

UNDERSTANDING THE HOMELAND THREAT  
LANDSCAPE—CONSIDERATIONS FOR THE 112TH  
CONGRESS

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HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY

HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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## UNDERSTANDING THE HOMELAND THREAT LANDSCAPE—CONSIDERATIONS FOR THE 112TH CONGRESS

Wednesday, February 9, 2011

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. Peter T. King [Chairman of the committee] presiding.

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

Chairman KING [presiding]. The Committee on Homeland Security will come to order. The committee is meeting today to hear testimony from Homeland Security Secretary Janet Napolitano and National Counterterrorism Director Michael Leiter on the homeland threat landscape. I look forward to the hearing, and I now recognize myself for an opening statement.

I want to welcome our returning and new committee Members to this, the first hearing of the 112th Congress. We also welcome back Secretary Napolitano and Director Leiter to the committee and thank them for appearing today, as they have done in the past.

While she is not here yet, let me also take the opportunity to recognize the outstanding service of Representative Jane Harman, who has announced that she will be leaving Congress to run the Woodrow Wilson International Center for Scholars. Jane Harman has been a leader on this committee.

She has been a leader in the Congress. No one since September 11, 2001, and even before that, for that matter, has been more knowledgeable or informed or dedicated to intelligence and homeland security issues, and her departure is a loss to both sides of the aisle. We certainly—we hope everyone, I believe—we certainly wish her well in her new role.

Let me also express my deepest sympathy to the family of David Hillman, a retired CBP officer who was killed by a suicide bomb in Kandahar while working as a boarder mentor and adviser. There are other CBP personnel, Michael Lachowsky, Terry Sherrill, and Vernon Rinus, who were also injured in the attack. Our thoughts and prayers are with them all.

To me that just personifies the level of patriotism that CBP officers demonstrate no matter where they happen to be located. They perform a tremendous service to our country. Also, we should never forget there are members of the DHS family serving all around the world, working to protect the homeland.

Ms. Harman has just arrived.

We said very good things about you, Jane. Again, great to have you here. Thank you.

As we begin the work of the 112th Congress, the goal of the committee today is to get a comprehensive review of the terrorist threats facing our Nation. Today we will be in an open, unclassified session, and so I would ask that the Secretary and the Director if they could report back to us any Members' questions which might require a classified response.

The top priority for the committee is to counter the serious and evolving terrorist threats facing our country. Let's put our work in context. A number of committee Members recently went out to the NCTC and heard from Director Leiter in a classified setting about threats and plots against the United States and our allies.

As we approach the 10th anniversary of September 11, we are constantly reminded that terrorists continue to plot to kill Americans at home and abroad. According to Attorney General Holder, in the last 2 years alone there have been 126 people indicted for terrorist-related activity, including 50 U.S. citizens.

There was the Times Square bomber Shahzad. There was the Fort Hood terrorist, Army Major Hasan. There was the Little Rock recruiting center shooter, the New York City subway bomber, the Mumbai plotter David Headley. There is Jihad Jane, dozens of individuals in Minnesota, and so many other plots and cases—Portland, Oregon; Ashburn, Virginia; Riverdale section of the Bronx; Dallas, Texas; Springfield, Illinois; John F. Kennedy Airport; Fort Dix; Baltimore. We can go through an entire list of cases just in the last several years.

Homegrown radicalization is a growing threat, and one we cannot ignore. This shift, as far as I am concerned, is a game changer that presents a serious challenge to law enforcement and the intelligence community. Indeed, Attorney General Holder said that he loses sleep at night thinking of the young men in this country who were raised in this country who are being radicalized and willing to take up arms against their own Nation.

Just last week, Senator Joe Lieberman and Senator Susan Collins released a bipartisan Senate Homeland Security Committee report examining the events leading up to the terrorist attack at Fort Hood. The report concluded that the Department of Defense should confront the threat of radicalization to violent Islamist extremism amongst service members explicitly and directly, unquote.

I believe this statement is true for the entire Government. We must confront this threat explicitly and directly. That is why I intend to hold a hearing next month examining the threat of domestic radicalization in the Muslim community.

Because of policies the United States has implemented since September 11, the threat from al-Qaeda has evolved, but it is still deadly. Because of the layers of defense that we have set in place that we have put in motion, it is very difficult for al-Qaeda to

launch an attack similar to what happened on September 11. Obviously, it is possible, but it is much more difficult for them, and they have realized that.

They have adapted their strategy and their tactics so they are now recruiting from within the country, and they are looking for people who are under the radar screen, people who are living here legally, people who have green cards, people who are citizens, people who have no known terrorist activity.

Again, probably the classic example of that would be Zazi in New York, who was raised in Queens, went to high school, had a small business in lower Manhattan, and was brought back to Afghanistan for training and came back as a liquid explosive bomber attempting to blow up the New York subways.

So that is the type of person we have to be looking for. The good side of that, I suppose, is that al-Qaeda feels it cannot launch a major attack from the outside, and it also means that they cannot send a type of fully trained and skilled terrorist to this country. The downside of it is that these terrorists are people living under the radar screen, who are very difficult to detect.

On certain issues that I have a particular interest in, one is the threat of chemical and biological weapons, which is why I believe the Securing the Cities Program is so important, because it is very likely that the next attack against a major city in this country will be launched from the suburbs, similar to what happened in Madrid and London.

A nightmare scenario is to have that attack involve a dirty bomb, which would put that metropolitan area basically off-limits, besides the massive loss of human life that would result. So that is a program the Secretary and I discussed. We are particularly interested in pursuing that. But in any event, there can be no doubt that the threat against the United States remains extremely high, and we must remain vigilant and never allow the memories of 9/11 to fade.

With that, I recognize the distinguished Ranking Member of the committee, Mr. Thompson from Mississippi, for any statement he may have.

Mr. THOMPSON. Thank you very much, Mr. Chairman, for holding today's hearing. I want to join you in welcoming Secretary Napolitano and Director Leiter.

But before we hear their testimony on the threat posed by terrorism, I want to encourage my colleagues to remember that our words travel far beyond these four walls. For several weeks we have seen protests across North Africa and the Middle East. In many ways these protests represent a demand for democracy. Yet we know that this is the same region that has been home to some of those who call for jihad.

The United States, the world's only remaining superpower, occupies a providential position. If we take the right action, many of our concerns about a terrorist threat from this region could be significantly reduced. That is why I want to ensure that our examination of the global threat from terrorist activities does not complicate the job being done by the State Department and others in this administration. We must recognize that this predominantly Muslim area of the world is seeking to embrace democracy. Let us

take care that nothing we do or say here today works to undermine those efforts.

Since September 11, the threat of terrorist attacks has become an undeniable and unsettling feature of American society.

However, combating the terrorist threat depends on accurate intelligence and an unbiased assessment of the size, scope, depth, and breadth of this threat.

The lessons learned from past wars are clear. We cannot defeat an enemy that we do not know. Unreliable information, personal opinions or narrow agendas cannot inform our assessment of a threat to our Nation.

We have seen the results of unreliable intelligence in Iraq. Our examination of a global threat must look at the vulnerabilities within commerce, transportation, and all aspects of our modern lives.

We must find and eliminate these vulnerabilities, focus on what we can do, and keep the Nation safe.

We can secure an airplane. We can secure the border. We can secure Federal buildings. We can secure a chemical plant or a nuclear facility.

We must not become distracted from our basic mission to keep this Nation safe and maintain the security of the people.

Finally, Mr. Chairman, I want to bid farewell to my colleague from California. She has demonstrated her commitment to the security of this Nation by her service on the intelligence committee and this committee.

We will miss her, but we wish her happiness in her new undertaking.

Again, I want to thank you.

I want to thank the witnesses and look forward to hearing their testimony.

[The statement of Ranking Member Thompson follows:]

PREPARED STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

I want to encourage my colleagues to remember that our words travel far beyond these far walls.

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We can secure an airplane. We can secure the border. We can secure a Federal building. We can secure a chemical plant or a nuclear facility. We must not become distracted from our basic mission to keep this Nation safe and maintain the security of the people.

Chairman KING. Thank you, Mr. Thompson.

Now we ask unanimous consent to recognize the gentlelady from California, Ms. Harman, 1 minute or as much time as she—

Ms. HARMAN. Thank you, Mr. Chairman, and thank you, Ranking Member Thompson. Welcome to our witnesses.

This is probably my last hearing on this committee. As all of you know, I know this, including the new Members, I have worked my heart out for many years in this Congress to keep our homeland safe.

It has been an honor to be one of the initial Members of this committee and to have chaired its Intelligence Subcommittee for 4 years.

I just want to thank all the Members, and I want to thank all the staff for the effort we have made so far together.

To these two witnesses, who are both dear friends of mine, I want to thank you for the effort you make.

Finally, let me urge that the best present you could all give me is to find a way to get more jurisdiction in this committee, which ought to be—and I know the Secretary agrees with this—the central point in the House of Representatives for oversight and focus on this critical subject of keeping our homeland safe.

So, once again, thank you all for your good wishes. I am just moving down the street. I am really not leaving this place. Thank you very much.

I yield back.

Chairman KING. Thank you, Jane.

I remind the Members of the committee that opening statements may be submitted for the record.

[The statement of Hon. Richardson follows:]

PREPARED STATEMENT OF HON. LAURA RICHARDSON

I would like to thank Chairman King and Ranking Member Thompson for convening this hearing today focusing on the ever-evolving threat of terrorist attacks against the homeland and the current state of America's efforts to counter these threats. I would like to thank our distinguished panel of witnesses for appearing before the committee today to discuss what progress has been made in this area and what else needs to be done.

The events that occurred on the morning of September 11, 2001 had a profound impact on the lives of every American. The terrifying images of commercial airliners flying into the World Trade Centers are engraved in people's hearts and minds forever.

Even though the attacks occurred nearly 10 years ago, we are constantly reminded of the effects of that day. Whether we're going through airport security to board a plane to see our family for the holidays or we're reuniting with a loved one who just returned from Afghanistan, possible threats and attacks continue to loom large over each and every aspect of our lives. For example, the events of that tragic morning forced us to recognize that we now live in a new world, with new threats, and that in order to combat these threats we must be willing to change and improve our tactics.

After these devastating events, our Government initiated a number of unprecedented changes to our National security infrastructure in order to address these new threats. For instance, in 2002 the Department of Homeland Security was created with the stated goal of preparing, preventing, and responding to domestic emergencies, specifically terrorism. Additionally, we initiated sweeping improvements to our transportation security and made great strides in securing our Na-

tion's borders and ports. And in the hills and valleys of Afghanistan, our soldiers continue to fight against al-Qaeda and its allies to ensure that those who wish to do or train others to do America harm are brought to justice.

However, as we will discuss today, terrorism has become an ever-evolving threat. We no longer face a threat from just one group of people or even from just one ideology. From Joe Stack, who flew a plane into an IRS building to Faishal Shazhad, the American citizen who attempted to blow up a car bomb in Times Square, we have learned that we must constantly be changing our tactics to ensure we have the ability to effectively combat and neutralize the changing methods of terrorists.

As the representative of the 37th district, I understand the need for law enforcement to constantly modify and assess anti-terror strategies in order to protect potential targets in their communities. My Congressional district abuts the Nation's largest ports, contains oil refineries that produce more than 1 million barrels per day, and is home to a number of gas treatment and petrochemical facilities that present a target-rich environment for those seeking to do us harm. These challenges represent a new and emerging need for us to be increasingly more vigilant in understanding and combating the ever-evolving threat of terrorism.

Finally, in the pursuit of these counterterrorism efforts, we must constantly be aware of the fact that these strategies must not undercut the very principles they are attempting to defend. In our zeal to combat terrorism and protect our country, we must be careful not to wrongly accuse our people because of how they look, where they live, or their cultural background. To be safe, it is necessary that we also be smart. It is my hope and belief that my fellow colleagues will remain mindful of these important principles of which this great country was founded upon.

Thank you again Mr. Chairman, Ranking Member Thompson, for convening this very important hearing today. I look forward to hearing from our distinguished panel of witnesses on these issues. I yield back my time.

Chairman KING. As I mentioned, we are pleased to have two very distinguished witnesses today on this topic most important in the entire Government as Secretary Napolitano, who is third Secretary of the Department of Homeland Security, overseeing over 200,000 employees.

I have to say, on the record, that she has worked very closely with us. She does not let partisan lines divide us and she probably meets with us more than she wants to, but she meets on a regular basis.

She is always on the phone, both with compliments and criticisms. I never know when I am going to get a call from the Secretary. But, again, she is totally dedicated. Whatever differences we have, are ones of policy and no one has ever questioned her dedication or her ability.

Similarly, Mike Leiter has served as the head of National Counterterrorism Center for 3½ years under two Presidents, done a truly outstanding job in that capacity.

Prior to that, he was in the military. He was assistant to the U.S. attorney and, again, absolutely dedicated to combating international terrorism and protecting the homeland.

So I would ask that the witnesses, your entire statements will appear in the record. I have asked you to summarize the testimony but because of the importance of it, obviously, I am not going to cut you off.

But I just ask you to keep in mind that many Members here today do have questions for you. With that, I now recognize Secretary Napolitano.

Secretary Napolitano.

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

Secretary NAPOLITANO. Well, thank you, Chairman King, Ranking Member Thompson, Members of the committee, for the opportunity to appear before you today to testify on the terrorist threat to the United States and what the Department of Homeland Security and the NCTC are doing to combat it.

I also have to echo the thoughts about Representative Harman. You will be missed. You have been totally dedicated to this effort. That effort has been producing results in terms of safety of the American people.

I also have to echo your thoughts about the amount of Congressional oversight of this department. We added up the 111th Congress, and our Department testified over 285 times. I testified over 20 times myself.

I think that was the most of any Cabinet official. That, of course, requires a lot of preparation and work. We provided over 3,900 substantive briefings to different committees of the Congress.

So Chairman King, Ranking Member Thompson, you and I have all discussed this. But that amount of oversight does have impact. So I thought I would just mention that.

So let me turn now to the subject and the very important subject of today's hearing. There is no question that we have made many important strides in securing our country from terrorism since 9/11.

But the threat continues to evolve. In some ways, the threat today may be at its most heightened state since the attacks nearly 10 years ago. In addition to the core al-Qaeda group, which still represents a threat to the United States, despite its diminished capabilities, we now face threats from a number of al-Qaeda associates that share its violent extremist ideology.

Among these groups, we are also seeing an increased emphasis on recruiting Americans and Westerners to carry out attacks. These groups are trying to recruit people to carry out attacks.

They have connections to the West, but who do not have strong ties to terrorist groups that could possibly tip off the intelligence community.

They are also encouraging individuals in the West to carry out their own small-scale attacks, which require less of the coordination and planning that could raise red flags and lead to an attack disruption.

This means that the threat has evolved in such a way that we have to add to our traditional counterterrorism strategies, which, in the past, have looked at the attack as coming from abroad.

The realities of today's threat environment also means that State and local law enforcement officers will more often be in the first position to notice the signs of a planned attack.

So our focus must be on aiding law enforcement and helping to provide them with the information and resources they need to secure their own communities from the threats they face.

To this end, the Department of Homeland Security is working to counter violent extremism here at home by helping law enforcement use many of the same techniques and strategies that have proven successful in combating violence in Americans communities.

