napolitano and Deputy Secretary Lute continue to emphasize the importance of diversity in the DHS workforce. The Department recently implemented the DHS Diversity Forum. Members include a large range of diversity, minority, and law enforcement-based groups as well as representatives from all DHS components. TSA participates in the forum and works with the Department on diversity initiatives.

Question 2a. Women represent only 4.7% of the Federal Air Marshals workforce, compared to 44% of the overall Federal workforce, and approximately 16% of the Federal law enforcement sector.

What are the barriers to equal opportunities for women in the Air Marshals workforce?

Answer. There are several reasons that explain the representation of women in the Federal Air Marshal Service's (FAMS) workforce. Fundamentally, the workforce composition of the present day FAMS is a direct result of the unprecedented hiring and stand-up that was conducted post 9/11 to expand the FAMS into its current mission capability. Prior to 9/11, the FAMS consisted of fewer than 50 armed air marshals. In response to the order by President Bush to expand the FAMS, thousands of applicants were hired during spring 2002, with an emphasis on hiring applicants with prior military and law enforcement experience. At that time, the majority of the applicants were male, which resulted in fewer females selected for the FAM position as compared to those represented in other Federal law enforcement positions.

Since the post 9/11 stand-up, the representation of females FAMS has remained consistent at approximately 5 percent largely due the limitation of recruiting new hires primarily to offset attrition. Moreover, while the focus of recent efforts has included recruiting greater numbers of highly qualified women and minority applicants, Federal law enforcement remains a non-traditional career for women. As a result of these barriers, the FAMS have not had the ability to significantly alter the original workforce composition.

Question 2b. What is TSA doing to address these barriers and eliminate this disparity?

Answer. In order to gain a better understanding of the decision-making dynamics that influence women who may be considering a career in law enforcement, the Transportation Security Administration's (TSA's) Office of Law Enforcement (OLE) recently conducted barrier analysis research to identify specific obstacles to recruiting and retaining women as FAMs. A survey instrument was administered to female attendees at the 2008 annual Women in Federal Law Enforcement (WIFLE) training conference and explored several issues: (1) Factors that female law enforcement officers (LEOs) identified as important when making their initial career decisions into the field of Federal law enforcement; (2) factors that female LEOs identify as most important now if they were to make a career switch; and, (3) identifying respondents' perceptions and knowledge about a Federal Air Marshal career.

The findings revealed a prioritization of the most and least important factors that influence career choices in Federal law enforcement, and also identified a variety of misperceptions that the respondents held about the FAM career.

The results from the research are being used to directly inform strategic initiatives to encourage greater numbers of women to consider and apply for a career as a FAM. Specific activities include revising recruiting and marketing materials; continuing to conduct workforce analyses on a quarterly basis to monitor the diversity/gender composition of the workforce; identifying trends as a basis for shaping diversity program goals in general; and, exploring the feasibility of implementing creative intern and special hire programs to provide flexible hiring opportunities for women (and other highly qualified persons) to work in a developmental capacity as one pathway to expeditious selection as a FAM.

Additionally, OLE/FAMS conducts Focus Group sessions with female FAMs to address recruitment and retention issues, and to identify concerns and recommendations. OLE/FAMS also maintains its partnership with WIFLE to promote women's issues in Federal law enforcement, as well as market/advertise FAM vacancies.

Question 2c. Who is responsible for these efforts, and do they have the authority to make sure that management follows through on these plans?

Answer. The initiatives represent a collaborative effort between the TSA Office of Civil Rights and Liberties, TSA Office of Human Capital, and OLE/FAMS. The Assistant Administrators, Deputy Assistant Administrators, and Executive level staff from each component partner office are personally engaged to ensure progress toward reducing barriers for women and ensuring continued equal opportunity for women in the Federal Air Marshal workforce.

Question 2d. How is DHS headquarters involved in this process?

Answer. The Department of Homeland Security (DHS) is sensitive to the challenges associated with the recruitment of women and minorities into TSA and DHS law enforcement positions. DHS has recently launched Diversity Forums to seek input from, and maintain dialogue with, professional organizations representing women, minority, and diversity issues to inform DHS recruitment and retention efforts.

Question 3a. According to GAO, agencies should use employee input to identify potential barriers to equal employment.

How is TSA using employee input to identify these potential barriers?

Answer. The Transportation Security Administration's (TSA's) Diversity Advisory Council (DAC) was established in 2007 and is comprised of TSA employees from both the field and headquarters. The purpose of the Council is to implement diversity initiatives, identify best practices, and ensure that TSA achieves the goals identified in the TSA Diversity Action Plan. The DAC reports to TSA's Senior Leadership Team.

Question 3b. Does TSA use exit interviews to identify barriers?

Answer. In 2005, TSA established the TSA National Exit Survey which collects information from departing employees on their reasons for leaving and their opinions on work life areas such as job satisfaction and advancement opportunities. The survey also collects demographic information and quarterly reports are used to examine the differences between groups. Exit interviews are encouraged but not mandatory as the survey provides a confidential and anonymous opportunity for candid feedback. Headquarters and field representatives in charge of exit clearance are given guidance on how to conduct interviews should they or the separating employee wish to do so. Guidance includes questions that can and cannot be asked, direction for Equal Employment Opportunity Commission complaints, and how to handle and store data.

Question 3c. Has DHS headquarters provided TSA with any guidance on whether to use exit interviews or on what employee inputs to rely on to identify barriers?

Answer. The Department of Homeland Security (DHS) and TSA have discussed future collaboration on plans to standardize exit survey tools and analysis across DHS components by the end of fiscal year 2011. TSA has provided DHS with details on the TSA National Exit Survey program as well as process guidance, supporting documents, and lessons learned from TSA's existing exit survey program. DHS has provided TSA with key drivers of employee satisfaction based on data from the 2007 DHS All Employee Survey. DHS has also provided a plan of action for increasing employee satisfaction at DHS through leadership effectiveness in response to the 2008 Federal Human Capital Survey results. We are currently in discussion with DHS for the 2009 DHS All Employee Survey on metrics for leveraging employee engagement and effectiveness.

Question 4a. One of your on-going diversity initiatives is to implement a diversity performance element for all TSA supervisors.

Has this been implemented yet?

Question 4b. What are the consequences TSA supervisors will face if their performance is deemed unsatisfactory in this category?

Answer. All Transportation Security Administration (TSA) Transportation Security Executive Service (TSES) have a performance agreement that contains a "Diversity Advocate" critical performance element. It requires that the TSES employee "promotes workforce diversity, provides fair and equitable recognition and equal opportunity, and promptly and appropriately addresses allegations of harassment or discrimination." As of June 2009, a "Diversity Performance" critical element was added to the Performance Agreement for Supervisory Employees (Non-TSES, Non-PASS). It requires all non-PASS supervisors to recruit, develop, and retain a diverse high quality workforce in an equitable manner; to lead and manage an inclusive workplace that maximizes the talents of each person to achieve sound business results; and to respect, understand, value, and seek out individual differences to achieve the mission and vision of the organization.

Question 5a. According to your 2007 Diversity Action Plan, the Diversity Advisory Council was to develop metrics to measure TSA's progress in achieving its diversity goals.

Have these metrics been developed?

Answer. The Transportation Security Administration's (TSA's) Office of Human Capital (OHC) maintains metrics on hiring, retention, and separations from the agency, by gender, pay band, and race and national origin and these metrics are provided to organizational leaders on a quarterly basis. In addition, TSA's Deputy Administrator, as Chair of the Executive Resources Council, monitors diversity metrics for all TSES positions.

Question 5b. If not, when do you expect these metrics to be developed?

Answer. The Diversity Advisory Council is in the process of developing metrics with the goal of completion in early 2010.

Question 5c. What will TSA do to continue to hold itself accountable for achieving diversity goals?

Answer. Understanding that certain populations in various mission-critical positions were underrepresented, TSA began its Diversity Initiative by analyzing the demographic statistics of its mid-level and senior-level positions. TSA will continue to gather, analyze, and monitor these statistics to ensure that we eliminate barriers to achieving a diverse workforce at all levels of the agency. TSA's diversity performance element is another tool to bring managerial accountability to diversity performance and sustaining a culture of inclusion.

In addition, approximately 300 TSA senior hiring and managerial officials have participated in Diversity Training Workshops since December 2008. In those workshops, participants are asked to draft sample diversity action plans for their offices and to include specifics on how to measure success in improving the diversity of their offices.

Question 5d. What role will DHS have in this process?

Answer. TSA is proactively engaged with the Department of Homeland Security (DHS) on Diversity Subcouncil and initiative projects and will consult and seek advice from DHS in a collaborative way.

QUESTIONS FROM RANKING MEMBER PETER T. KING OF NEW YORK FOR GALE ROSSIDES, ACTING ASSISTANT SECRETARY, TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY

Question 1a. Thank you for your service as Acting Administrator of TSA during the transition between administrations. It has been nearly 9 months since President Obama took office and last month he announced his intent to nominate Erroll G. Southers as the next administrator of TSA.

Can you tell us what kind of turnover TSA has experienced since the change of administration? How has this affected the work of TSA?

Answer. The Transportation Security Administration's (TSA's) overall attrition rate is approximately 7 percent and has stayed relatively constant since January 2009. The 13 Executive career members of the Senior Leadership Team have all stayed on (all but Public Affairs and Legislative Affairs, which are political appointments), and as a result, TSA has achieved numerous congressional and program milestones in 2009.

Question 1b. Will you return to your role as the deputy administrator for TSA after a new administrator is confirmed?

Answer. Yes, I will return to the role of deputy administrator and I am looking forward to assisting the new administrator in taking TSA to the next level.

Question 2a. Data reflects that as of August 2009, TSA had a workforce with approximately 41.45% being minority employees.

Could you please provide more information on how TSA managed to reach this level?

Answer. The Transportation Security Administration (TSA) aggressively includes minority candidates in its recruitment activities and advertising initiatives, such as recruitment events and attendance at professional and educational conferences targeting minority and female professionals in security and law enforcement. Targeted Online Recruitment is a primary strategy used to reach a large group of prospective applicants. TSA has aggressively created on-line posting and advertising campaigns to include, job postings, banner advertisements, email blasts, and newsletters. Additionally, TSA has advertised in targeted publications to reach specific audiences. TSA created the Diversity National Flyers with the goal to target and engage with diverse populations. Overall, TSA continuously conducts outreach efforts to develop and maintain on-going relationships with professional organizations, historically diverse colleges and universities, other interest groups, and the community to connect with underrepresented employment populations.

Question 2b. What steps have you taken during your service as acting administrator in this area?

Answer. TSA has implemented several programs during my tenure which have had a positive impact on minority hiring. In fall 2008, TSA's Senior Leadership established the New Horizons Executive Steering Committee to encourage strategic efforts to develop a professional workforce that is reflective of America.

The TSA Career Resident Program (CRP), a core component of the New Horizon's initiative, is a fast-track opportunity for the next generation of high-performing career Federal employees. It is an entry-level, full-time, career development program at headquarters. After successfully completing the 2-year program, residents are considered for permanent career positions with TSA.

TSA engaged in open and targeted recruitment for the Career Resident Program which included building partnerships with Tougaloo College in Jackson, MS, Salish Kootenai Tribal College in Montana, Gallaudet University, and University of Puerto Rico. The first class of over 34 employees has been selected and 76 percent of the participants are minorities.

The Career Evolution Program (CEP) is a hiring initiative, for internal candidates only, designed to identify and maximize the incredible talents and experience of our diverse workforce. The program is an exceptional opportunity for intensive training in the stimulating environment of TSA Headquarters.

The Associates Program Pilot is a Career Development Program for our Transportation Security Officers (TSOs) to help them to achieve an Associate's Degree in Homeland Security with the initial three courses at their work place. Currently, less than 10 percent of TSO's have an associate's degree or higher. As this program is implemented in a wider scope it will allow our diverse workforce the opportunity to further their education, thus affording them more opportunities for advancement within the agency.

Question 3. Under the 9/11 Act, TSA is required to provide for an air cargo inspection regime "commensurate" with that of covering passenger baggage. However, TSA indicated at our air cargo hearing this past summer that TSA will not be able to meet the 100% screening of foreign in-bound cargo by the August 2010 date.

Can you give us an update on the efforts TSA is making with its international partners to meet—at some point—the 100% screening of foreign in-bound air cargo transported on passenger planes?