DHS is moving forward in this area, based on the recommendations provided to us by the experts on the Homeland Security Advisory Council.

We are releasing the first iteration of a community-oriented policing curriculum for front-line officers, which is aimed at helping them to counter violent extremism in their communities.

That curriculum is being focus grouped right now down at FLETC. We are sharing among State and local officers unclassified case studies about the size of violent extremism. We are helping communities to share with each other best practices about forming productive community partnerships.

This way, law enforcement across can better know what works and what does not.

We are helping law enforcement to reach out to American communities, to include them as partners in the effort to combat the presence of violent extremism in our country.

Americans of all stripes resoundingly reject violence, which we must use as an important tool in countering violent extremism here at home.

DHS is also expanding our own outreach to communities, and conducting these initiatives in a way consistent with Americans' rights and liberties.

At the same time, we are building a new homeland security architecture that guards against the kinds of threats we are seeing right here at home.

There are four major parts of this architecture I want to mention here today.

The first are the joint terrorism task forces, which are led by the FBI. These task forces bring together agencies and jurisdictions to jointly investigate terrorism cases.

DHS has hundreds of personnel supporting the 104 JTTFs across the country.

The second is the network of State-and locally-run fusion centers that bring together agencies and jurisdictions to share information about the threat picture and what it means for our communities.

This information sharing and analytical work complements the investigative work done by the JTTFs.

DHS is intent on helping these fusion centers to develop their core capabilities to share and analyze information and to provide State and local law enforcement with useful, actionable information they can use to better protect their own communities.

We are supporting fusion centers in many ways. Among them, we are providing DHS personnel to work in them and are providing properly cleared law enforcement personnel with classified threat information.

The third is the Nation-wide Suspicious Activity Reporting initiative, or the SAR initiative. We are working closely with our partners at the Department of Justice on this project.

The SAR initiative creates a standard process for law enforcement to identify, document, vet and share reports of suspicious incidents or behaviors associated with specific threats of terrorism.

The reports then can be used to identify and share a broader trend.

To date, the SAR initiative is under various stages of implementation at 33 sites that cover two-thirds of the American population. It should be fully implemented across the country by September.

We are also working with DOJ and major law enforcement associations to provide SAR training to all front-line enforcement officers in the country. They will learn how to properly make, vet, share, and analyze reports in accordance with best practices and with regard to civil rights and civil liberties. Thousands of officers have already been trained, and we expect to train virtually all front-line officers in the country by this fall.

The pilots of the SAR program have proven its tremendous value to law enforcement, and I believe it will be a critical tool in strengthening the ability of law enforcement to protect our communities from acts of terrorism.

The fourth piece of the new homeland security architecture that I want to mention is the “If You See Something, Say Something” campaign. This campaign focuses on the positive role Americans can play in our own security. It focuses on fostering the kind of public vigilance that we know is critical to the success of community-oriented policing.

We constantly see examples of why this sort of vigilance is so important, not just in the attempted Times Square bombing last May, but also just last month in Spokane, Washington, when city workers noticed a suspicious backpack and notified police before an MLK Day parade.

DHS is rolling out this campaign across the country and in many important sectors, including passenger rail, Amtrak, sports stadiums—you may have seen it in the stadium at the Super Bowl—retail stores, and more.

Now, on top of these four pieces, last month, I also announced changes to the National Terrorism Advisory System. We are replacing the old system of color-coded alerts with a new system that aims to provide more useful information to the public and to those who need it.

This new system was developed collaboratively by a bipartisan group and with the consultation of law enforcement. It reflects our need to be ready, while also promising to tell Americans everything we can when new threat information affects them.

In addition, to what I have mentioned here today, there are numerous other areas of action I have detailed in my written statement, Mr. Chairman, and ask that that statement be included in the record.

Now, thank you again for inviting me to testify today. I look forward to working with this committee and its leadership in this new Congress as we continue to make progress in securing our Nation. I will be happy to take your questions once you have heard from Director Leiter.

[The statement of Secretary Napolitano follows:]

PREPARED STATEMENT OF JANET NAPOLITANO

FEBRUARY 9, 2011

Chairman King, Ranking Member Thompson, and Members of the committee: Thank you for the opportunity to testify today about the changing terrorist threat that the United States faces, and how the Department of Homeland Security is re-

sponding. I am glad to be here today with my colleague, Director Leiter. I look forward to continuing to work with this committee and its leadership in this new Congress, and I expect that, working together, we will continue to make great strides in securing our country.

#### THE RESPONSE TO A CHANGING THREAT

Since 9/11, the United States has made important progress in securing our Nation from terrorism. Nevertheless, the terrorist threat facing our country has evolved significantly in the last ten years—and continues to evolve—so that, in some ways, the threat facing us is at its most heightened state since those attacks. This fact requires us to continually adapt our counterterrorism techniques to effectively detect, deter, and prevent terrorist acts.

Following 9/11, the Federal Government moved quickly to build an intelligence and security apparatus that has protected our country from the kind of large-scale attack, directed from abroad, that struck us nearly 10 years ago. The resulting architecture yielded considerable success in both preventing this kind of attack and limiting, though not eliminating, the operational ability of the core al-Qaeda group that is currently based in the mountainous area between Afghanistan and Pakistan.

Today, however, in addition to the direct threats we continue to face from al-Qaeda, we also face growing threats from other foreign-based terrorist groups that are inspired by al-Qaeda ideology but have few operational connections to the core al-Qaeda group. Perhaps most crucially, we face a threat environment where violent extremism is not defined or contained by international borders. Today, we must address threats that are homegrown as well as those that originate abroad.

One of the most striking elements of today's threat picture is that plots to attack America increasingly involve American residents and citizens. We are now operating under the assumption, based on the latest intelligence and recent arrests, that individuals prepared to carry out terrorist attacks and acts of violence might be in the United States, and they could carry out acts of violence with little or no warning.

Over the past 2 years, we have seen the rise of a number of terrorist groups inspired by al-Qaeda ideology—including (but not limited to) al-Qaeda in the Arabian Peninsula (AQAP) from Yemen, al-Shabaab from Somalia, and Tehrik-e Taliban Pakistan (TTP)—that are placing a growing emphasis on recruiting individuals who are either Westerners or have connections to the West, but who do not have strong links to terrorist groups, and are thus more difficult for authorities to identify. We saw this, for instance, in the case of Umar Farouk Abdulmutallab, who is accused of attempting to detonate explosives aboard a Detroit-bound plane on December 25, 2009; and Faisal Shahzad, who attempted to detonate a bomb in Times Square in May of last year. These groups are also trying to inspire individuals in the West to launch their own, smaller-scale attacks, which require less of the advanced planning or coordination that would typically raise red flags. The logic supporting these kinds of terrorist plots is simple: They present fewer opportunities for disruption by intelligence or law enforcement than more elaborate, larger-scale plots by groups of foreign-based terrorists.

This threat of homegrown violent extremism fundamentally changes who is most often in the best position to spot terrorist activity, investigate, and respond. More and more, State, local, and Tribal front-line law enforcement officers are most likely to notice the first signs of terrorist activity. This has profound implications for how we go about securing our country against the terrorist threat, and requires a new kind of security architecture that complements the structure we have already built to protect America from threats coming from abroad.

Over the past 2 years, the Department of Homeland Security has been working diligently to build this new architecture in order to defend against this evolving threat. There are two dimensions of this architecture that I will discuss today before I detail other major developments in our defenses against terrorism over the past year.

The first part of our effort is working directly with law enforcement and community-based organizations to counter violent extremism at its source, using many of the same techniques and strategies that have proven successful in combating violence in American communities. Law enforcement at the State, local, and Federal levels are leveraging and enhancing their relationships with members of diverse communities that broadly and strongly reject violent extremism.

Second, DHS is focused on getting resources and information out of Washington, DC and into the hands of State and local law enforcement, in order to provide them with the tools they need to combat the threats their communities face. Because State and local law enforcement are often in the best position to first notice the signs of a planned attack, our homeland security efforts must be interwoven in the

police work that State, local, and Tribal officers do every day. We must make sure that officers everywhere have a clear understanding of the tactics, behaviors, and other indicators that could point to terrorist activity. Accordingly, DHS is improving and expanding the information-sharing mechanisms by which officers on the beat are made aware of the threat picture and what it means for their communities. DHS is doing so in alignment with the vision of Congress and the direction the President has set for a robust information sharing environment. These efforts include providing training programs for local law enforcement to help them identify indicators of terrorist activity, as well as our work with our partners at the Department of Justice (DOJ) on the Nationwide Suspicious Activity Reporting Initiative, which has created a standardized system for reporting suspicious activity so that this information can be analyzed against National trends and shared across jurisdictions. And we are encouraging Americans to alert local law enforcement if they see something that is potentially dangerous through the “If You See Something, Say Something” campaign. The kind of vigilance that this campaign promotes has helped to foil terrorist plots in the past, including last month in Spokane, Washington.

Taken together, these steps lay a strong foundation that police and their partners across the country can use to protect their communities from terrorism and violence. While many kinds of violent motivations threaten our security,<sup>1</sup> these initiatives are helping to build a strong foundation of preparedness that will be embedded in the fabric of cities and towns across the Nation. Indeed, what we are building to secure America from every type of attack is a homeland security architecture that helps law enforcement everywhere protect their communities from any type of attack. This homeland security architecture will be paired with efforts to better understand the risk confronting the homeland, and to protect the privacy rights and civil liberties of all Americans.

#### COUNTERING VIOLENT EXTREMISM (CVE)

Since 2009, more than two dozen Americans have been arrested on terrorism-related charges. More broadly, a report last month from the New York State Intelligence Center, the fusion center for the State of New York, examining 32 major terrorism cases in the United States related to al-Qaeda-like ideology since 9/11, shows that 50 of the 88 individuals involved in those plots were U.S. citizens at the time of their arrests, and among those citizens, a clear majority of were natural-born.<sup>2</sup>

This report demonstrates why we must confront the threat of homegrown violent extremism in order to truly secure our country. We have a clear path forward to guide our efforts on this front. The Homeland Security Advisory Council’s (HSAC) Countering Violent Extremism Working Group—comprised of security experts, elected officials, law enforcement leaders, community leaders, and first responders from around the country—has provided DHS with a number of recommendations on how to support local law enforcement and community-based efforts to identify and combat sources of violent extremism.

One major recommendation was to develop a CVE curriculum for State and local law enforcement that is focused on community-oriented policing, and that would help enable front-line personnel to identify activities that are indicators of potential terrorist activity and violence. We have now developed the first iteration of this curriculum, through partnership with the Major Cities Chiefs Association, the International Association of Chiefs of Police, the Department of Justice, the Counter Terrorism Academy, and the Naval Postgraduate School. The first training with this CVE curriculum will take place this month at DHS’ Federal Law Enforcement Training Center (FLETC). Law enforcement from New York, Detroit, the Twin Cities, Chicago, Washington DC, and Los Angeles are invited to participate. This curriculum will continue to be developed and refined in consultation with our partners, and it will become widely available through regional policing institutes, in addition to FLETC. The eventual goal is to include this curriculum in the basic and in-service training that is provided to all new law enforcement personnel.

In forming these kinds of community-based partnerships, it is important that communities learn from each other about what works in countering violent extremism. To support this effort, we work closely with a diverse collection of religious, ethnic, and community organizations. As the President said in his State of the

<sup>1</sup>An examination of 86 terrorist cases in the United States from 1999 to 2009 by the Institute for Homeland Security Solutions (“Building on Clues: Examining Successes and Failures in Detecting U.S. Terrorist Plots, 1999–2009,” October 2010) shows that nearly half of those cases were related to al-Qaeda or al-Qaeda-inspired ideology, with the remainder due to a number of other violent extremist motivations.

<sup>2</sup>New York State Intelligence Center, “The Vigilance Project: An Analysis of 32 Terrorism Cases Against the Homeland,” December 2010.

Union address, in the face of violent extremism, “we are responding with the strength of our communities.” A vast majority of people in every American community resoundingly reject violence, and this certainly includes the violent, al-Qaeda-style ideology that claims to launch attacks in the name of their widely rejected version of Islam. We must use these facts as a tool against the threat of homegrown violent extremism. In conjunction with these communities and with the Department of Justice and the Program Manager for the Information Sharing Environment, we have published guidance on best practices for community partnerships, which has been distributed to local law enforcement across the country. DHS also holds regular regional meetings—which include State and local law enforcement, State and local governments, and community organizations—in Chicago, Detroit, Los Angeles, and Minneapolis. These regional meetings have enabled participants to provide and receive feedback on successful community-oriented policing and other programs aimed at preventing violence.

DHS has also issued, and continues to compile, unclassified case studies that examine recent incidents involving terrorism so that State and local law enforcement, State and local governments, and community members can understand the warning signs that could indicate a developing terrorist attack. These case studies focus on common behaviors and indicators regarding violent extremism to increase overall situational awareness and provide law enforcement with information on tactics, techniques, and plans of international and domestic terrorists.

DHS has also conducted “deep dive” sessions with the intelligence directors of major city police departments and with the leadership of State and major urban area fusion centers. DHS leaders meet with these individuals to discuss case studies, terrorist techniques, and current or novel indicators of terrorism, so that these leaders can inculcate these lessons in their own institutions.

The United States Government as a whole is also working with our international allies who have experience with homegrown terrorism. The State Department has the lead for these international activities, but DHS is also working with foreign governments that share many of our security concerns. In the past several months, DHS has participated in bilateral conferences with partners in Canada and the United Kingdom on countering violent extremism, and these and additional conversations will continue to leverage lessons our partners have learned that may benefit law enforcement in the United States.

We will also leverage grant programs to support training and technical assistance in building community partnerships and local participation in the SAR Initiative. Pending our fiscal year 2011 appropriation, DHS, the Office of Community Oriented Policing Services (COPS) within DOJ, and the DOJ Bureau for Justice Assistance within the DOJ are working together to develop a joint grant resource guide for State and local law enforcement that leverages relevant funds and programs for community-oriented policing. At the same time, DHS is expanding engagement through our Privacy Office and our Office for Civil Rights and Civil Liberties to help DHS personnel and law enforcement on the ground better understand and identify threats and mitigate risks to our communities while ensuring these efforts respect the rights enjoyed by all Americans.

#### SUPPORTING LAW ENFORCEMENT WITH THE INFORMATION AND RESOURCES THEY NEED

As I mentioned above, a major role of the Department of Homeland Security is to get information and resources out of Washington, DC and into the hands of law enforcement throughout the country. Local law enforcement, community groups, citizens, and the private sector play as much of a role in homeland security as the Federal Government. That is why we emphasize that “homeland security starts with hometown security.”

DHS has been working to expand our efforts to build the capacities of State, local, Tribal, and territorial law enforcement over the past 2 years to support four main priorities. First, the information and intelligence provided to States and local authorities should be timely, actionable, and useful to their efforts to protect local communities from terrorism and other threats. Second, we should support State and local law enforcement efforts to recognize the behaviors and indicators associated with terrorism, and incorporate this knowledge into their day-to-day efforts to protect their communities from terrorist acts violent crime. Third, we should ensure that information about terrorism-related suspicious activity is shared quickly among all levels of government, so that information from the front lines can be factored into larger analytic efforts regarding the threat picture across the whole country. Fourth, we should encourage a “whole of Nation” approach to security, where officers on the ground are supported by an informed, vigilant public that plays a key role in helping to secure our country against new and evolving threats.