Answer. The Transportation Security Administration (TSA) continues to work closely with international partners, organizations, and stakeholder groups to address the many challenges associated with implementing 100 percent screening of in-bound air cargo transported on passenger aircraft. TSA is currently engaged in efforts with the United Nations' (UN)—International Civil Aviation Organization (ICAO); the UN body that sets world-wide standards for procedures and processes for aviation security. TSA's engagement with ICAO focuses on the introduction of the air cargo supply chain security concept to other nations through the ICAO Aviation Security Panel. TSA's proposed changes to ICAO's Standards and Recommended Practices were accepted in draft at a meeting of the ICAO Amendment 12(A12) Panel in Singapore in October 2009. TSA will continue to advance these proposed changes through the Amendment 12 process in Annex 17 to the Convention on International Civil Aviation.

TSA continues to work closely with international stakeholder groups, including the International Air Transport Association (IATA), to collaborate on outreach activities and to promote the development of global air cargo regulatory requirements. TSA is also engaged in numerous bilateral and multilateral agreements aimed at sharing information to develop and recognize commensurate systems of air cargo screening, in addition to introducing the supply chain approach to securing air cargo into respective country programs and regulations. TSA's foreign partners involved in these agreements are Canada, Australia, and the 27 Member States of the European Union (EU).

TSA has recently partnered with Transport Canada to complete a series of vulnerability assessments at Canadian airports and cargo facilities. Foreign vulnerability assessments are a critical component of TSA's risk management approach to securing in-bound air cargo. TSA also continues to work with the EU and the Quadrilateral Working Group on the development and comparison of security requirements.

In addition, TSA is working closely with U.S. Customs and Border Protection (CBP) in an effort to leverage CBP's Automated Targeting System (ATS) for the screening of high-risk cargo on international flights destined to U.S. airports. TSA and CBP have formed a joint working group to assess how current CBP ATS air cargo rules support the TSA aviation security mission and to consider the policy requirements and operational impacts of using TSA-specific rules in a fully operational, pre-departure setting.

Question 4. Recently, TSA made the decision to prevent Delta Airlines from offering service from the United States to Nairobi, Kenya. We understand that decision was based on valid security concerns.

Can you tell us if TSA intends to change its position any time soon? Are you keeping Delta Airlines apprised of your on-going analysis?

Answer. The regional security situation affecting U.S. civil aviation interests in east Africa that necessitated the denial of service for Delta Air Lines into Nairobi, Kenya (pursuant to 49 U.S.C. § 44905) will require a long-term approach. The Transportation Security Administration (TSA) constantly reviews the threat intelligence information for the region and updates its airport-specific threat assessment based on the new intelligence data as it is received. TSA routinely meets with Delta Air Lines' corporate security officers to discuss items of interest to both the TSA and Delta.

Question 5. The Final Rule for Secure Flight was published just about a year ago. Can you give us a status update on the program and tell us when we can expect FULL implementation of the program?

Answer. Secure Flight implementation is currently underway. Initial deployment began in mid-January 2009. To date, the Transportation Security Administration (TSA) has completed full deployment to ten domestic aircraft operators. Additionally, TSA is currently in Parallel Operations with eight additional aircraft operators (i.e. airline has started Parallel Operations with Secure Flight, but is not yet applying Secure Flight's Boarding Pass Printing Results). TSA is scheduled to complete full deployment for the first foreign air carrier in November 2009. TSA continues to follow a structured implementation plan that systematically adds additional aircraft operators and flights in order to limit risk. Implementations will continue through 2009 and 2010 with full implementation scheduled for the end of calendar year 2010.

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR MARK SULLIVAN, DIRECTOR, U.S. SECRET SERVICE, OFFICE OF GOVERNMENT AND PUBLIC AFFAIRS, DEPARTMENT OF HOMELAND SECURITY

Question 1a. What has the Secret Service done to address sensitivity, workplace environment, and management accountability?

Who is responsible for these efforts?

Answer. Director Mark Sullivan routinely emphasizes that our employees are the key to accomplishing our protective and investigative missions, and that recruiting, developing, and retaining a diverse workforce is an essential step towards meeting our strategic goals. He and his staff take active roles in promoting and supporting diversity awareness throughout the Secret Service, and our commitment to diversity is also embodied in our current strategic plan.

Official messages are regularly sent out to all employees from the Office of the Director to reaffirm the Secret Service's commitment to providing equal employment opportunity and a working environment free of all forms of discrimination, harassment, or retaliation for engaging in protected activity. These messages are also used to:

- Remind all supervisors, managers, and employees of the need for them to understand our non-discrimination policy, and to work towards achieving a workplace that is free from discrimination and harassment,
- Encourage supervisors and managers to continue to foster a work environment where equality of opportunity enables each employee to reach their full potential so that they are able to contribute their best efforts to the Secret Service mission, to include reacting to and properly addressing reports of discriminatory actions that come to their attention, and
- Emphasize that accountability is the foundation for the success of these efforts, and that all employees must, and will be held accountable for their actions.

Training that addresses these policies and principles is provided by the Secret Service Diversity Management Program, through regular sponsorship of Conferences on Cultural Diversity and Inclusion, which are designed to:

- Raise awareness about diversity,
- Provide skills to identify and challenge assumptions about others,
- Recognize different communication styles and increase one's ability to communicate across these differences, and
- Identify ways that greater appreciation and understanding of diversity can positively impact the mission of the Secret Service.

The Secret Service's Equal Employment Opportunity (EEO) office also has a training module during this training wherein they provide information on prevention of

workplace harassment, supervisory responsibilities for reasonable accommodation, and other EEO program components.

Additionally, in its efforts to address sensitivity, workplace environment, and management accountability the Secret Service carefully examines data from the DHS Annual Employee Survey results and the Federal Human Capital Survey for symptoms of EEO barriers related to the workplace environment. When survey results point to potential EEO barriers, the Secret Service creates EEO MD-715 work plans designed to mitigate or eliminate the potential barriers. Specific efforts, based upon survey results, have included the creation of the Special Agent, Uniformed Division, and the administrative, professional, and technical support employee working groups. Additional efforts have included the partnership with LifeCare, which positively influences an individual employee's quality of work life, seminars held at headquarters discussing life issues with impact on quality of work life issues, the "Opt-Out" program that allows eligible Special Agent employees to opt of transfers to other posts of duty, and the discontinuance of force employee relocations. Managers and supervisors are held accountable for EEO/Diversity performance through the agency's performance appraisal system.

As noted previously, ensuring that opportunity is equal in the Secret Service is the responsibility of all employees. While the importance of these efforts is regularly highlighted by Director Sullivan and his staff, implementation of programs and training that directly address these issues is the responsibility of the Office of Equal Employment Opportunity (EEO), which is housed in the Office of the Deputy Director, and the Diversity Management Program, which is contained within the Office of Human Resources and Training.