We have dedicated significant resources to building four major pieces of our new homeland-security architecture to work towards these goals. The four pieces are Joint Terrorist Task Forces (JTTFs), State and major urban area fusion centers, the Nation-wide SAR Initiative, and the “If You See Something, Say Something” campaign.

#### *Joint Terrorism Task Forces*

A critical piece of the homeland security architecture is the mechanism created to jointly investigate terrorism cases: the Joint Terrorism Task Forces led by the FBI. Hundreds of DHS personnel from eleven DHS components are currently working to support and participate in the 104 JTTFs across the country, all of which marshal resources from a number of sources to jointly conduct terrorism investigations. Our Nation’s JTTFs have been successful in mitigating the terrorist threat in a number of instances, including in the investigation of Najibullah Zazi, who was arrested in 2009 for a terrorist plot to attack the New York transit system. In that case, several FBI field offices and their JTTFs (including the New York JTTF) contributed to efforts in identifying Zazi, conducting surveillance of him, and arresting Zazi before he could execute his attack, while also identifying Zazi’s associates.

#### *Fusion centers*

The second element is the network of State and major urban area fusion centers, which serve as focal points for information sharing among all levels of government. While JTTFs are investigative teams that bring agencies together to investigate particular terrorism cases, fusion centers are analytical and information-sharing entities that bring agencies together to assess local implications of threat information in order to better understand the general threat picture. These centers analyze information and identify trends to share timely intelligence with Federal, State, and local law enforcement including DHS, which then further shares this information with other members of the intelligence community. In turn, DHS provides relevant and appropriate threat information from the intelligence community back to the fusion centers. Today, there are 72 State- and locally-run fusion centers in operation across the Nation, up from a handful in 2006. Our goal is to make every one of these fusion centers a center of analytic excellence that provides useful, actionable information about threats to law enforcement and first responders. To do this, we have deployed 68 experienced DHS intelligence officers to fusion centers across the country. We are committed to having an officer in each fusion center. DHS further supports fusion centers through the grants process, and, as fusion centers become fully operational, by deploying the Homeland Security Data Network to provide access to classified homeland security threat information to qualified personnel. Our support for fusion centers is focused on supporting them to fully achieve four baseline capabilities: the ability to receive classified and unclassified threat-related information from the Federal Government; the ability to assess the local implications of threat-related information through the use of risk assessments; the ability to further disseminate to localities threat information, so local law enforcement can recognize behaviors and indicators associated with terrorism; and the ability to share, when appropriate, locally-generated information with Federal authorities, in order to better identify emerging threats. The Department of Justice also work closely with fusion centers to ensure that the analytical work of fusion centers and the investigative work of JTTFs complement each other.

#### *Nationwide Suspicious Activity Reporting Initiative*

The third piece of our homeland security architecture that I described earlier is the Nationwide Suspicious Activity Reporting, or SAR, Initiative, which DHS is working closely with DOJ in order to expand and improve. The Nationwide SAR Initiative creates a standard process for law enforcement to identify, document, vet, and share reports of suspicious incidents or behaviors associated with specific threats of terrorism. The reports then can be used to identify broader trends. To date, the SAR Initiative is under various stages of implementation at 33 sites that cover two-thirds of the American population, and it should be fully implemented across the country by September of this year.

Importantly, this initiative also trains frontline, analytic, and executive personnel to recognize behaviors and indicators associated with terrorism, and to distinguish them from non-suspicious and legal behaviors. Thus far, more than 13,000 frontline Federal, State, and local law enforcement personnel across the country have received SAR training, and it is expected that virtually all frontline law enforcement personnel in the United States—hundreds of thousands of officers—will receive this training by the autumn of this year, thanks in large part to the partnership of the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Major County Sheriffs’ Association, and the National Sheriffs’ Association. As part

of the SAR Initiative, we are also installing information-sharing technologies within DHS that enable suspicious activity reports that are vetted by specially trained analysts to be forwarded to JTTFs and to be accessible to other fusion centers and DHS offices. In conjunction with the Nationwide SAR Initiative, DHS is also working to provide reporting capability directly to owners and operators of critical infrastructure.

The initial stages of this program have underscored the value of this initiative. For example, over the 2 years it was involved in the pilot, one major city reported that implementation of the initiative resulted in seventeen reports related to an open FBI terrorism case. Over those same 2 years, a total of 393 reports were accepted by local JTTFs for further investigation, and local investigations resulted in 90 additional arrests for weapons offenses and related charges. Separately, as the media has already reported, a Chicago Police Department officer filed a suspicious activity report in summer 2009 about David Coleman Headley based on observations the officer made in a Chicago park. Headley was subsequently tied to the terrorist attacks in Mumbai in November of 2008 and was arrested on U.S. charges as well. In addition, fusion centers in New York, Florida, and Virginia used suspicious activity reports and other documents to identify associates of both Faisal Shahzad and Najibullah Zazi.

*“If You See Something, Say Something”*

The fourth element of the homeland security architecture I referenced is the effort to spread awareness about the role the public plays in our security. The vigilance of Americans continues to help save lives and aid law enforcement and first responders. We saw this last month in the brave responses of many Americans in the moments after the shootings in Tucson, when members of the public subdued the shooter. We saw how the vigilance of the public can prevent an attack when a potentially deadly bomb was found prior to the start of a Martin Luther King Day parade in Spokane, Washington, after several city workers noticed a suspicious backpack and reported it to police. Of course, we all remember how last May, a street vendor alerted police to smoke coming from a car and helped to save lives during the attempted bombing in Times Square. Time and time again, we see vivid examples of why the American public’s vigilance is a critical part of our security.

To foster this vigilance, we have taken a public awareness campaign with a familiar slogan—“If You See Something, Say Something,” initially used by New York’s Metropolitan Transit Authority and funded in part by DHS—and are spreading it across the country. This program is based on those tenets of community-oriented policing that enable the public to work closely with local law enforcement to protect their communities from crime. The campaign outlines a positive role that Americans can play in our shared security. This public education effort is being expanded to places where the Nationwide SAR Initiative is already being implemented, so we can ensure that calls to authorities will be handled appropriately and in an environment where privacy and civil-liberties protections are in place. The campaign has already been launched in a number of State and local jurisdictions, as well as within several key sectors, including Amtrak, the general aviation community, the Washington Metro, New Jersey Transit, with the NFL and the NCAA, the commercial services sector at hotels and major landmarks such as the Mall of America in Minnesota, and National retailers like Walmart; and at Federal buildings protected by the Federal Protective Service.

In addition to these four major pieces of our homeland security architecture, we are further enhancing our Nation’s defenses against threats through reforms we have made to the DHS grants and the grant process. Our State and local partners everywhere are struggling to pay their bills and fund vital services. As a former governor, I know the hard choices they face. But it is critical to our National security that local communities maintain and continue to strengthen their public safety capabilities. In 2010, DHS awarded \$3.8 billion to States, cities, law enforcement, and first responders to strengthen preparedness for acts of terrorism, major disasters and other emergencies. We are also changing the grant process to help them stretch these dollars even further. We have eliminated red tape by streamlining the grant process; expanded eligible expenses to fund maintenance and sustainability; and made it easier for fire grants to be put to work quickly to rehire laid-off firefighters and protect the jobs of veteran firefighters.

We also are making significant changes to the National Terrorism Advisory System (NTAS), which will make the system a better tool for disseminating information about threats both to the public and to specific sectors. Last month, I announced the end of the old system of color-coded alerts, and that we are moving forward on a 90-day implementation period in which state and local governments, law enforce-

ment agencies, private and non-profit sector partners, airports, and transport hubs will transition to this new system.

Americans have a stake in our collective security, and we trust them to do their part in our shared responsibility for our Nation's security. The new system is built on the simple premise that when a threat develops that could impact the public, we will tell the public and provide whatever information we can.

The new system reflects the reality that we must always be on alert and ready. When we have information about a specific, credible threat, we will issue a formal alert with as much information as possible. The alert may also be limited; depending on the nature of the threat, alerts may be issued only to law enforcement, or, for example, to a segment of the private sector such as shopping malls or hotels. Alternately, the alert may be issued more broadly to the American people. The alert may ask Americans to take certain actions, or to look for specific suspicious behavior. And alerts will have an end date.

This new system was developed collaboratively. It was largely the work of a bipartisan task force that included law enforcement, former mayors and governors, and members of the previous administration. I look forward to continuing to work with our many partners and with this committee to improve this system as it moves forward.

#### STRENGTHENING VULNERABLE SECTORS

In addition to building this foundation, DHS has also been at work strengthening sectors that have been—and continue to be—targets of attacks.

##### *Commercial aviation*

The latest threat information indicates that commercial aviation is still the top target of terrorists, a fact that is underscored by the terrible bombing in Moscow's Domodedovo airport last month. The attempted terrorist attack on Christmas day 2009 illustrated the global nature of the threat to aviation. That incident involved a U.S. plane flying into a U.S. city, but it endangered individuals from at least 17 foreign countries. The alleged attacker, Umar Farouk Abdulmutallab, is a Nigerian citizen educated in the United Kingdom. He received training in terrorist tactics in Yemen, purchased his ticket in Ghana, and flew from Nigeria to Amsterdam before departing for Detroit.

After this attempted terrorist attack, the U.S. Government moved quickly to strengthen security. We took immediate steps to bolster passenger screening, while addressing larger systemic issues on a global scale. We launched a global initiative to ensure international aviation security efforts were stronger, better coordinated, and designed to meet the current threat environment. With the International Civil Aviation Organization (ICAO), the United Nations body responsible for air transport, we held five regional aviation security summits which resulted in five major regional aviation security declarations, and worked closely with U.S. and international airline and airport trade associations and airline CEOs on a coordinated, international approach to enhancing aviation security. These meetings culminated in the ICAO Triennial Assembly at the beginning of October, where the Assembly adopted a historic Declaration on Aviation Security, which forges a historic new foundation for aviation security that will better protect the entire global aviation system from evolving terrorist threats.

DHS coupled these international efforts with significant advances in domestic aviation security. We have deployed additional behavior detection officers, air marshals, and explosives-detection canine teams, among other measures, to airports across the country. Through the Recovery Act, we accelerated the purchase of Advanced Imaging Technology machines for deployment to airports around the country, and currently have 486 deployed. The President's fiscal year 2011 budget request would provide funding for a further 500 AIT machines for deployment to our Nation's airports. We are also purchasing and deploying more portable explosive detection machines, Advanced Technology X-ray systems, and bottled liquid scanners. In addition, in April 2010, the United States implemented new, enhanced security measures for all air carriers with international flights to the United States that use real-time, threat-based intelligence to better mitigate the evolving terrorist threats. And in November, DHS achieved a major aviation security milestone called for in the 9/11 Commission Report, as 100 percent of passengers on flights within or bound for the United States are now being checked against Government watch lists.

##### *The global supply chain*

In addition to our on-going efforts to enhance international aviation security, last month I announced a new partnership with the World Customs Organization to enlist other nations, international bodies, and the private sector to strengthen the

global supply chain. As illustrated this past October by a thwarted plot to conceal explosive devices onboard cargo aircraft bound for the United States from Yemen, the supply chain is a target for those who seek to disrupt global commerce.

Securing the global supply chain is an important part of securing both the lives of people around the world as well as the stability of the global economy. Beyond the immediate impact of a potential attack on passengers, transportation workers and other innocent people, the longer-term consequences of a disabled supply chain could quickly snowball and impact economies around the world. One consequence, for example, could be that people across the world would find empty store shelves for food, serious shortages in needed medical supplies, or significant increases in the cost of energy.

To secure the supply chain, we first must work to prevent terrorists from exploiting the supply chain to plan and execute attacks. This means, for example, working with customs agencies and shipping companies to keep precursor chemicals that can be used to produce improvised explosive devices (IEDs) from being trafficked by terrorists. We must also protect the most critical elements of the supply chain, like central transportation hubs, from attack or disruption. This means strengthening the civilian capacities of governments around the world, including our own, to secure these hubs; establishing global screening standards; and providing partner countries across the supply chain with needed training and technology. Finally, we must make the global supply chain more resilient, so that in case of disruption it can recover quickly. Trade needs to be up and running, with bolstered security, if needed, as quickly as possible after any kind of event.

I am confident the global community can make great strides on all of these fronts in 2011. Just as the nations of the world were able to make historic progress on enhancing international aviation security in 2010, so too can we make global supply chain security stronger, smarter, and more resilient this year.

#### *Surface transportation*

DHS has also taken major steps to strengthen security for surface transportation, including passenger rail and mass transit. Many of the steps I have already described are especially important in helping to secure that environment. We conducted the initial launch of the National “If You See Something, Say Something” campaign at Penn Station in New York, in conjunction with Amtrak. The Nation-wide SAR Initiative is also geared toward detecting signs of terrorism in mass transit hubs and vehicles like train stations, buses, or rail cars. This initiative includes as law enforcement partners the Amtrak Police Department as well as all police agencies serving rail networks in the Northeast corridor, providing officers to use this upgraded reporting system to refer suspicious activity to DHS and the FBI. This is in addition to the intelligence sharing that the Transportation Security Administration (TSA) conducts with Amtrak on an on-going basis, and the information-sharing work conducted by the Public Transportation Information Sharing Analysis Center. TSA special operation teams, known as Visible Intermodal Prevention and Response (VIPR) teams, work with local partners to support several thousand operations every year. The expansion of the Nation-wide SAR Initiative will continue to include our partners in the transportation sector.

We are moving forward on the implementation of the 20 recommendations made in the Surface Transportation Security Assessment, released in April as part of an administration-wide effort to address surface transportation security. DHS has the lead on 19 of these recommendations; to date we have completed five of the recommendations<sup>3</sup> and are making significant progress toward implementing the remainder. We are also in the rulemaking process to require background checks and security training for public transit employees, and to require vulnerability assessments and security plans for high-risk public transportation agencies, railroads, and bus operators. All of these actions will help to address a landscape where the threats to these systems are clear.

#### *Cybersecurity*

At the same time that we work to strengthen the security of our critical physical infrastructure, we are also working to secure cyberspace—an effort that requires coordination and partnership among the multitude of different entities in both the Government and private sector that share responsibility for important cyber infra-

<sup>3</sup>The completed recommendations are: Number 1, Cross Modal Risk Analyses; Number 3, Evaluate and Rank Critical Surface Transportation Systems and Infrastructure; Number 12, Gap Analysis of Existing Risk Tools and Methodologies; Number 15, Secure™ and FutureTECH™ Programs; and Number 18, Transportation Research & Development Input Process.

structure. Indeed, in just the last year, we have seen the full spectrum of cyber threats, from denial-of-service attacks and spamming to attacks with spyware. However, we have made—and are continuing to make—substantial progress at building the capability necessary to address cyber incidents on a National level.