Question 1b. What is DHS headquarters' role in these efforts?

Answer. The Department of Homeland Security (DHS) Office of Civil Rights and Civil Liberties and the Office of the Chief Human Capital Officer coordinate a range of councils and working groups, in which the Secret Service participates. When and where possible, the Secret Service partners with them on a variety of DHS-wide initiatives that address EEO and diversity related issues.

Question 2a. What employee input does the Secret Service consider in identifying barriers to equal opportunity?

Does the Secret Service conduct exit interviews and use these to identify barriers to equal opportunity?

Answer. In development of the agency's EEO MD-715 report, the Secret Service considers exit interviews data; information provided by the Special Agent, Uniformed Division, and Administrative, Professional, and Technical Support Employee Working Groups; the Annual DHS Employee Survey results; the results of the Federal Human Capital Survey; and the Town Hall meetings held by the Secret Service Director during fiscal year 2009.

All of this information is reviewed and considered in the process of both identifying potential barriers to EEO, and in developing strategies for the removal/elimination of such barriers.

Yes, the Secret Service conducts exit interviews of separating employees. The Secret Service uses aggregate data from the exit interviews as part of the MD-715 barrier analysis process in order to identify potential barriers to equal opportunity.

Question 2b. How does the Secret Service decide what employee input to consider in identifying barriers to equal opportunity?

Answer. The Secret Service bases its decisions on what employee input to consider in identifying barriers to equal opportunity on several factors. Factors considered include the availability of data, the relatedness between the employee input and an identifiable barrier related to an agency policy, practice, or procedure, and the validation analysis (i.e., issue significance, identified from more than 1 employee, etc.) of the employee input.

Question 2c. Has DHS headquarters provided any guidance to the Secret Service on whether or how to consider employee input in identifying equal opportunity barriers?

Answer. DHS routinely provides guidance via training and/or written procedures on identifying barriers to equal opportunity including the use of the DHS Annual Employee Survey as well as the Federal Human Capital Survey.

Question 3a. According to the data provided in your 2008 Federal Equal Opportunity Recruitment Plan Accomplishment Report, 24% of the applicants for Criminal Investigator positions identified themselves as minorities. Yet only 15.4% of the new hires were minorities.

What barriers contributed to this disparity?

Answer. Applicants for the Special Agent/Criminal Investigator position who meet the minimum qualifications for the position are afforded the opportunity to take the

Treasury Enforcement Agent (TEA) written exam. Those who pass proceed to the following steps:

- Initial interview,
- Panel/security interview,
- Polygraph,
- Physical, and
- Background investigation.

The failure to successfully complete any one of these steps results in the applicant being notified that his or her application is no longer being considered.

Those applicants who successfully complete all of the requirements are presented to a hiring panel, at which time a final decision is made as to whether or not to approve the applicant for hire and placement in the next available Special Agent Introductory Training Class.

The Office of Human Resources and Training, Research, and Assessment Office, is in the process of examining some of these steps for possible adverse impact, and is also studying whether or not the questions in the TEA exam and panel/security interview are consistent with the results of a recently completed job analysis for the special agent position.

At this time, the Secret Service has identified several potential barriers that may be contributing to the disparity between the applicant rate and the rate of new hires from underrepresented EEO groups.

The Secret Service has identified each potential barrier based on where in the application process applicants from underrepresented EEO groups fall out of the application process in greater-than-expected rates. Further, it is possible that each potential barrier affects all applicants equally. Potential barriers include the Secret Service Drug Policy, the requirement for all employees to obtain a Top Secret Security Clearance, Vision, and other physical fitness and medical suitability requirements, and the requirements for all applicants for the Criminal Investigator positions and Uniformed Division Officer position to submit to a Polygraph Examination. The Secret Service revised its drug policy during fiscal year 2009 and the impact of this change on applicant selection rates is not known at this time. The Secret Service will remove barriers that are not consistent with business necessity or security-clearance requirements.

Beginning in April 2009, in lieu of the traditional initial interview process, the Secret Service instituted the use of CareerConnector, which replaces our earlier system for tracking applicants and introduced an online portal for applicants to apply for a position as a Criminal Investigator or Uniformed Division Officer. Since the inception of CareerConnector, there has been a considerable increase in the number of applicants for these positions. The Secret Service will be able to determine the effects this may have on the hiring rate for applicants from underrepresented EEO groups within the next 2 years.

Question 3b. What is the Secret Service doing to eliminate these barriers and who is responsible for these efforts?

Answer. In order to eliminate barriers relating to the hiring of new employees from underrepresented EEO groups the Secret Service has a multi-faceted approach. First, the Secret Service has expanded its recruitment activities to include the establishment of the Recruitment Program.

The Recruitment Program, under the purview of the Office of Human Resources and Training, has actively recruited at national diversity conferences and many career fairs throughout the United States and is cultivating a partnership with the Hispanic Association of Colleges and Universities in an effort to broaden its reach to students at Hispanic Serving Institutions. Further, during fiscal year 2009, the Secret Service established a Uniformed Division Hispanic Female Working Group to discuss recruitment and other issues. This was a follow-up to the fiscal year 2008 establishment of the Special Agent, Uniformed Division, and Administrative, Professional, and Technical Support Employee Working Groups. Since fiscal year 2007, the Secret Service has spent considerable time and effort in revamping the application process for Special Agents in efforts to ensure the fairness of the entire process. The Assistant Director of the Office of Human Resources and Training has the responsibility for all recruitment efforts and the removal of associated barriers in the employee hiring process lie with the Assistant Director of the Office of Human Resources and Training.

Question 3c. What involvement does DHS headquarters have in assisting or overseeing these efforts?

Answer. As has been stated previously, in the identification and removal of barriers, DHS headquarters assists and oversees these efforts through the provision of training, guidance, and technical advice.

Question 4. How does the Secret Service hold top management accountable for recruiting, retaining, and promoting a diverse workforce?

Explain how these accountability efforts include both rewards and consequences.

Answer. Secret Service managers and supervisors are held accountable for their overall equal employment opportunity (EEO) program performance, including support of E.O. 13171, through annual performance appraisals that include a separate EEO performance standard.

Our EEO program provides a monthly program activities report to the Secret Service Director and Deputy Director and each of the agency's Assistant Directors. This provides the opportunity for Secret Service senior leadership to receive regular EEO program information, advice, and assistance along with workforce distribution reports by race/ethnicity and gender of both the overall workforce, as well as for leadership positions of the agency's three major occupations. Additionally, to improve program visibility among the general workforce, the EEO program places the monthly overall workforce distribution report on the Secret Service Intranet website for the use and information of employees.