DHS has expanded its capabilities to further secure cyberspace. Last year, we entered into a new agreement with the Department of Defense and National Security Agency to enhance our capabilities to protect against threats to civilian and military computer systems and networks. Through this agreement, personnel from DHS and the DOD are now able to call upon the resources from each other and the NSA in order to respond to attacks against our interlinked networks. We also continue to expand the number of cyber experts working for DHS, a number which has increased about fivefold in the past 2 years.

The Cyber Storm III exercise was another milestone in 2010. This exercise simulated a large-scale cyber attack on our critical infrastructure and involved participants from DHS and seven Cabinet-level Federal agencies, but also from 13 other countries and 11 States. It represented an important test for the country's National Cyber Incident Response Plan.

DHS has opened and is now growing the National Cybersecurity and Communications Integration Center (NCCIC), which is a 24/7 watch-and-warning center that works closely with both government and private-sector partners. In 2011, DHS will complete the deployment of the EINSTEIN 2 threat detection system across the Federal space. In addition, the Department will continue to develop, and begin deployment, of EINSTEIN 3, which will provide DHS with the ability to automatically detect and counter malicious cyber activity.

#### CONCLUSION

The terrorist threat to the homeland is, in many ways, at its most heightened state since 9/11. This threat is constantly evolving, and, as I have said before, we cannot guarantee that there will never be another terrorist attack, and we cannot seal our country under a glass dome. However, we continue to do everything we can to reduce the risk of terrorism in our Nation.

Our efforts are guided by a simple premise: To provide the information, resources, and support that the hardworking men and women of DHS, our Federal partners, and State, local, Tribal, and territorial first responders need to effectively prevent and recover from acts of terrorism and to mitigate the threats we face. This support helps to build the kind of foundation that can guard against—and bounce back from—any kind of attack, from newly emerging threats to specific sectors that have been terrorist targets in the past. Working with our Federal partners, law enforcement across the country, the private sector, and the American public, we are making great progress in addressing today's evolving terrorist threats.

Chairman King, Ranking Member Thompson, and Members of the committee: Thank you for inviting me to testify today. I can now take your questions.

Chairman KING. Thank you, Secretary Napolitano. Your statement will be made part of the record, your full statement.

I will now recognize Director Mike Leiter. Director Leiter.

#### **STATEMENT OF MICHAEL E. LEITER, DIRECTOR, NATIONAL COUNTERTERRORISM CENTER**

Mr. LEITER. Thank you, Chairman King, Ranking Member Thompson, Members of the committee. Thank you for having me, with Secretary Napolitano.

I hate to sound like a broken record, but I do want to add my personal thanks to Congresswoman Harman, who has been a leader in intelligence and homeland security for many years now.

She has been a staunch supporter of NCTC. The one anecdote I would pass along beyond the laws you have worked on, the oversight you have provided, Congresswoman Harman came out and spent about 2½ hours with a packed room of analysts, about 50 or 60 men and women, to talk to them about what it was like to be a senior woman in National security. Those young analysts came out glowing about their experience. I think it was the personal

touch that you provided which helped, I think, inspire another generation of National security leaders. So thank you very much.

I also want to thank the committee for coming out and visiting NCTC. I think the opportunity to see young analysts and the ways in which NCTC and DHS are so entwined in our work on a daily basis was a great opportunity.

As Chairman King noted, the past 2 years have obviously highlighted the many dangers associated with a geographically and ideologically diverse group of terrorists that seek to harm the United States and our allies. These threats are not only from outside our borders, but increasingly from within.

Although we have made enormous strides in combating and reducing the likelihood of some complex catastrophic attacks by al-Qaeda from Pakistan, we continue to face threats from many other corners.

I will briefly outline those remarks and, again, ask that my full record be made part of the—my full statement be made part of the record. To begin, I will touch on the threats that we face. Today, al-Qaeda and its allies in Pakistan still pose a threat, despite degradation suffered from extensive and sustained counterterrorism operations over the past several years and accelerated over the past 2 years.

Al-Qaeda, we believe in Pakistan is at one of its weakest points in the past decade, and it is continuously being forced to react to a reduced safe haven and personnel losses.

But it remains a very determined enemy. Of course, Osama bin Laden and Ayman al-Zawahiri maintain al-Qaeda's unity and strategic focus on the United States and other Western targets. At least five disrupted plots in Europe during the past 5 years, including the plot to attack U.S. airliners transiting between the United Kingdom and the United States, in addition to disrupted cells in the United Kingdom, Norway, and attacks against newspaper offices in Denmark demonstrate al-Qaeda in Pakistan's steadfast intentions.

We are also concerned about future homeland attacks from one of al-Qaeda's key allies within the Federally Administered Tribal Areas, or the FATA, Tehrik-i-Taliban Pakistan, TTP, the group that trained Faisal Shahzad, the Times Square bomber from May 1 of last year, as well as the potential threat from other al-Qaeda original allies within the Pakistan and Afghanistan region.

Also on Pakistan, we remain focused on Lashkar-e-Taiba, the group behind the 2008 Mumbai attacks, which remains a threat to a variety of interests in South Asia. Although LET has not yet conducted attacks in the West, it does have individuals who have been trained who have been involved in attacks, and it could pose a threat to the homeland and Europe, in addition to destabilizing South Asia more broadly.

Of course, we continue to view Yemen as a key base of operations from which al-Qaeda in the Arabian Peninsula can and has planned and executed attacks. Over the past year, AQAP expanded operations against the homeland, including, of course, the December 2009 attack, and its follow-on effort to down two U.S.-bound cargo planes in October 2010.

In addition to these specific attacks, A.Q. has made several appeals last year to Muslims to conduct attacks on their own initiative. Specifically, over the past year, AQAP released four issues of its magazine, English magazine Inspire, which attempts to persuade adherence to launch attacks on their own in the West.

East Africa remains a key operating area for al-Qaeda associates, as well. Of course, last year, for the first time, they struck outside of Somalia, killing 74, including one American in Uganda, and they continue to attract violent extremists from across the globe, including from the United States.

Now, these were mostly threats from outside the country. As the Chairman noted, we are extremely concerned with homegrown violent extremists here in the United States. Plots disrupted in Washington, DC, Oregon, Alaska, and Maryland during the past year were indicative of a common cause rallying independent extremists to attack the homeland. Homegrown violent extremists have yet to demonstrate a sophisticated ability, but as Fort Hood demonstrated, attacks need not be sophisticated to be quite deadly.

Now, although time doesn't permit me to go into all of the threats we watch, I would just like to highlight, in addition to these threats, we continue to watch al-Qaeda in North Africa and Iraq, Hezbollah and its targeting of U.S. interests globally, and also other terrorist groups, including Greek anarchists that recently sent letter bombs to embassies in Rome and elsewhere.

In light of this changing dynamic, we have significantly evolved our capabilities to try to reduce the likelihood of a successful attack. Most notably, as you saw last week or 2 weeks ago in your visit, NCTC established a pursuit group that is designed to track down tactical leads that can lead to the discovery of threats and against the homeland. As I hope you saw, the pursuit group has repeatedly identified and passed to our operational partners like DHS key leads which might otherwise have been missed.

We are, of course, also focused on continuing to lead information integration across the U.S. Government for counterterrorism purposes. We have always had access to a plethora of databases, but in conjunction with DHS, FBI, and others, we have further developed over the past year an information technology architecture which aims to improve our ability to detect this new sort of threat.

Finally, as this committee knows quite well, counterterrorism efforts are not just about stopping attacks, but also trying to address the upstream factors that drive violent extremism. Our focus as a general matter is undercutting the terrorist narrative and building safe and resilient communities, not NCTC operationally, but with our partners like DHS, in conjunction with other parts of the U.S. Government.

Specifically, on behalf of the National security staff, we are coordinating interagency planning in partnership with departments and agencies across the U.S. Government. Where appropriate, we are helping to support and coordinate the Federal Government's engagement with American communities where terrorists are already focusing their recruiting efforts.

In my view, while government has an important role in implementing these strategies, we along with DHS view the private-sector and community institutions as key players in countering

radicalization. We believe strongly that addressing radicalization requires community-based solutions service to local dynamics and needs.

In coordination with FBI and DHS, NCTC developed a community awareness briefing that conveys unclassified information about the realities of current terrorist recruitment to the homeland on the internet so communities can be mobilized to fight the same fight that we are involved in.

Chairman King, Ranking Member Thompson, and all the Members of the committee, thank you very much again for having us here today. As you know well, despite the improvements, perfection in this endeavor is not possible. We are working every day, 24 hours a day, tirelessly to try to stop the next attack, but we cannot guarantee 100 percent safety.

In this regard, I believe we must continue to foster domestic resilience while highlighting the ultimate futility of al-Qaeda's fight. Without your leadership—and, again, without Ms. Harman's leadership—we would not have made the strides that we have. I very much look forward to taking your questions and working with you for years to come. Thank you.

[The statement of Mr. Leiter follows:]

PREPARED STATEMENT OF MICHAEL E. LEITER

FEBRUARY 9, 2011

INTRODUCTION

Chairman King, Ranking Member Thompson, distinguished Members of the committee, thank you for the opportunity today to discuss the current state of the terrorist threat to the Homeland and the U.S. Government's efforts to address the threat. I am pleased to join Secretary of Homeland Security Janet Napolitano here today—one of the National Counterterrorism Center's (NCTC) closest and most critical partners.

The past 2 years have highlighted the growing breadth of terrorism faced by the United States and our allies. Although we and our partners have made enormous strides in reducing some terrorist threats—most particularly in reducing the threat of a complex, catastrophic attack by al-Qaeda's senior leadership in Pakistan—we continue to face a variety of threats from other corners. These of course include those commonly referred to as "homegrown terrorists" who have long-standing ties to the United States and who are often inspired by al-Qaeda's ideology. While these newer forms of threats are less likely to be of the same magnitude as the tragedy this Nation suffered in September 2001, their breadth and simplicity make our work all the more difficult.

In response, and especially since the failed December 25 attack of 2009, the counterterrorism community broadly and NCTC specifically have pursued numerous reforms to reduce the threat to the American people and our allies. These reforms address a wide variety of areas, including prioritizing CT activities across the intelligence community, clarifying counterterrorism analytic responsibilities, and improving information integration. Perhaps most notably, NCTC created a new analytical effort, the Pursuit Group, to help track down tactical leads that can lead to the discovery of threats aimed against the Homeland or U.S. interests abroad. None of these reforms are a panacea, but in combination I believe they reduce the likelihood of a successful attack.

Finally, while defending against current threats we must remain focused on denying al-Qaeda and its affiliates a new generation of recruits—especially in the homeland. In that light, NCTC has remained at the forefront of identifying, integrating, coordinating, and assessing efforts that aim to undercut the terrorism narrative and prevent the radicalization and mobilization of new additional terrorists.

AL-QAEDA AND ITS ALLIES IN PAKISTAN POSE THREAT DESPITE DEGRADATION

While al-Qaeda in Pakistan remains focused on conducting attacks in the West, the group must balance that intent with concerns for its security. Sustained CT



pressure on al-Qaeda in Pakistan has degraded the group's capabilities, leaving it at one of its weakest points in the past decade.

- During the past 2 years, al-Qaeda's base of operations in the Federally Administered Tribal Areas (FATA) has been restricted considerably, limiting its freedom of movement and ability to operate. The group has been forced to react continuously to personnel losses that are affecting the group's morale, command and control, and continuity of operations.

Al-Qaeda continues to prize attacks against the U.S. Homeland and our European allies above all else. We remain vigilant to the possibility that despite the degradation of the organization, al-Qaeda already may have deployed operatives to the West for attacks. Al-Qaeda's senior-most leaders—Usama Bin Ladin and Ayman al-Zawahiri—maintain al-Qaeda's unity and strategic focus on U.S. targets, especially prominent political, economic, and infrastructure targets.

- Europe is a key focus of al-Qaeda plotting. At least five disrupted plots during the past 5 years—including a plan to attack airliners transiting between the United Kingdom and the United States, disrupted cells in the United Kingdom and Norway, and two disrupted plots to attack a newspaper office in Denmark—demonstrate al-Qaeda's steadfast intentions.

We remain concerned about future Homeland attacks from one of al-Qaeda's key allies in the FATA, Tehrik-e-Taliban Pakistan (TTP), the group that trained the bomber who failed in his attempt in 2010 to detonate a bomb in Times Square. TTP is an alliance of militant groups that formed in 2007 with the intent of imposing its interpretation of sharia law in Pakistan and expelling the Coalition from Afghanistan. TTP leaders maintain close ties to senior al-Qaeda leaders, providing critical support to al-Qaeda in the FATA and sharing some of the same global violent extremist goals.

Other al-Qaeda allies in Pakistan, the Haqqani network and Harakat-ul Jihad Islami (HUJI), have close ties to al-Qaeda. Both groups have demonstrated the intent and capability to conduct attacks against U.S. persons and targets in the region, and we are looking closely for any indicators of attack planning in the West.

Lashkar-e-Tayyiba (LT)—another Pakistan-based Sunni extremist group—poses a threat to a range of interests in South Asia. Its previous attacks in Kashmir and India have had a destabilizing effect on the region, increasing tensions and brinkmanship between New Delhi and Islamabad, and we are concerned that it is increasing its operational role in attacks against Coalition forces in Afghanistan. Although LT has not previously conducted attacks in the West, LT—or individuals who trained with LT in the past—could pose a threat to the Homeland and Europe, particularly if they were to collude with al-Qaeda operatives or other like-minded terrorists.

#### THE INCREASING THREAT FROM AL-QAEDA'S REGIONAL AFFILIATES

As al-Qaeda's affiliates continue to develop and evolve, the threat posed by many of these groups to U.S. interests abroad and the Homeland has grown. The affiliates possess local roots and autonomous command structures and represent a talent pool that al-Qaeda leadership may tap to augment operational efforts.

*Al-Qaeda in the Arabian Peninsula (AQAP).*—We continue to view Yemen as a key battleground and regional base of operations from which AQAP can plan attacks, train recruits, and facilitate the movement of operatives. We assess AQAP remains intent on conducting additional attacks targeting the Homeland and U.S. interests overseas and will continue propaganda efforts designed to inspire like-minded individuals to conduct attacks in their home countries.

- AQAP has orchestrated many attacks in Yemen and expanded external operations to Saudi Arabia and the Homeland, including the assassination attempt on a Saudi Prince in August 2009, the attempted airliner attack during December 2009, and its follow-on effort to down two U.S.-bound cargo planes in October 2010 using explosives-laden printer cartridges.
- Anwar al-Aulaqi, a dual U.S.-Yemeni citizen and a leader within AQAP, played a significant role in the attempted airliner attack and was designated in July as a specially designated global terrorist under E.O. 13224 by the U.S. Government and the UN's 1267 al-Qaeda and Taliban Sanctions Committee. Al-Aulaqi's familiarity with the West and his operational role in AQAP remain key concerns for us.
- AQAP's use of a single operative using a prefabricated explosive device in their first attempted Homeland attack, and the lack of operatives associated with their second attempted attack, minimized its resource requirements and reduced visible signatures that often enable us to detect and disrupt plotting efforts.

*Al-Qaeda Operatives in East Africa and Al-Shabaab.*—East Africa remains a key operating area for al-Qaeda associates and the Somalia-based terrorist and insurgent group al-Shabaab. Some al-Shabaab leaders share al-Qaeda’s ideology, publicly praising Usama Bin Ladin and requesting further guidance from him, although Somali nationalist themes are also prevalent in their public statements and remain one of the primary motivations of rank-and-file members of al-Shabaab. The Somalia-based training program established by al-Shabaab and al-Qaeda continues to attract foreign fighters from across the globe, to include recruits from the United States. At least 20 U.S. persons—the majority of whom are ethnic Somalis—have traveled to Somalia since 2006 to fight and train with al-Shabaab. In June and July 2010, four U.S. citizens of non-Somali descent were arrested trying to travel to Somalia to join al-Shabaab.

- Omar Hammami, a U.S. citizen who traveled to Somalia in 2006 and is now believed to be one of al-Shabaab’s most prominent foreign fighters, told the New York Times last year that the United States was a legitimate target for attack. The potential for Somali trainees to return to the United States or locations in the West to launch attacks and threaten Western interests remains a significant concern.
- This past year, al-Shabaab claimed responsibility for its first transnational attack outside of Somalia—the suicide bombings in Kampala, Uganda in July that killed 74 people including one American. Al-Shabaab leaders have vowed additional attacks in the region.

*Al-Qaeda in the Lands of the Islamic Maghreb (AQIM).*—AQIM is a threat to U.S. and other Western interests in North and West Africa, primarily through kidnap-for-ransom operations and small-arms attacks, though the group’s recent execution of several French hostages and first suicide bombing attack in Niger last year highlight AQIM’s potential attack range. Disrupted plotting against France and publicized support for Nigerian extremists reveal the group’s continuing aspirations to expand its influence. Sustained Algerian efforts against AQIM have significantly degraded the organization’s ability to conduct high-casualty attacks in the country and compelled the group to shift its operational focus from northern Algeria to the vast, ungoverned Sahel region in the south.

*Al-Qaeda in Iraq (AQI).*—On-going CT successes against AQI—to include the deaths of the group’s top two leaders last year in a joint Iraqi/U.S. military operation—have continued to put pressure on the organization. However, despite these on-going setbacks, AQI remains a key al-Qaeda affiliate and has maintained a steady attack tempo within Iraq, serving as a disruptive influence in the Iraqi Government formation process and a threat to U.S. forces. We are concerned that AQI remains committed to al-Qaeda’s global agenda and intent on conducting external operations, to include in the U.S. Homeland.

#### HOMEOWN EXREMIST ACTIVITY REMAINS ELEVATED

In addition to threats emanating from outside the country, we also remain concerned that homegrown violent extremists (HVEs) continue to pose an elevated threat to the Homeland. Plots disrupted in Washington, DC, Oregon, Alaska, and Maryland during the past year were unrelated operationally, but indicate that the ideology espoused by al-Qaeda and its adherents is motivating, or being used as a justification by, individuals to attack the Homeland. Key to this trend has been the development of a U.S.-specific narrative, particularly in terrorist media available on the internet that motivates individuals to violence. This narrative—a blend of al-Qaeda inspiration, perceived victimization, and glorification of past Homegrown plotting—addresses the unique concerns of like-minded, U.S.-based individuals. HVEs continue to act independently and have yet to demonstrate the capability to conduct sophisticated attacks, but as Fort Hood shooter Nidal Hasan demonstrated, attacks need not be sophisticated to be deadly.

- Similar to 2009, arrests of HVEs in the United States in 2010 remained at elevated levels, with four plots disrupted in the Homeland. The individuals involved were motivated to carry out violence on the basis of a variety of personal rationales, underscoring the continued intent by some HVEs to take part in violence despite having no operational connections to terrorists overseas.
- Increasingly sophisticated English-language propaganda that provides extremists with guidance to carry out Homeland attacks remains easily accessible via the internet. English-language web forums also foster a sense of community and further indoctrinate new recruits, both of which can lead to increased levels of violent activity.
- The prominent profiles of U.S. citizens within overseas terrorist groups—such as Omar Hammami in al-Shabaab and Anwar al-Aulaqi in AQAP—may also

provide young U.S.-based individuals with American role models in groups that in the past may have appeared foreign and inaccessible. These individuals have also provided encouragement for homegrown extremists to travel overseas and join terrorist organizations.

#### AL-QAEDA AND AFFILIATES SUSTAIN MEDIA CAMPAIGN

Al-Qaeda senior leaders issued significantly fewer video and audio statements in 2010 than 2009. As previously, public al-Qaeda statements rarely contained a specific threat or telegraphed attack planning, but they continue to provide a window into the group's strategic intentions.

Al-Qaeda spokesmen continued to call for violence against Western targets, including appeals last year for Muslims to conduct attacks on their own initiative, and they reiterated assertions that U.S. outreach to Muslims is deceptive. Bin Ladin, al-Zawahiri, and American spokesman Adam Gadahn also released statements that decried the evils of climate change and expressed sympathy for Muslims affected by severe flooding in Pakistan, probably in an effort to bolster the group's image among mainstream Muslims.

AQAP since September has released three issues of Inspire—the group's English-language on-line magazine produced by its media wing—including a "Special Edition" in November that glorified the group's disrupted 29 October cargo plot.

#### OUR EVOLVING RESPONSE: LESSONS FROM 12/25 AND BEYOND

In light of this dynamic terrorist landscape, the CT Community has significantly evolved to improve our chances of disrupting terrorist attacks before they occur and reducing the likelihood that attacks will be successful. These reforms address a wide variety of areas, including prioritizing CT reforms across the intelligence community, clarifying counterterrorism analytic responsibilities, improving our ability to develop tactical leads like the identity of a future Umar Farouk Abdulmutallab by creating NCTC's "Pursuit Group," expanding watchlisting resources and modifying watchlisting criteria, accelerating information integration across key interagency data holdings, and continuing to prioritize sharing of intelligence with State, local, and Tribal partners.

With respect to our improved ability to develop tactical leads, 1 year ago I directed the creation of a new "Pursuit Group" within NCTC, which now focuses exclusively on information that could lead to the discovery of threats aimed against the Homeland or U.S. interests abroad. The Pursuit Group's six analytical teams work with our IC partners to identify and examine as early as possible leads that could become terrorist threats; to pursue unresolved and non-obvious connections; and to inform in a timely manner appropriate U.S. Government entities for action. Although I cannot discuss these findings in an unclassified setting, I can inform the committee that the Pursuit Group has repeatedly identified key leads that would have otherwise been missed amidst a sea of uncorrelated data.

We are also continuing to implement revamped watchlisting protocols, and—in conjunction with the FBI and DHS—we have made major improvements to the Terrorist Identities Datamart Environment (i.e., the classified backbone of terrorist watchlisting also known as "TIDE") to better support watchlisting, information sharing, and analysis. In addition, a comprehensive training program has been developed for the counterterrorism community involved in watchlisting and screening to ensure consistent application of watchlisting standards across the U.S. Government. Finally, I restructured NCTC's directorates to bring improved focus to terrorist identities; the new directorate brings additional resources to bear to enhance watchlisting records and fuse biometric and biographic watchlisting data.

Supporting all of these and other NCTC missions, NCTC has continued to lead information integration across the counterterrorism community. NCTC has long had appropriate access to a plethora of databases that span every aspect of terrorism information, but over the past year in conjunction with the ODNI, DHS, CIA, NSA, DOD, and DOJ (including FBI), we have further developed an Information Technology infrastructure to better meet the demands of the evolving threat. Such steps include the enhancement of a "Google-like" search across databases, and the development of a "CT Data Layer" to discover non-obvious terrorist relationships so that analysts can examine potential findings more efficiently. All of these efforts are being pursued vehemently, but they also require careful consideration of complex legal, policy, and technical issues as well as the implementation of appropriate privacy, civil liberty, and security protections.

And as we improve our ability to counter the evolving threat, we remain focused on sharing intelligence outside the "Federal family." Working with and through DHS and FBI, NCTC's Interagency Threat Assessment and Coordination Group

(ITACG) continues to bridge the intelligence information gap between traditional intelligence agencies and State, local, Tribal (SLT) partners, playing a pivotal role in assisting Federal partners in interpreting and analyzing intelligence intended for dissemination to SLT mission partners.

#### COUNTERING VIOLENT EXTREMISM

As this committee knows well, counterterrorism efforts are not just about stopping plots but must also include addressing “upstream factors” that drive violent extremism. NCTC continues to play a significant role in this realm, both overseas and at home. Pursuant to our authorities under the Intelligence Reform and Terrorism Prevention Act, NCTC helps identify, integrate, coordinate, and assess U.S. Government efforts that aim to counter and prevent the recruitment and radicalization of a new generation of terrorists. Our focus is on both near- and long-term efforts to undercut the terrorist narrative and promote safe and responsive communities, thereby minimizing the pool of people who would support violent extremism.

More specifically, NCTC works with colleagues in Federal, State, local and Tribal governments; with international partners; and with the private sector to integrate all elements of National power to counter and prevent violent extremism. We are coordinating an interagency planning effort to address domestic radicalization. Where appropriate, NCTC is also helping support and coordinate the Federal Government’s engagement with American communities where terrorists are focusing their recruiting efforts.

In all of our efforts we work closely with security agencies such as DHS and FBI, as well as non-traditional Federal partners such as the Department of Health and Human Services and the Department of Education. For example, NCTC participated in an event with the Department of Education where five school districts came together to discuss unique challenges facing schoolchildren of Somali descent, including targeted recruitment efforts by al-Shabaab. These non-security partners offer expertise in social services and the capacity to act on the local and community level. By coordinating and integrating a broad community of interest, NCTC ensures a “whole of government” approach that is vital to addressing and preventing radicalization.

While Government has an important role in developing and implementing strategies, we view the private sector and community institutions as key players in directly countering radicalization, and we believe strongly that addressing radicalization requires community-based solutions that are sensitive to local dynamics and needs. In this regard, NCTC has engaged the private sector to provide forums in which to examine these issues. Specifically, we recently participated in an event hosted by a prominent think tank that brought together private technology experts and community members in order to explore ways to counter terrorist narratives on the internet.

NCTC in coordination with FBI and DHS has also worked with community leaders, State and local governments and law enforcement involved in countering violent extremism to understand how governments can effectively partner with their communities. It has become clear that Government can play a significant role by acting as a convener and facilitator that informs and supports—but does not direct—community-led initiatives. Based on this, NCTC has developed a Community Awareness Briefing that conveys unclassified information about the realities of terrorist recruitment in the Homeland and on the internet. The briefing aims to educate and empower parents and community leaders to combat violent extremist narratives and recruitment. NCTC has presented the briefing to communities—including Muslim American communities—around the country, leveraging, when possible, existing U.S. Government engagement platforms such as DHS and FBI roundtables.

#### CONCLUSION

Chairman King and Ranking Member Thompson, I want to thank you for the opportunity to testify before your committee today. Together we have made great strides in reducing the likelihood of a successful terrorist attack—especially a catastrophic one. But as you know well, perfection is no more possible in counterterrorism than it is in any other endeavor. NCTC and the entire counterterrorism community work tirelessly to reduce the likelihood of attack but we cannot guarantee safety. In this regard, I believe we must continue to foster resilience domestically while highlighting the futility of al-Qaeda’s fight.

Without your leadership, the strides we have jointly made to counter the terrorist threat would not be possible. Congress’s continued support is critical to the Center’s mission to lead our Nation’s effort to combat terrorism at home and abroad by analyzing the threat, sharing that information with our partners, and integrating all

instruments of National power to ensure their coordinated application and thereby maximize our effectiveness at combating the threat. I look forward to continuing our work together in the years to come.

Chairman KING. Thank you, Director Leiter. I thank both witnesses for their testimony.

Secretary Napolitano, 2 years ago, when you made your first statement before this committee, I pointed out the fact that you do not use the word “terrorist” or “terrorism” even once. In today’s statement, you used it more than 60 times. Is that a reflection of the growing terrorist threat? Is it a reflection of the changing emphasis within the administration? Or is it just something that happened?

Secretary NAPOLITANO. Well, I think my initial statement before the committee was one of several speeches, and it just happened to be the one that didn’t use the word “terrorism.”

But the plain fact of the matter is, is that I spend the bulk of my time working on counterterrorism-related activities. It can be in the TSA world. It can be in the CBP world. It can be with intel and analysis and working with our fusion centers with the NCTC and others, but this is a top priority for us.

Mr. Chairman, one area that is really not up to bat today but is a new one and is also one I think we need to watch out for is the whole word of cyber and cybersecurity and how that is going to interconnect with the terrorist—

Chairman KING. Yes. In fact, Chairman Lungren—is going to be working on that extensively during the year. How prepared do you believe the Department is to deal with the threat from biological, chemical, radiological weapons?

Secretary NAPOLITANO. Yes. Now that is an extraordinarily difficult area in the sense that we are still working on—at the science and technology level on things like detection mechanisms that are effective in all areas. Mr. Chairman, I think I would say that we are more prepared now than we were 2 years ago. Two years ago we were more prepared than 2 years before then. But there is still much work to be done.

That is why we have funded and are continuing to fund pilots of different types with laboratories and universities and actually private-sector entities around the country, particularly in the CBRN arena. That is why those things are so important. Securing the Cities is an example of that.

Chairman KING. Thank you. Director Leiter, with the splintering of these—the development of these various splinter groups, how much control do you see coming from al-Qaeda central to those groups? If there is not control, is that good or bad?

Mr. LEITER. Mr. Chairman, I think there remains certainly ideological inspiration from al-Qaeda’s senior leadership but less and less operational control. I think that is in large part due to the offensive pressure that we are applying to al-Qaeda in Pakistan.

I think to some extent that is quite good. It reduces the likelihood again of a large-scale organized attack. I think the negative aspects of it is it allows the franchises to innovate on their own. In the case of al-Qaeda and the Arabian Peninsula in Yemen and folks like Anwar al-Awlaki they have been quite successful at being innovators that make our jobs more challenging.

Chairman KING. Not to be, I guess, grading them, but would say that al-Awlaki is at least a severe threat today as Bin Laden?

Mr. LEITER. I actually consider al-Qaeda in the Arabian Peninsula with al-Awlaki as a leader within that organization probably the most significant risk to the U.S. homeland. I am hesitant to rank them too quickly, but certainly up there.

Chairman KING. Would al-Awlaki be the one who has been the most successful as far as radicalizing through the internet?

Mr. LEITER. I think al-Awlaki is probably—certainly is the most well-known English-speaking ideologue who is speaking directly to folks here in the homeland. There are several others who we are concerned with but I think al-Awlaki probably does have the greatest audience and the like. So in that sense he is the most important.

Chairman KING. How effective do you find Inspire?

Mr. LEITER. It is a difficult question. Mr. Chairman. We obviously look at Inspire. It is spiffy. It has got great graphics and in some sense we think probably speaks to individuals who are likely to be radicalized. Frankly there is very little new information in Inspire. So to that extent it is not I don't think something revolutionary and new in the substance. But again, in the way it conveys the message it is useful and we think it is attractive to English speakers.

Chairman KING. How concerned are you at the possibility of messages or signals being sent through Inspire?

Mr. LEITER. I think I would take that more in a classified setting, but as a general matter I think Inspire is attempting not to build a secret network between AQAP folks in the United States or other English-speaking countries. It is more looking to what the title suggests, inspire them to act on their own.