The Secret Service EEO Officer is also a member of the agency's Executive Resources Board. This provides additional opportunities for EEO program interaction with senior leaders and facilitates the exchange of EEO program advice and counsel on agency wide programs, policies, and procedures.

Secret Service managers and supervisors are held accountable for their overall EEO program performance, including support of E.O. 13171, through annual performance appraisals that include a separate EEO performance standard.

Question 5a. Your recruitment program plan lists your agency's diversity recruitment initiatives since 2007. However, it does not evaluate the success of these initiatives.

How does the Secret Service measure the success of its recruitment initiatives?

Answer. The Secret Service Recruitment Program (REC) has implemented a yearly national recruitment strategy with specific initiatives, incentives, and strategies to attract and recruit a high-quality, diverse workforce. Key elements include:

- Attendance at Nation-wide career fairs, including those specifically targeting minority groups, Nation-wide military recruitment events, Nation-wide diversity conferences;
- Focused outreach to Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), women's colleges and universities;
- Targeted recruiting of veterans of the United States Armed Forces, who represent a source of highly qualified, diverse candidates for Secret Service positions in all occupational categories; and
- Using the services of a contractor, LEAP Frog solutions, a minority women-owned business, to help coordinate print and radio advertising that specifically target diverse populations.

For each component of the national recruitment strategy, efforts are made to measure results through the level of attendance/participation/responses generated, and by trying to identify any links between these components and the number of applications that are received. Due to the number of variables involved, and the complexities of capturing some of this data with our current IT systems, the Secret Service is being careful not to overreact to individual data points, but will evaluate strategies once sufficient data has been captured.

Question 5b. Who is accountable for the effectiveness of agency's diversity initiatives?

Answer. As noted in the answer above, Secret Service managers and supervisors are held accountable for their overall EEO program performance through annual performance appraisals that include a separate EEO performance standard.

The Office of Human Resources and Training is responsible for developing and implementing a national recruiting strategy, managing the Secret Service's Diversity Management Program, and overseeing the hiring process as a whole, with the assistance of field office personnel, who report to the Office of Investigations. Ultimately, the Assistant Director of the Human Resources and Training Division is responsible for ensuring the agency's diversity initiatives are effective.

Question 6a. What role and discretion do Secret Service field offices and their leadership have to further advance or stop a candidate's further consideration in the hiring process? For hiring recommendations made at Secret Service field offices, are special agents in charge (SAICs) or others involved in the hiring process entitled to decline further review of a candidate based, in whole or in part, on the assessment that there are "Better Qualified Applicants" (BQA) available?

Explain what rational basis SAICs or others involved in the hiring process must demonstrate to justify BQA determinations. At what point in the hiring process are these decisions reviewed, if at all? Who reviews these decisions?

Answer. Applicants for the special agent and Uniformed Division officer positions must successfully complete all of the following steps prior to being hired:

- Determination regarding meeting the minimum qualifications for the position,
- Treasury Enforcement Agent written exam (special agents) or Police Officer Selection Test (Uniformed Division officers),
 - Initial interview,
 - Panel/security interview,
 - Polygraph,
 - Physical, and
 - Background investigation.

The failure to successfully complete any one of these steps results in the applicant being notified that his or her application is no longer being considered.

Secret Service field office personnel, to include Special Agents in Charge (SAICs), are involved in many of these steps, but they do not directly make decisions as to whether or not an applicant should continue on in the process, nor do they make final decisions with respect to hiring. All such decisions are made at the Headquarters level.

Furthermore, Secret Service field office personnel, to include SAICs, do not have the ability to “overrule” decisions made at the Headquarters level, whether to end further consideration of an applicant, or to allow an applicant to continue to receive consideration despite having failed to successfully complete one of the required steps.

As noted in the answer above, Secret Service field office personnel, to include SAICs, do not directly make decisions as to whether or not an applicant should continue on in the process, nor do they make final decisions with respect to hiring. All such decisions are made at the Headquarters level.

Question 6b. Given the potential for BQA decisions to become a barrier to equal employment opportunity or worse, to facilitate discrimination, explain what Secret Service leadership is doing or has done to address potential problems associated with this element of the candidate review process.

Answer. In an effort to standardize our application process, the Secret Service has begun using Career Connector, the Department of Treasury’s automated staffing system, which is a web-based system that affords the Secret Service the ability to electronically accept applications for entry-level Special Agent and Uniformed Division positions.

The Career Connector program was implemented for a variety of reasons due to the advantages it offers to the Secret Service. By automating the application submission, the Secret Service is able to increase the efficiency of all aspects of the initial stages of applicant processing. It will also allow for a system of quantitative metrics to measure, track, and catalog application statistics.

The use of Career Connector has also allowed the Secret Service to centralize its application collection location, affording the opportunity to consolidate multiple employment locations, administer a single applicant intake process, standardize application processing procedures, and provide one location for the issuance of job/vacancy announcements.

The Secret Service maintains vacancy announcements for the Special Agent and Uniformed Division positions on the USAJOBS website, where all Federal Government vacancies are advertised. These vacancies are specific to the established Secret Service regions, and potential applicants apply to the vacancy region of their permanent residence.

Applicants submit their application using their USAJOBS profile, which contains a resume built with the USAJOBS resume builder. Using this profile, applicants will then be linked to Career Connector to answer vacancy specific questions. These questions will use job specific questions for determining minimum qualifications.

For Section 508 compliance issues, applicants unable to complete the on-line application will be able to submit a paper application directly to the Personnel Division, or to submit their application via fax.

Once an application is submitted and its associated vacancy has closed, the Career Connector program will automatically disqualify applicants who fail to meet minimum qualifications based on the assessment of their submitted answers. The Secret Service Personnel Division manually reviews these disqualifications to determine veracity of the automated system. Applicants who fail to meet those qualifications are notified via e-mail of their disqualification. Applicants who are disqualified for administrative non-compliance are notified by e-mail in regards to corrective actions they need to make in order for their application to be considered.

The Personnel Division conducts an additional manual review of the remaining applications to ensure qualifications are being met for Secret Service hires. Applicants who do not pass this vetting are notified via e-mail. Applicants who continue

in the process are placed on a certificate and forwarded to the field office closest to proximity of their permanent residence.