Chairman KING. Secretary Napolitano, in your State of the Homeland Security speech, you mentioned D-block and the President made reference to it in his State of the Union speech. We don't have the details yet. Can you give us any indication of when it will be formally unveiled or what the specific details of D-block will be?

Secretary NAPOLITANO. I don't know the exact date. We will find that for you, Mr. Chairman. But I know the President is intent on working with the Congress to set aside the D-block for public safety. It is something that both our Department and the Department the Justice advocated very strongly within the administration. But I don't know the exact date when they are going to approach the Congress about the legislative change that will—

Chairman KING. I look forward to working with you and the administration on that.

Secretary NAPOLITANO. Indeed.

Chairman KING [continuing]. Ranking Member, Mr. Thompson.

Mr. THOMPSON. Thank you very much, Mr. Chairman, for holding this hearing. Secretary Napolitano, in your testimony you went to great lengths to describe your involvement in the homeland relative to home-grown terrors. Law enforcement agencies have also talked about neo-Nazis, environmental extremists and anti-tax groups as more prevalent than al-Qaeda-inspired terrorist organizations. Have you looked at this to see if that in fact is the truth?

Secretary NAPOLITANO. Representative Thompson, not in that sense. I mean, we don't have like a scorecard. The plain fact of the matter is, is that from a law enforcement, terrorist prevention perspective we have to prepare law enforcement and communities for both types of acts.

Mr. THOMPSON. Well Mr. Leiter, given what has occurred in the last 2 years here in this country, have you been able to analyze what that threat looks like?

Mr. LEITER. Congressmen, by law the National Counterterrorism Center only looks at international terrorism or that inspired by international terrorism. So my analysts do not actually look at some of the groups that you described in your question to the Secretary.

Mr. THOMPSON. But you do communicate to the people. Am I correct? On the domestic side.

Mr. LEITER. We generally work through the Department of Homeland Security and the FBI, who has the direct operational responsibility.

Mr. THOMPSON. Madam Secretary, could you help me with that? Secretary NAPOLITANO. In what sense?

Mr. THOMPSON. Relative to the information in terms of individuals who are being a threat to the homeland. I am trying to look at it in a broader sense. Sometimes we tend to narrow the focus. But I think what we have to do in looking at the threat is look at the entire threat. Can you share with the committee some of those other threats that you have deemed necessary to address?

Secretary NAPOLITANO. Well, what we are focused on is helping law enforcement and communities look for the tactics, the techniques, the behaviors that would indicate that a violent act, a terrorist act, is impending. Now, some of those are inspired by Islamist groups, Al-Qaeda and so forth. Others can be inspired by, like, anti-government groups flying a plane into the IRS building, for example.

So the JPTS are the ones on which we have members who case-by-case analyze what was the motivation of a particular actor at a particular time. I would say, Representative Thompson, that we see a variety of different types of motivations in addition to the Islamist motivation that we are here talking about right now.

Mr. THOMPSON. For the sake of the record, give us some of those varieties.

Secretary NAPOLITANO. They can be anti-Federal Government type of motivation. I mentioned the individual who flew the plane into the IRS building. Tim McVeigh. I worked on the Oklahoma City bombing case. Would be another great—I don't want to say great example—another example of that sort of motivation. It can be a variety of other things. As Mike indicated, the FBI works directly on those cases, has operational lead for their investigations.

Mr. THOMPSON. Mr. Leiter, let's take an international situation. The incident that occurred in October with the printer bomb. Were you involved in that?

Mr. LEITER. Yes, we were.

Mr. THOMPSON. Can you share with the committee, if you can, whether or not security gaps like that are being reviewed going forward, so that others hopefully will be closed?

Mr. LEITER. Congressmen, I can. Then I will also defer again to Secretary Napolitano, who has some broader responsibilities for cargo. Actually even before that event we were obviously concerned with the possibility of using cargo in a terrorist attack. You only have to look back at the Lockerbie bombing to know that this is something that could occur.

Since that event, we have worked at NCTC and the intelligence community to find new ways to support DHS to sharpen our ability to find individuals or shippers who we consider high-risk so those packages can be put through further screening. I think as Secretary Napolitano will echo, it is a challenge.

Secretary NAPOLITANO. Yes, Representative Thompson, even prior to October we had assembled an international initiative similar to what we have been doing on passenger air travel with respect to cargo. It involves the World Customs Organization, the International Civil Aviation Organization, and the International Maritime Organization.

What we are doing is working to have international standards requirements, and also working with the private sector who are the main air shippers. This of course was an air shipment. We are now screening 100 of at-risk cargo that is on a passenger plane inbound to the United States, which is something we had not had the capability of doing until the last year. We continue to work across the world, across different nodes of transportation, across different types of cargo, across different types of personnel who handle that cargo to secure the entire supply chain.

Mr. LEITER. Congressmen, if I could just add one point. I think this is an area where the cooperation between DHS and NCTC has really improved and been stellar over the past year. Not just with cargo, but with screened personnel. The movement now of information as we see a threat in the intelligence stream about a country or a name or a region and where we think an attack might be coming to, that movement is moving—that information is moving in real time to DHS so DHS can rapidly adjust their screening protocol. Again, that is happening on an hourly basis.

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

Mr. MCCAUL. Thank you, Mr. Chairman.

Thank you, Madam Secretary, Director Leiter. In November 2009, I attended the Fort Hood memorial service just north of my district in Texas and saw the 13 combat boots, the rifles, talked to the soldiers who had been shot that day. They described how the Major Hasan said, “Allahu Akbar.” It was very dramatic.

Some said that wasn’t an act of terrorism. I said it was. I think it is the deadliest attack we have had since 9/11.

Since that time, the Senate has issued a report called, “A Ticking Time Bomb.” In that report, it talks about how the Joint Terrorism Task Force in San Diego had information about Major Hasan’s contacts with what you described, Director, as the most dangerous threat to the United States’ security, and that is Awlaki. Unfortunately, that information was not shared with the commander, General Cone at Ford Hood, who I talked to, and I said, “Wouldn’t you have liked to have known that?”

When the attack took place, the FBI agent was quoted as saying, “You know who that is? That is our boy. That is our boy.”



Can you tell this committee and the American people what happened that day and what Major Hasan's connections are to the terrorist community?

Mr. LEITER. Congressman, to begin, I would just say at NCTC, within about 48 hours of that attack, we designated that a terrorist attack in what we call the worldwide incident tracking system. So from our perspective, it was—as soon as we had the initial indication of the motivation, we counted it as a terrorist attack. It can always change back; in this case, it hasn't.

With respect to his connection to Awlaki and AQAP—and I want to be very careful here, because obviously this is still a case for prosecution—but we have said publicly it looks to us like inspiration, rather than direction.

Finally, your question about what happened, I want to be careful not to speak for either Director Mueller or the Department of Defense. I think they said quite clearly at the time that information was not shared effectively between the FBI and Department of Defense. They have taken remedial action to address some of that.

I know on—for NCTC's part, since then, we have worked with the FBI to produce improved training materials and training for field offices, so there really is no question for the next special agent when he is investigating a case that he will recognize the telltale signs of radicalization and moving towards mobilization, and not just convey that to the Department of Defense, but probably be more aggressive in following that up.

Mr. MCCAUL. I mean, I think the American people—it is hard to understand—you know, you have to—and we can talk about infiltration of the military and what the threat is there, but it is hard for the average citizen to understand how the FBI could have this kind of information, that you have a major at the biggest installation in the United States in contact with one of the biggest threats to the security of the United States, and yet that information is not shared at all.

I think that is a major breakdown. I hope—and I know that is not totally within your purview and your jurisdiction, but I sure hope we can fix that—fix that problem.

Mr. LEITER. Congressman, I will say, again, I do know that the Department of Defense and FBI now have a much tighter relationship, so that information is shared. During the investigation, it was shared with a Department of Defense agent on the JTTF, but not shared back to the Army. We have also since then expanded NCTC's access to some of that granular information that was the basis for the investigation, so NCTC can help to fill those gaps and make sure the information is properly shared.

Mr. MCCAUL. Okay.

Madam Secretary, you were quoted in the Hill newspaper as saying that, with respect to the border, that the border—it is inaccurate to state that the border is out of control.

We had a briefing with Border Patrol. They said that about 44 percent of the border is under operational control. As you well know, the killings, the violence going on, you know, coming from Arizona, me coming from Texas, I would say my constituents do view it as an out-of-control state.

The special interest aliens have—has increased by 37 percent. Those are persons coming from countries that may have potentially terrorist influences. There was recently a potential terrorist that was found in the trunk of a car, paid a Mexican cartel drug dealer \$5,000 to sneak across the border.

Could you just clarify the statement, in terms of your statement that it is not out of control down there?

Secretary NAPOLITANO. Oh, absolutely. First—and I will give you the full talk that I gave at UTEP.

But the border—thanks in part to the bipartisan efforts of the Congress—has more manpower, technology, and infrastructure than ever before. The numbers in terms of seizures that need to go up are going up, and the numbers in terms of illegal immigration are going way down.

The communities that are along the border—San Diego, Nogales, El Paso, and so forth—are among, in terms of violent crime statistics, are among the safest in the United States.

So what I was saying at that—from which I am quoted in part was to the cartels in Mexico: Don't bring your violence that you are doing in Juarez, et cetera, over into the United States. You will be met with an overwhelming response.

It is true that there are crimes on this side of the border. The murder of a rancher in Arizona is one example. But it is inaccurate to extrapolate from that to say that the entire border is out of control.

With respect to the 44 percent number, I think it is important to recognize that operational control is a very narrow term of art in Border Patrol lingo. Basically, it is restricted to where you have individual agents located.

It does not take into account infrastructure. It does not take into account technology, which is a force multiplier, as you know, so that I think it would be inaccurate to take from that number or that phrase to say, well, that means the other percentage of the border, 56 percent, is out of control. That would not be accurate.

Chairman KING. The gentleman's time has expired.

The gentlelady from California, Ms. Sanchez.

Ms. SANCHEZ. Thank you, Mr. Chairman.

Thank both of you for being before us again.

Secretary Napolitano, I am still worried about this whole issue of overstays with respect to visas, in particular because I belong to a couple groups that deal with the Europeans. As you know, the European Union is having a difficult time understanding why we accept some and not some others on Visa Waiver.

So I would like to know 2 things. First, can you discuss the security measures with respect to somebody being able to come from a country where there is Visa Waiver going on and how that might be infiltrated by someone like al-Qaeda to get people over here? Second, what progress are we making on the exit part of US-VISIT?

Secretary NAPOLITANO. Well, in terms of Visa Waiver, what we have is ESTA. What ESTA does is that it gives us advanced information on someone traveling to the United States on a visa waiver—

Ms. SANCHEZ. Is it working? Have we seen any places where someone or some cell group might be, in fact, trying to come in that particular way?

Secretary NAPOLITANO. Well, let me just say that it is working in terms of smoothly identifying individuals coming across. You know, we deal with so many passengers every day. So, from a systemic point of view, it is working.

However, I think it important to say that there is—no system, no matter how well working, is a 100 percent guarantee that someone will not be able, ultimately, to infiltrate it. It may be somebody about whom we have no advance information; it may be somebody who has managed to steal an identity of someone else.

This is, unfortunately, a business in which we cannot give guarantees. What we can do and what we are doing is maximizing our ability to catch somebody ahead of time and minimize the risk that they will be infiltrated.

In terms of visa overstays, in addition to U.S. Exit, let me just suggest that one of the most effective investments the Congress can make is in ICE investigative agents, because they are the ones that really find the visa overstays and get them into proceedings.

So one of the things we are looking at doing as we move forward in the budget process is being able to staff ICE appropriately in that regard.

Ms. SANCHEZ. You stated earlier, in response to one of my colleague's questions, that you believe that all this technology that we have been using at the border, in particular with respect to Mexico, is a force multiplier.

The entire time that I was the chair of the Border Subcommittee, we would get both GAO and Border Patrol saying they didn't know if some of this technology was actually going to require that we have more people or that we actually get that savings that we intuitively think should come from that.

Do you have a new study, do you have new numbers, do you have something that is showing that relationship? Because the entire time that I was the chair, which was for about 3 years, we have on record people saying that maybe it doesn't lower the amount of body power that we need.

Secretary NAPOLITANO. Well, you still need manpower. I mean, technology is no substitute for manpower. But you are never going to have enough money to put a Border Patrol agent every 100 yards along the thousands of miles of border.

So you have to have technology and infrastructure as a three-legged stool as part of a system. Then you have to have interior enforcement inside the country to back that up.

One of the reasons that I stopped the SBInet program was so that we could redeploy those moneys into technologies that we know work, that we know are force multipliers, that enable, for example, a small forward-operating base near the Tohono O'odham nation in Arizona to be a deterrent and be able to cover a larger distance than otherwise they would be able to do.

Ms. SANCHEZ. Last—and this would be to our other guest—I represent a very large Arab Muslim community in our Nation, have the second-largest community mosque, if you will. We have had a lot of situations with FBI probes and local infiltration, et cetera.

What are the safeguards that we now have in place so that we aren't sending people into mosques and trying to elicit proactively somebody to create some sort of terrorist attack?

Mr. LEITER. Well, Congresswoman, I want to be a bit careful, because although I am familiar with them, I am certainly no expert on the FBI domestic intelligence operating guidelines and the attorney general guidelines.

What I can tell you is the FBI, approved by the attorney general, has very strict guidelines on the level of intrusiveness and what they can do based on specific information about individuals not having radical thoughts, but moving to action, which should be terrorist actions.

One of the key requirements is that no investigations can be predicated on the exercise of first amendment rights. There always has to be additional evidence on which to predicate an investigation that would then lead to some of the tools that you referenced.

Ms. SANCHEZ. Has that always been the case? Because we have documented cases, of course, even out in the press and out in the public where the fact of the matter was there was instigation of these things within the mosque by our own undercover.

Mr. LEITER. I can tell you that the current attorney general guidelines were developed during the end of the Bush administration and ultimately approved under the Obama administration and signed by the current attorney general.

The key piece here, if I may, is that you have to—obviously, there are going to be places where you have to do law enforcement investigations. In my view you have to have a balanced approach, not just those law enforcement investigations, but you have to engage with those communities, with other non-law enforcement elements of the U.S. Government to make clear that this is not an adversarial situation. In fact, this is a partnership.

As you know well, many of our tips to uncover active terrorist plots in the United States have come from the Muslim community. So we have to make quite clear that the communities are part of the solution and not part of the problem. You do that through using a variety of tools, not just law enforcement.

Chairman KING. The time of the gentlelady has expired.

Dr. Broun of Georgia.

Mr. BROUN. Thank you, Mr. Chairman.

Secretary, Director, appreciate you all being here today. I have several pressing questions for both of you, and in my limited amount of time, it will allow for only one or two, and I trust that you will send a prompt response to my written questions.

My first question is for both of you, but I would like the Director to give me a written response, but I would like to address this particularly here in this hearing.

Secretary, most terrorist experts believe that given the list of incidents of homegrown radicals—and trained terrorist recruits, the United States is now a little different from Europe in terms of having a domestic terrorist problem involving the immigrant as well as indigenous Muslims as well as converts to Islam.