Once the field office has received the certificate listing from PER, they will have 180 days to complete the following four phases of the applicant screening process:

- Phase I.—Within 45 business days the application is reviewed, those applicants meeting the minimum qualifications are referred, given the TEA exam or POST, initial interviews are conducted, and the conditional job offer is extended.
- Phase II.—Within the next 35 business days, the applicant receives a panel interview/security interview, and takes a report writing exam.
- Phase III.—In the following 70 business days, the applicant receives a polygraph and physical examination, and the background investigation is completed.
- Phase IV.—In the remaining 30 business days, the hiring panel reviews the applicant's complete file, and makes final decisions concerning selection.

QUESTIONS FROM RANKING MEMBER PETER T. KING OF NEW YORK FOR MARK SULLIVAN, DIRECTOR, U.S. SECRET SERVICE, OFFICE OF GOVERNMENT AND PUBLIC AFFAIRS, DEPARTMENT OF HOMELAND SECURITY

Question 1. Has the Secret Service conducted a recruitment barrier analysis recently? If so, what did the analysis show?

Answer. The barrier identification and elimination planning process used by the Secret Service EEO office includes the review and analysis of workforce data and information, affirmative employment plans, agency policies, procedures, strategies, and performance reports dealing with recruitment, retention, or accessibility.

The major approaches, which make up the EEO Plan to Eliminate Identified Barriers, are as follows:

- Provide training for employees that address diversity awareness, EEO guidance and regulations, including providing reasonable accommodation to employees with disabilities and ensuring compliance with the documentation requirements of Section 508 and accessibility for Persons with Disabilities; and Federal hiring/selection procedures.
- Monitor recruitment initiatives and other initiatives and policies established by the Workforce Planning Office, the Recruitment Program, or the Diversity Management Program at the Secret Service.
- Focus the Secret Service's resources for barrier analysis and elimination on areas of primary concern for the agency. Those areas are recruitment and retention.
- Ensure accountability of Secret Service managers and supervisors in the area of EEO as outlined in EEO Management Directive 715.

Question 2. As the Director of the Secret Service, how have you ensured the integration of diversity into the organization?

Answer. Director Mark Sullivan routinely emphasizes that our employees are the key to accomplishing our protective and investigative missions, and that recruiting, developing, and retaining a diverse workforce is an essential step towards meeting our strategic goals. He and his staff take active roles in promoting and supporting diversity awareness throughout the Secret Service, and our commitment to diversity is also embodied in our current strategic plan.

Official messages are regularly sent out to all employees from the Office of the Director to reaffirm the Secret Service's commitment to providing equal employment opportunity and a working environment free of all forms of discrimination, harassment, or retaliation for engaging in protected activity. These messages are also used to:

- Remind all supervisors, managers, and employees of the need for them to understand our non-discrimination policy, and to work towards achieving a workplace that is free from discrimination and harassment,
- Encourage supervisors and managers to continue to foster a work environment where equality of opportunity enables each employee to reach their full potential so that they are able to contribute their best efforts to the Secret Service mission, to include reacting to and properly addressing reports of discriminatory actions that come to their attention, and
- Emphasize that accountability is the foundation for the success of these efforts, and that all employees must, and will be held accountable for their actions.

Training that addresses these policies and principles is provided by the Secret Service Diversity Management Program, through regular sponsorship of Conferences on Cultural Diversity and Inclusion, which are designed to:

- Raise awareness about diversity,
- Provide skills to identify and challenge assumptions about others,

- Recognize different communication styles and increase one's ability to communicate across these differences, and
- Identify ways that greater appreciation and understanding of diversity can positively impact the mission of the Secret Service.

The Secret Service's Equal Employment Opportunity (EEO) office also has a training module during this training wherein they provide information on prevention of workplace harassment, supervisory responsibilities for reasonable accommodation, and other EEO program components.

Additionally, in its efforts to address sensitivity, workplace environment, and management accountability the Secret Service carefully examines data from the DHS Annual Employee Survey results and the Federal Human Capital Survey for symptoms of EEO barriers related to the workplace environment. When survey results point to potential EEO barriers, the Secret Service creates EEO MD-715 work plans designed to mitigate or eliminate the potential barriers. Specific efforts, based upon survey results, have included the creation of the Special Agent, Uniformed Division, and the Administrative, Professional, and Technical support employee working groups. Additional efforts have included the partnership with LifeCare, which positively influences an individual employee's quality of work life, seminars held at headquarters discussing life issues with impact on quality of work life issues, the "Opt-Out" program that allows eligible Special Agent employees to opt of transfers to other posts of duty, and the discontinuance of force employee relocations. Managers and supervisors are held accountable for EEO/Diversity performance through the agency's performance appraisal system.

Question 3. Recently at Presidential site visits, citizens have been showing up with weapons. Is this a concern to the Secret service? What have you done to mitigate your concerns?

Answer. As part of the protective advance process that occurs prior a Presidential visit, Secret Service personnel meet with State and local law enforcement partners to assess any matter that may affect the safety of the President, to include State and local ordinances permitting the carriage of firearms and other weapons in public. Information collected during the advance process is then utilized to design a unique security plan for each location to be visited by the President. Depending upon the assessed nature of the potential threat, this security plan may require the Secret Service and its partners to deploy additional technical assets or human resources to mitigate any concerns. In addition, the security plan may include a larger security perimeter to increase stand-off distance between the site and any unscreened members of the public who may be in possession of weapons.

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR JAYSON AHERN, ACTING COMMISSIONER, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Question 1a. According to DHS estimates, women represent approximately only 21.8% of the CBP workforce, but make up about 44% of the Federal workforce.

What accounts for this disparity?

Answer. CBP's core occupations are primarily law enforcement positions, which are still to some extent non-traditional employment roles for women. As you might expect, over 70% of the occupations in CBP are law enforcement positions; i.e., CBP Officers, Border Patrol Agents, and Air and Marine Interdiction Agents. CBP's female law enforcement personnel comprise 11.7% of all law enforcement-related positions, as compared to the Federal sector average percentage of 15.5%. We believe the Federal sector law enforcement workforce affords a more appropriate standard for comparison than the Federal workforce as a whole. Within CBP's non-law enforcement positions, women comprise 49% of CBP's workforce, a percentage which compares favorably to their 44% representation in the civilian labor force. CBP will continue its efforts to increase the percentages of women in its law enforcement positions through targeted recruitment efforts.

Question 1b. What has CBP done to assess the causes of potential barriers to equal opportunities for women?