However, in April 2010 the Obama administration announced that it intended to remove religious terms such as “Islamic extremism” from the National security strategy. Moreover, in a May

2010 speech at the Center for Strategic and International Studies, the deputy national security adviser for homeland security and counterterrorism, John Brennan, stated that the administration would not “describe our enemy as jihadist or Islamist.”

Do you believe that by disregarding the ideological factor behind the recent rise in domestic and international terrorism mainly by Islamic extremism the administration is inhibiting our ability to address and combat this dangerous trend?

Secretary NAPOLITANO. Representative, without having seen John Brennan’s speech or having recently reviewed the National security strategy, let me, if I might, respond to that in writing. I would venture to say that what the concern was is that in addition to Islamist terrorism or Islamist-inspired terrorism, we not overlook other types of extremism that can be homegrown and that we indeed have experiences with, as I described to Representative Thompson.

But as our testimony here today indicates, we understand full well that Islamist-inspired, al-Qaeda-inspired, however you want to call it terrorism, be it coming from abroad were now being homegrown, it is part and parcel of the security picture that we now have to deal with in the United States.

Mr. BROUN. Well, I appreciate that—I went through security TSA not long ago, and I went through it. There was a guy who followed me that obviously was of Arabian and or Middle Eastern descent. Both of us were not patted down. There was a grandma who followed me, and she was patted down. There was a small child with her. He was patted down. I have yet to see a grandma try to bomb any U.S. facility with chemicals in her bloomers, so I think we need to focus on those who want to do us harm.

Secretary NAPOLITANO. Representative, if I might respond to that, because that is a common complaint that I—

Mr. BROUN. I saw it myself.

Secretary NAPOLITANO. Well, I know. Let me just suggest, first of all, that when we add random screening to whatever we are doing, it has to be truly random. Otherwise, you use the value of unpredictability.

Second, I would be happy to have you briefed in a classified setting about how when we set firm rules about we won’t screen this kind of person or that kind of person, that our adversaries, they know those rules, and they attempt to train and get around them.

Mr. BROUN. Well, thank you. I would appreciate that briefing.

We have to focus on those people who want to do us harm. This administration and your Department are seen to be very adverse to focusing on those entities that want to do us harm and have even at times back when your spokesman came and testified before this committee, he would not even describe that Fort Hood massacre as a terrorist threat and talked about an alleged attack.

I think this is unconscionable. We have to focus on those people who want to harm us. The people who want to harm us are not grandmas, and it is not little children. It is the Islamic extremist. There are others, and I want to look into those, too, but your own Department has described people who are pro-life, who are—who believe in the Constitution, and military personnel as being potential terrorists.

Now, come on. Give me a break. We do need to focus on the folks who want to harm us. I encourage you to maybe take a step back and look and see how we can focus on those people who want to harm us. We have to profile these folks. You all have not been willing to do so, in my opinion. I hope that you will look at this issue, because I think it is absolutely critical for the safety of our Nation and for the American citizens.

I will submit the other questions for written comment. Thank you both for being here.

Secretary NAPOLITANO. Mr. Chairman, may I make a response to that?

Chairman KING. Yes.

Secretary NAPOLITANO. First of all, Representative, there are hundreds of thousands of men and women in my Department. They come to work every day to protect the American people. The writing or the document I think you are referencing was something that was actually drafted at the end of the Bush administration and issued by mistake at the beginning of this administration. I would point out that we just established that in the Hasan matter, he is a terrorist, and he was an active duty military individual.

Chairman KING. The time of the gentleman has expired.

The gentleman from New York, my colleague, Mr. Higgins.

Mr. HIGGINS. Thank you, Mr. Chairman.

Chairman KING. New Member of the committee. Good to have you aboard, Brian.

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

Madam Secretary, the Peace Bridge connects my community, western New York, to southern Ontario. It is the busiest passenger crossing at the northern border and is a vital economic asset to western New York and to the country and of profound National security importance.

We are advancing a project to reduce congestion at the Peace Bridge by building a new span and customs facilities, but our progress has been slowed in part due to ambiguous and sometimes conflicting communications from the Department of Homeland Security. Specifically, confusion exists about whether the project would include pre-clearance, a shared border management strategy, but would locate the American customs plaza on the Canadian side of the bridge.

On August 20, 2009, you wrote to me that pre-clearance was not possible, because it would require the United States accept a lower level of security at the Peace Bridge than at any other U.S. port of entry or require Canada to accept actions contrary to its charter of rights and freedoms.

Mr. Chairman, I would like to enter that letter into the record.

Chairman KING. Without objection.

[The information follows:]

SUBMITTED FOR THE RECORD BY HON. BRIAN HIGGINS

AUGUST 20, 2009.

The Honorable BRIAN HIGGINS,  
*U.S. House of Representatives, Washington, DC 20515.*

DEAR REPRESENTATIVE HIGGINS: Thank you for your March 26, 2009 letter regarding land pre-clearance for border crossings between Buffalo, New York, and Fort Erie, Ontario. Public Safety Canada Minister Peter Van Loan, Secretary of State

Hillary Clinton, and Representatives Louise Slaughter and John McHugh have also asked me to personally look into the shared border management issue.

The United States and Canada negotiated in good faith on a pilot program for land preclearance between 2005 and 2007. Although our two governments were able to reach agreement on some key issues, negotiations ended in 2007 when a mutually acceptable framework could not be reached due to sovereignty issues for both the United States and Canada.

Implementing the proposed land preclearance framework would have required the United States to accept a lower level of security at a land preclearance crossing than at any other U.S. port of entry or required Canada to accept actions contrary to its Charter of Rights and Freedoms. U.S. Government concerns included limited U.S. law enforcement authority, the right of individuals to withdraw applications, limitations on fingerprint collection and sharing, and potential future interpretations of the Charter. The Department of Homeland Security (DHS) subsequently developed a concept that would have deployed U.S. Customs and Border Protection officers to Canada to perform primary inspection and reserved all authority to conduct secondary inspections on U.S. soil, but Canada was not interested in pursuing that option and suggested that attention shift to other efforts to facilitate low-risk commercial traffic.

Since the beginning of the land preclearance negotiations, there have been significant improvements at the Peace Bridge that have facilitated travel and trade, and more are planned. These include an expanded number of truck lanes, a redesign of the plaza, the creation of a new pedestrian lane and expanded passenger processing terminal, the creation of a dedicated NEXUS lane and opening of a second enrollment center, and the installation of radio frequency identification (RFID) technology. Current plans to redesign the U.S. plaza at the Peace Bridge, long term plans to build a companion bridge, and the expected saturation of the traveling public with WID-enabled Western Hemisphere Travel Initiative-compliant documents, are expected to address long-standing challenges of limited capacity and outdated infrastructure. These improvements will lead to the relief sought through land preclearance well before it would have been possible to implement land preclearance.

Having reviewed the significant legal and sovereignty issues that were at the heart of the decision to terminate negotiations, as well as the current situation on the ground, I have decided DHS will not be reopening negotiations on land preclearance at the Peace Bridge. However, DHS will continue to engage with Canada on preclearance issues more generally and will continue to explore new ideas for creating additional efficiencies at our shared ports of entry. I welcome your input, as well as the input of public and private sector stakeholders, in these endeavors to further enhance the flow of legitimate trade and travel at the Peace Bridge and the U.S.-Canadian border more generally.

Thank you again for your interest in homeland security, and your commitment to the physical security and economic well-being of the United States and Canada. A similar response was sent to Representative Christopher J. Lee, who cosigned your letter. Should you need additional assistance, please do not hesitate to contact me.

Yours very truly,

JANET NAPOLITANO.

Mr. HIGGINS. Yet in response to recent media inquiries on the issue, the Department of Homeland Security officials have issued vague responses that have caused confusion about the status of the pre-clearance proposal.

Madam Secretary, we need clarity from the Department of Homeland Security on this issue in order for this important project to proceed, so can you please tell us does the position of the Department of Homeland Security remain consistent with your letter that due to security and constitutional obstacles that cannot be overcome, the Peace Bridge project will not include locating the American customs facilities in Canada?

Is it your position that the Department of Homeland Security will not reopen negotiations on pre-clearance at the Peace Bridge and that the pre-clearance proposal is for the purposes of this project dead?

Secretary NAPOLITANO. Representative, I will be very clear. We have looked into pre-clearance on the Canadian side. We cannot do it. The position has not changed. When and if the bridge and the facilities are expanded on the U.S. side, we are fully prepared to provide the staffing and support for that on the U.S. side.

We understand the importance of the span for trade and tourism and so forth, but we are not going to be able to resolve the pre-clearance issues in Canada.

Mr. HIGGINS. Okay.

I yield back. Thank you.

Chairman KING. The gentlelady from Michigan, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Chairman. I think I will follow up a bit of my colleague from New York, who raised sort of a northern border issue.

If I could talk a bit, Secretary and Director—and, first of all, thank you both for coming, and we appreciate your service to the Nation sincerely—we have a lot of people on the committee that talk about the southern border, and, believe me, I am not minimizing. I recognize the challenges that we have on the southern border and the safety of our Nation. But I do sometimes think we forget, almost, about the northern border.

One of my colleagues said there was 44 percent of operational control on the southern border. According to the GAO report that came out last week, we have less than 2 percent under operational control of our 4,000-mile—with our wonderful, wonderful trading partner—our biggest trading partner is not Mexico, it is Canada by a huge, huge margin. As you mentioned, the Peace Bridge in Buffalo, which is, I think we have always thought, sort of the third-busiest crossing, I think the first in passenger.

But in my district and my colleague from Detroit, Mr. Clarke, where he has the Ambassador Bridge, which is the busiest commercial artery on the northern tier, the Windsor Tunnel there, and the Blue Water Bridge in my district, which is 30 minutes, 30 miles to the north, it is the second-busiest border crossing. The Canadian national rail tunnel runs under the St. Clair River there, as well.

We were very concerned about what the GAO said about essentially no operational control, for all practical purposes, along the northern border. I would just like to address that a bit, because as we think about our wonderful trading partner, our neighbors of Canada, there are several Islamic terrorists, extremist groups that are represented there, as you are well aware.

I thought it was interesting, with the GAO report coming out, on the heels of that, President Obama and Prime Minister Harper came out with a U.S.-Canadian agreement, which was a wonderful step forward—they are going to put this working group together, but talking about some of the various unique challenges, dynamics along our shared border, how we can have interagency cooperation, sharing of intelligence, et cetera, et cetera.

So from a high-tech perspective of the kinds of resources that I think we—are necessary along the—obviously, we are not going to build a 4,000-mile-long fence along the northern border. So certainly the kind of technology that we need to be utilizing there, as well as low-tech—low-tech, K9s. There are about 60 K9s, as I un-



derstand it, at El Paso. There are zero at the Blue Water Bridge and maybe one at the Ambassador Bridge.

So, believe me, I am not minimizing what is happening on the southern border, but for everything to be going on the southern border at the expense of the northern border, I think we need to have a bit of a balance.

Even the UAV missions, which I am heavily an advocate of, now with a ground mission at Corpus Christi—and I know we do have one along the more northern part of our border, but I think in the Detroit—certainly, Michigan, New York sector, having those kinds of—we need those kinds of technologies, off-the-shelf hardware, essentially, that has worked extremely well in theater that the taxpayers have already paid for, that we can utilize along the northern border.

So I just raise this as a concern. Perhaps when we think about threats from abroad, et cetera, they are not all going to come on an airplane from Amsterdam. Of course, as the terrorists think to cripple our Nation, and they think about doing it economically, just to use the Blue Water again as an example, at that, as it comes into the United States, that is the genesis for I-69, I-94, two of the most major trade routes that we have.

As my colleague talked about, what we consider to be reverse inspection, that is another thing we have been trying to advocate for. Could we have reverse inspection so that we are inspecting things before they start coming across our major infrastructure, as well?

So I raise some of these questions. I am not sure who I am directing them all to.

Secretary NAPOLITANO. I think they are mine. Mike is going like this.

Mr. LEITER. All yours.

Mrs. MILLER. Thanks, Secretary.

Secretary NAPOLITANO. I will be brief, Mr. Chairman.

First of all, again, on the GAO report, we are—I encourage the committee, the term “operational control” is a very narrow term of art. It does not reflect the infrastructure and technology and all the other things that happen at the border, and so it should not be used as a substitute for an overall border strategy.

One of the most significant things that has happened in the last month, quite frankly—or even in the last year—was Prime Minister Harper, President Obama signing the shared security strategy, border strategy between our two countries.

It is our No. 1 trading partner. Canada is now beginning to do or conducting some of the same kinds of things around its perimeter that we used to be concerned about coming across inland on the border. We will be working more in light of this shared vision statement on an integrated northern border strategy. Indeed, we have prepared one. It is in review right now at the OMB.

Because as you recognize, Representative, borders are—they are law enforcement jurisdictions, and you have to protect the borders in that regard, but they are also huge trade jurisdictions, and you have to be able to move legitimate trade and commerce.

We are very much in favor of looking at ways to pre-clear certain things before they—cargo, for example, before it gets to the border so that we can relieve the pressure on the lines. The technology for

being able to do that kind of thing gets better all the time. So that is one of the things we will be, I am sure, working on and implementing over the coming months and years.

Mrs. MILLER. Thank you. I know my time has expired, but I would just also point out, in regards to the TIDE list, without quantifying it, it is much higher—there are much higher hits on the northern border than they are on the southern border with the TIDE list, much higher.

Mr. LEITER. Congresswoman, I will just say that I have been working extremely closely, going up to Ottawa since 2005. It is a very different set of challenges on that border, but it is one that we are acutely engaged on with the Canadians who are an excellent partner in information-sharing and the like.

So although we talk about it less than the southern border quite often, that—I don't want to leave anyone with the impression that it is not a very high priority for us and the Canadians.

Mrs. MILLER. Thank you, Mr. Chairman.

Chairman KING. Now to the other side of the aisle, one of the more enthusiastic new Members, Mr. Clarke of Michigan.

Mr. CLARKE of Michigan. Thank you, Mr. Chairman. Thank you for calling this meeting.

Thank you, Secretary Napolitano, Director Leiter. You know, I want to make sure that I address you directly, but I have to speak into this mic.

Secretary NAPOLITANO. That is okay.

Mr. CLARKE of Michigan. All right. Okay.

Secretary NAPOLITANO. We are good.

Mr. CLARKE of Michigan. I want to thank Chair Miller for outlining the importance of the busiest international border crossing in North America, which is in the city of Detroit, and also the fact that we have a large airport, which is an international hub.

This makes this area at high risk of attack and also high impact, in case of a natural disaster or other emergency. In the event of such an emergency, it will be local police, local firefighters, our local emergency medical providers that will be the first to respond. My concern, though, is with the security of those first responders. I realize that this Department cannot be the local law enforcement or first responders.

Last week, I visited a police precinct in Detroit, which a few hours earlier had been attacked by a lone gunman who tried to kill virtually every officer in that precinct, to find out that that precinct needed a metal detector that would have cost \$5,000, but because of the city's budget restraints, couldn't afford that.

I am aware that many of the grant programs are awarded on a competitive basis or based by formula. There are some districts, some areas that will get resources, some that won't.