Answer. CBP annually prepares the U.S. Equal Employment Opportunity Management Directive 715 Accomplishment Report, which requires Federal agencies to conduct a barrier analysis of its total workforce. Potential barriers are identified through statistical analysis and workplace surveys. This effort includes preparing analyses and reports of comparisons of CBP's workforce data with the civilian labor force data published by the Census Bureau. For example, CBP conducts an analysis of its workforce profile, by race, national origin, and gender, as compared to the profile of the civilian labor force for similar or like occupations. Further, CBP has established an applicant tracking system to ensure we are attracting a diverse appli-

cant pool from which to draw qualified candidates. We also review attrition data in order to determine whether there are any artificial barriers in place which may impact the recruitment, hiring, advancement, and retention of women in our workforce.

Question 1c. What is CBP doing to address this problem?

Answer. CBP has established a Diversity and Inclusion Management Council to provide policy, and develop action plans and initiatives to improve outreach, recruitment, hiring, advancement, and retention of women in all job categories. In addition, CBP is engaged in outreach efforts at colleges and universities, professional associations, community organizations, and through television and media broadcasts targeting female applicants. Further, CBP has identified specific women's magazines to publish articles about career opportunities with CBP, and has made efforts to attract women from military installations who might be interested in the homeland security mission.

Question 1d. Is CBP focusing any recruiting efforts on entry-level law enforcement positions?

Answer. Yes. CBP projects 2,300 new hires for entry-level law enforcement positions due to attrition. Through its recruitment efforts, CBP will continue to take proactive steps to focus on underrepresented groups. These steps will include regularly attending and recruiting applicants at events that focus on women in law enforcement, as well as targeting female applicants through specific media outlets that concentrate on female audiences.

Question 1e. How is DHS headquarters involved in this process?

Answer. CBP annually prepares the EEOC's Management Directive 715 Accomplishment Report which is provided to DHS to inform the Department of the recruitment efforts and potential barriers identified. DHS has funded corporate initiatives to include all of the DHS components to attract women into CBP careers. DHS has also organized forums at national conferences with senior level women speaking on panels focused on attracting women into DHS careers. These initiatives also include DHS-wide career fairs in which CBP participates in cooperation with all other DHS components.

Question 2a. What employee input does CBP consider in identifying barriers to equal opportunity?

Does CBP conduct exit interviews and use these to identify barriers to equal opportunity?

Answer. CBP considers input from managers, supervisors, and employees to identify barriers to equal opportunity. For example, in fiscal year 2009 the Office of Equal Opportunity conducted a customer satisfaction and awareness survey to determine with employees were pleased with the service provided by the office, and whether employees believed that the program was being implemented in accordance with the applicable Federal laws, regulations, and policies. The survey results were considered in our efforts to identify barriers to equal opportunity in CBP employment programs. The results indicated that 57 percent of CBP employees, and 87 percent of the managers and supervisors believe they receive adequate training regarding EEO policies, processes, statutory protections, and regulatory compliances. All surveyed groups indicated the need for continuous EEO training. Based on this information, CBP will refine training materials and delivery methods to reach all CBP employees.

In addition, CBP's Office of Human Resources Management, Personnel Research, and Development Division (PRAD), conducts in-depth workplace reviews and surveys applicants and new employees to determine whether there are potential barriers to advancement in the agency.

For example, CBP deploys national targeted recruitment efforts in most communities throughout the Nation. During the recruitment process, CBP noted that a high percentage of African American applicants were not appearing for the written test part of the application process. This was a matter of major concern to senior management. Accordingly, CBP's researchers analyzed random samplings obtained through telephonic and written surveys of those applicants who were available, in an effort to identify and understand the reasons African American applicants had discontinued the application process. There has also been concern about the high attrition rate for women trainees at the Border Patrol Academy. We have instituted exit interviews and telephone surveys of all Border Patrol candidates, in order for CBP to become better informed about factors that affect trainees' decisions whether to remain with the agency.

As a result of the information provided by PRAD, in fiscal year 2009, CBP formed three working groups to address the issues of: (1) Attrition, (2) physical training requirements, and (3) pre-academy physical training. The reviews included interviews of employees recently hired, employees who resigned, and instructors. The working

groups should provide a report to the Commissioner before the end of fiscal year 2010. This information will be incorporated into CBP efforts to identify any potential barriers to EEO.

Lastly, the EEO complaint process is also a useful tool in identifying potential barriers to equal opportunity for employees. The EEO suggestion e-mail box is also available for employees to provide comments and suggestions for ways to maximize equality of opportunity within the agency for all employees.

Yes. Exit surveys are conducted at the CBP Academies among all individuals who depart the agency voluntarily, particularly in the core positions of Border Patrol Agent and CBP Officer. These surveys help to identify and evaluate the reasons for an employee's decision to end his or her employment with CBP. CBP's Office of Human Resources Management (HRM) also sends exit surveys to every employee who retires or gives advance notice of his or her departure. When triggers, a preliminary indicator of a barrier, are identified, CBP's Office of Equal Opportunity works with PRAD to conduct an in-depth review and analysis to determine root causes.

Question 2b. How does CBP decide what employee input to consider in identifying barriers to equal opportunity?

Answer. CBP does not have a formal process to decide what employee input to consider in identifying barriers to equal opportunity. Therefore, all information gathered through surveys and program assessments are utilized to identify and correct barriers to equal opportunity. In addition, individual employees frequently meet with local EEO Managers to discuss issues, which affect them individually. The Office of Equal Opportunity will also review EEO complaints that emanate from specific locations and/or specific managers in order to make an assessment whether there is a pattern of activity which contravenes the agency's policy of equal treatment and opportunity for all employees.

Question 2c. Has DHS headquarters provided any guidance to CBP on whether or how to consider employee input in identifying equal opportunity barriers?

Answer. DHS Headquarters provided the components with a comprehensive briefing on how to prepare a barrier analysis for submission to the department. DHS Headquarters invited subject matter experts who provided standard techniques for conducting workforce analysis designed to determine barriers to equal opportunity.

Question 2d. Are there any DHS policies that limit CBP's ability to decide which employee input it considers?

Answer. There are no DHS policies which prevent employee input or limit the sources of information available to CBP. CBP has taken advantage of a team approach through a linkage of its Diversity Management Council and DHS Headquarters. CBP uses standard research methodologies that incorporate observations of both field staff and applicants. CBP's decision-making process also incorporates review of any new policy by subject matter experts as well as by the Office of Chief Counsel for legal sufficiency.

Question 3a. Hispanic Americans comprise 31.55% of the CBP workforce. Although they represent 32.27% of the CBP's GS-9 level and below, they are only 14.29% of the CBP SES.

Answer. The percentage of Hispanic Americans in CBP's workforce (including SES ranks) exceeds the percentage of their representation in the civilian labor force.

Question 3b. What is CBP doing to address identified barriers?

Answer. Because of CBP's recruitment and hiring of Hispanic Americans, DHS is one of only a few Federal agencies in which this group is not under-represented. Hispanic Americans represent 30% of CBP employees in supervisory positions; therefore, they are the employees who, with continued work experience, skill development and training, will be in line to assume leadership roles in CBP's senior-level positions. In addition, the number of Hispanic Americans at the Senior Executive Service (SES) level has increased from seven (8.8% of SES) in fiscal year 2007 to 15 (14.3% of SES) in fiscal year 2009—demonstrating a 114% increase in the representation of Hispanic Americans in CBP's Senior Executive ranks.

Question 3c. Will DHS headquarters be involved in this effort? If so, how?

Answer. The annual accomplishment reports are compiled by OEO conducting analyses in partnership with other program offices via a number of mediums including surveys, telephone surveys and statistical tracking of workforce profiles. It is the responsibility of OEO to prepare Executive summaries and an implementation plan for submission to DHS Headquarters, Office of Civil Rights and Civil Liberties, which they review and submit ultimately to the Equal Employment Opportunity Commission (EEOC). DHS provides oversight by requesting status reports on an annual basis with regards to progress towards our goals and objectives to address potential barriers for employment of minorities and women. After the DHS compiles all reports from the different components and merge the information, they submit

it to EEOC. EEOC provides each component with a summary evaluation of the components progress towards meeting the standards of Model EEO Program. Normally, the evaluation is submitted in the form of letter to both DHS Headquarters and the respective DHS components.

QUESTIONS FROM RANKING MEMBER PETER T. KING OF NEW YORK FOR JAYSON AHERN, ACTING COMMISSIONER, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Question 1a. Mr. Ahern, over the past 4 years, the Border Patrol has developed a robust recruitment, hiring, and training program in order to meet the Congressional mandate to double the number of agents.

How many agents are currently on board and how many will be in the field by the end of the year?

Question 1b. How does the Border Patrol select locations and events for recruitment activities?

Answer. In response to the Presidential mandate to hire 6,000 agents within a short period, Office of Border Patrol (OBP) and CBP Human Resource Management (HRM) were involved in a very aggressive recruitment campaign over the past 3 years that led us to develop various recruitment programs. Such programs included sports sponsorships, a National Recruitment Team headed by HRM to target a diverse pool of applicants, advertising campaigns, and participation at thousands of recruitment events throughout the country. Due to the historic ratio of applicants to actual hires (30:1) the Border Patrol selected its recruitment events largely based on the anticipated net gain in raw applicant numbers. The methodology utilized during this unprecedented hiring initiative was to cast a wide net in order to fill the applicant in-flow pipeline. In addition to this approach, several factors played a key role in event selection: Diversity of potential applicants, cost, location, outreach potential, historical data from previous events, and probability of future return on investment. Using this same methodology, representatives from the Border Patrol's 20 sectors attended numerous local recruitment events throughout the country to include career fairs, colleges, open houses, sporting events, and military bases.

As of fiscal year 2010, HRM has taken the lead for the National Recruitment Plan (NRP). Under the new CBP Integrated Recruitment model for the NRP, HRM will determine which recruitment events to attend on a national level. OBP has submitted to HRM a comprehensive list of recommended recruitment events that include various diversity career fairs, colleges, and targeted special events throughout the Nation. OBP recruitment will play a limited supplemental role in fiscal year 2010 and will focus on participating in local recruitment events that attract qualified applicants while highlighting all CBP careers.

Question 2a. Data reflects that as of August 2009, CBP had a workforce with approximately 41.84% being minority employees.

Could you please provide more information on how CBP managed to reach this level?

Answer. CBP has created an employment process in which applicants for employment compete on a "level playing field" based on bona-fide job qualifications. For the majority of positions, CBP has created a selection process that includes validated written tests, structured interviews, and physical requirements which are directly related to job performance. CBP is continually evaluating and assessing its employment process through barrier analysis to further improve the process and meet agency mission to recruit the best and brightest.

Question 2b. What steps have you taken during your service as Acting Commissioner in this area?

Answer.

- Established Diversity and Inclusion and Management Council composed of senior officials to address the challenges and review all policies and procedures to determine whether any step in the employment process has an adverse impact on target groups with low representation in the workforce.
- Implemented a Diversity and Inclusion Management Plan.
- Ensured that all CBP program offices coordinated the recruitment process to ensure maximum efficiency of resources.
- Ensured proper funding and development of policies and procedures that maximized CBP's ability to diversify its workforce.
- Ensured that Equal Opportunity is a vital part of the agency strategic mission.
- Instituted CBP-wide awards programs recognizing managers who best supported the Equal Opportunity Programs.
- Established a commitment among Senior Executives to fully support all major EEO initiatives including dedicating resources to Special Emphasis Programs

and increasing outreach efforts to include minority-serving colleges and universities and women's colleges.

- Ensured the participation of Senior Executives to serve as guest speakers and role models at minority-serving institutions and national conferences.

Question 3. It has been noted multiple times that while the Border Patrol has grown significantly, the number of CBP Officers at the ports of entry has seen much smaller growth.

What is the status of CBP Officer staffing and what hiring and recruitment activities are on-going?

Answer. Customs and Border Protection (CBP) must balance its staffing needs against the agency's ability to hire, train, and deploy officers in a timely manner. Staffing needs at the ports of entry are determined based on workload volume, training capacity at the Federal Law Enforcement Training Center (FLETC), the constraints of current facilities and infrastructure, the current number of terminals or lanes at the ports of entry, and threat assessment. CBP continues to assess its staffing needs throughout the year, based in part upon information we receive from our Field Offices. These submissions, combined with National and local initiatives, all play a role in how we allocate our personnel throughout the country within CBP's financial resources.

Recruitment is a high priority within CBP, and the Agency has hired a Recruiting Program Manager and 17 dedicated Field Office recruiters to support this priority. CBP has analyzed hiring plans to ensure that all actions proceed according to priorities. This includes the monitoring of attrition and careful tracking of hiring to ensure that adjustments are made as needed to leverage resources for the best possible outcome.