In your written testimony, Madam Secretary, you rightfully say that homeland security starts here with hometown security. What types of resources in addition to the grants are available to protect our first responders so they can be in a good position to protect our citizens in case of an attack or other emergency?

Secretary NAPOLITANO. Representative, I would suggest, in addition to the grants, some of which are formula-driven, others of which are based on analysis of risk and threat, one of the—or two

of the things that are of direct assistance to our first responders are, A, training.

That is why as we do our countering violent extremism curricula, we are testing it at FLETC with representatives of the chiefs' association, the sheriffs' associations, and others who would have to implement this on the ground.

The second is information sharing, so that they have maximum access to actionable intelligence.

Now, the latter probably would not help much in the case of a lone wolf gunman. Those are—and I will ask Director Leiter of his comments on that. But the lone wolf-type situation is almost impossible to prevent from a law enforcement perspective.

So when you deal with the first responders, you deal with maybe early tips that somebody is getting ready to come in and then the ability to respond very effectively. That is SWAT training and equipment and the like.

Mr. LEITER. Congressman, what I would say is, immediately after the Mumbai attacks in November 2008, we started working with DHS and FBI to look at the techniques that were used in India and how U.S. law enforcement and Homeland Security would be able to respond.

Out of that, we created a scenario that has been used in Chicago and other cities by the local authorities in conjunction with the Federal authorities to see what kind of response could be brought.

Recently, we combined with FEMA, and we now have a program for each of—I think it is the eight FEMA sectors. The last one, the first one was run in Philadelphia just several weeks ago, involved over 300 people, including the Philadelphia police chief, DHS, FEMA, FBI, again, running through a scenario like Mumbai with multiple shooters.

Because you are absolutely right: It is going to be the Detroit police or the Philadelphia police that are there first. How do they respond? What specialized tools can the U.S. Government bring to bear? Certainly we would be happy to work with—I think it is Sheriff Bouchard or the Detroit Police Department or others to get that sort of training in conjunction with DHS and FBI to Detroit.

Chairman KING. The gentleman from Pennsylvania is recognized, Mr. Meehan.

Mr. MEEHAN. Thank you, Mr. Chairman. I appreciate the opportunity to be with you here today.

I have noticed that the gentlewoman from California has departed, but I did want to take a moment on the record to express my regret that I will not have the opportunity to work so directly with her, having been given the opportunity to chair the Subcommittee on Counterterrorism, and it would have created that chance. I think—I spoke to my staff—it is a little bit like finally making it to the Yankees and realizing that they just traded away Derek Jeter.

I am very grateful for your presence here today and for helping us set the table.

Let me ask both Madam Secretary and Director Leiter, I came on to this issue just 5 days after September 11, like many of each of us did in different capacities, as United States Attorney.

But we are sitting here now 10 years later. We have done a lot. We have done a lot right. I think the gravest marker of what we have done right is the incredible record of safety in the American homeland in that 10-year period.

But we have also spent a lot of money. As you said, Madam Secretary, we have had hundreds of thousands of people deployed in this—we have—right.

What are we doing now to begin to look back at what we are doing and say, hey, where are we going wrong?

Where are we creating redundancies? What does our process now, 10 years later, for asking some tough questions about whether we could be doing something better?

Or if we are doing something that—you know, the institution keeps moving forward because it is there. But maybe it is not the best expenditure of dollars, making tough choices.

Secretary NAPOLITANO. I will take that one first, Representative—say we are always asking those hard questions. It—I begin every morning with an intel briefing and I think my briefers will tell you, it begins with hard questions, why, where, how, what could have been done to prevent, what is needed, et cetera.

With respect to those dollars, we all appreciate the fiscal discipline needed by our Department, even—you know, even though it is security and everyone says they want to protect security, we still have a duty to really protect dollars and use them in the wisest possible fashion.

So it is everything from procurement reform that we have undertaken, acquisition management, which sounds really governmentese.

But I will tell you, it is those kinds of things that help find projects before they get too far along, that are not really going to work or be value added to the process.

Then, the third—and we have literally found hundreds of millions of dollars, that we have built into our budgets now, of cost avoidances, using some of those just plain old management techniques.

Lastly, I think that our ability and the—just the—and I have seen it just even over the last 2 years, the increasing integration and leveraging of the data resources that NCTC has with its pursuit teams, with our incredible data resources that we collect on the customs and the TSA side.

The ability to leverage those resources together is a Homeland Security kind of architecture that we just plain didn't have before, and allows us to make maximum use of the dollars we do get.

But I ask the Director if he has anything to—

Mr. LEITER. Congressman, I have three quick points. But I will open with the fact that the Yankees have traded a lot of greats. They keep on winning, so—

Yes, but it is much to my chagrin.

Chairman KING. I share the Director's chagrin.

Mr. LEITER. The Mets keep making a lot of trades and not winning.

Three quick points, Congressman. First, the amount of change that already goes on is really quite incredible.

Ms. Sanchez asked about the visa waiver program. The way in which we screen—ask the travelers today, compared to how we screened them a year ago, is radically different.

So it really has not been a steady state in the first place. There have been lots of twists and turns. Unless you are kind of in the counterterrorism trenches, you don't necessarily know that is going on. Second, we, of course, try to learn lessons from our failures. But we also do a lot of gaming to try and figure out what the next attack will be and how we have to shape things.

Now, that is an imperfect science, and you are going to end up going down some wrong paths.

But there are significant things like that, as I said to Congressman Clark about gaming here domestically of about a Mumbai-style attack, when you look at that, do we have the right resources, do we have the right communications, what could we buy, even though we haven't seen that event here in the United States yet.

The third is, Congressman, NCTC has a statutory responsibility to do net assessments, and that is looking both at the changed enemy, our U.S. capabilities and the changed global environment, including here in the United States.

We provide that annual net assessment along with targeted net assessments to the White House. We also work closely with the Office of Management and Budgets to try to look across all of these expenditure centers and see which are being the most effective.

I will tell you that that is a huge challenge, because simply identifying what satisfies part of a counterterrorism purpose, as you can imagine, is very difficult. The Department of Homeland Security is a perfect example.

It is not just counterterrorism what CBC does. It is immigrant smuggling, it is drugs, it is all of these pieces.

So trying to parse this out remains a challenge, but one that I think—especially over the last 2 years—we have made some good progress on.

Mr. MEEHAN. I agree with the—I am not looking at it just from—although in this day and age, we are paying particular attention to how the dollars are spent—but some—also technique as well.

I mean, at what point in time do we reach a tipping point? While I ascribe to the belief that we are doing the right things—hear people say, hey, when I have to walk through an airport screener and make the decision about whether I am groped or photographed, you know, are we going too far along?

We keep pushing where—I went to that UPS terminal. The impact of trying to push off further and further the screening of the packages, at some point, it is going to have an impact on their ability to do business.

I mean, where do we make those analyses? They are tough choices. But we say, hey, maybe we are overcompensating in order to try to create some sense of safety.

Or is it necessary?

Chairman KING. The gentleman's time has expired. We can answer the question.

Secretary NAPOLITANO. Well, thank you, Congressman.

Well, first, with respect to the AITs and the pat-downs, it was very interesting, but between Thanksgiving and Christmas, that

heavy travel season, fewer than 1 percent of travelers opted out of using the AITs.

As you may have seen, we are now piloting the next software, which will be even less invasive and will allow us to do fewer pat-downs.

But the plain fact of the matter is, we do that because, from a security and intelligence perspective, and just looking at what Abdulmutallab did, going into Detroit in Christmas 2009, we know they try to hire non-metallic-based explosives to get on a plane.

We know that aviation, be it cargo or passenger, continues to be a target.

So that is something that we have, you know, had to deal with. The TSA administrator, who is the former Deputy Director of the FBI, has to deal with it on a daily basis.

We are working with UPS and FedEx and the other major shippers on how we secure cargo. We are moving toward kind of a trusted shipper regime so that cargo can move and we can meet the needs of real-time inventory.

That is part of the global cargo supply chain initiative I was describing earlier. They are part and parcel of how we are devising that strategy.

So we are not just sitting here, as the Government, figuring this out. We have the private sector, who has to move those planes and move that cargo, helping us.

Mr. LEITER. Because, I will simply add, I think, almost everything we do in counterterrorism, there is a second-order effect. If we increase screening, that is going to affect people's perceptions.

If we increase investigations domestically, that is going to affect the community.

We have to build into those required and necessary preventive steps additional programs to address those second-order effects so you are not worsening the situation inadvertently.

Again, that applies to screening. It applies to homegrown extremism. It applies to overseas efforts.

Chairman KING. Virgin Islands.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. Welcome and thank you for the great job you are doing with these tremendous challenges that the country faces, to both of you.

My first question is to both of you. I want to focus on another part of the southern border that I don't think gets enough attention.

As the representative from the U.S. Virgin Islands, where a district where I even seek acts, I am always concerned that not enough attention is being paid to the Caribbean, either in assessing the risks or in building strong partnerships that we need in that region.

So do you feel comfortable that the Department and the Center are seeking and getting adequate information from the Caribbean, and even from South and Central America, where there are countries that are friendly with areas in the world that have radical Islamic extremism?

Or are there any efforts, for example, to prevent radicalization, reduce the likelihood of radicalization or to help the governments in those countries to strengthen their capabilities to do so?

Secretary NAPOLITANO. Representative, I have myself asked somewhat similar questions, in part because of the increase in special interest aliens that we are seeing get up to the Mexican border, what are the routes, how are they getting across.

It is a terrorism issue. It can be a human trafficking issue, a drug trafficking issue—

Mrs. CHRISTENSEN. All of this.

Secretary NAPOLITANO [continuing]. And all of the above. In this open setting, I would prefer not to give more of a detailed answer except to say that I share your concern to make sure that we not lose sight of this part of the world as we plan our protection strategies.

We will be happy to sit with you in a classified setting to give you more information.

Mrs. CHRISTENSEN. Thank you.

Mr. LEITER. Representative, I would largely say the same thing. I think there actually are some interesting pieces that I can't go into in open setting, with a particular focus to radicalization and movement of travelers.

Mr. LEITER. We do spend significant time on the Caribbean.

I will also tell you that there has been good cooperation in the past, for example, I believe it was 2007, the Cricket World Cup, it was held in the Caribbean.

That provided an opportunity to help the region develop more effective screening of travelers. So there are some steps that the U.S. Government has taken to enable them.

Of course, more towards South America, we have on-going concerns about the influence of terrorist states, sponsors of terrorism in that region and their presence.

Mrs. CHRISTENSEN. Thank you.

I have also been away from the committee for a while. But while I was here before, I did put a lot of pressure on the then Secretary to beef up the Office of House Affairs and to make sure that lines of authority and response were clear between them and the Department of Health and Human Services and that they work seamlessly together.

Given your response to the question about biological threats, what role does this office play, and are they adequately staffed, resources and placed to be effective?

Secretary NAPOLITANO. We are working very closely with the Department of Health and Human Services on a number of scenarios, pandemic planning being one, but also medical countermeasures, in the light of—if there were to be a biologic attack.

We have been working with them on protocols, who would do what, when, and where? Do we have the surge capacity to handle, say, if there were to be an anthrax attack? We have been table-topping some of these things.

So, Representative, the work between our departments, I think, has been very good. I am not able right now at the table to say, do they have enough resources? All I can say is that we believe the biologic threat is real, and we believe it is something that we need to keep maturing our efforts about.

Mrs. CHRISTENSEN. Thank you.

Director Leiter, from some of the reading that I did in preparation for this, it seems that there are still some turf battles and disalignment, I guess I would call it, regarding lines of authority and some stove-piping within the intelligence community, which would be very dangerous if it does exist.

So where is the communication and the integration and the collaboration? Is it where it needs to be in the intelligence community?

Mr. LEITER. Like every Government official, I will say, it is good. It can always get better. But now I do want to give you some perspective, having been doing this since 2004, and where we are today, it is night and day.

Secretary Napolitano and I sit on what is called the Counterterrorism Resource Council, which is chaired by Jim Clapper. It includes Bob Mueller, the Director of the FBI, the Director of DIA, Leon Panetta, Director of CIA. Over the past year, we have met every 2 weeks to delve in as senior leaders for hours on end about how we can integrate our missions better.

That is night and day, again, from where we were in 2004 or 2005. Frankly, it is night and day from where we were in 2009. So I think there are always some tensions when organizations are trying to do the right thing and think they are trying to do the right thing and someone else disagrees. Not all of that tension is bad.

On the terrorism issue, I think—I have never seen it better integrated than it is today.

Just one other point about integration, you mentioned the Health and Human Services. We are integrated with them and DHS. They are in charge of refugee resettlement. They play a critical role in helping us work with new immigrant communities to reduce the likelihood of radicalization.

Again, that sort of partnership between the counterterrorism community and an organization that is responsible for refugee resettlement, 4 years ago, never existed at all.

Chairman KING. Time of the gentlelady has expired.

The gentleman from Arizona, Mr. Quayle.

Mr. QUAYLE. Thank you, Mr. Chairman, and thank you to Madam Secretary and Director Leiter for being here and giving us the testimony on a very important subject.

Madam Secretary, while I was reading your testimony and listening to your opening statement, the one thing that I was a little puzzled—and it surprised me—was the lack of emphasis on the southern border and how we are going to continue to protect the southern border.

The reason that I was a little surprised by that is because the rise and the escalation of the violence between the drug cartels and the Mexican government as they continue to try to tamp down on the various drug cartels that are really ravaging the various areas along our southern border.

So the reason I was sort of—and that was the reason I was surprised. Was it left out of there just because—do you think that we have operational control of the southern border? Or was it just not part of this particular testimony?



Secretary NAPOLITANO. Well, thank you, Representative. It was not emphasized in this testimony, because I didn't think it was within the scope of this particular hearing.

I will send you the speech I gave in El Paso about a week-and-a-half ago specifically to the southwest border. In the major point I made there, a major point, was that, while we are working with Mexico on the unprecedented level of violence there, as the cartels fight for territory, separate, terrible crimes aside—and there have been some—but we have not seen systemically that violence come across the border.

What I have told and been very public about to these cartels is don't bring that over our border into the United States. We will respond very, very vigorously.

The communities along the border themselves, you can talk to Mayor Sanders in San Diego or the mayor of El Paso and others, and they will say themselves, they are—from a safety standpoint—among the safest in the country. We want to keep it that way.

Then, last, you referenced operational control. I think you are the third member now. As I have said before and I will say again, that is a very narrow term of art in Border Patrol lingo and doesn't—and should not be construed as kind of an overall assessment of what is happening at the border.

Mr. QUAYLE. Okay. I understand that. You mentioned El Paso. You mentioned Yuma. You mentioned San Diego. These are areas where the Border Patrol agents have been actually beefed up, and we actually have barriers, and these are the areas that have actually had the expenses put down there. We have seen the apprehensions—and you had stated in your statement over in El Paso about the apprehensions going down.

But do you know how many illegal immigrants have crossed the border, the southern border, in the last 2 years or year?

Secretary NAPOLITANO. Well, it is an estimate. It used to be that the estimate was that we were catching 1 in 3. I think the commissioner would testify, if he were here today, that that number—we are catching a much higher percentage.

It is a combination of things, of the Congress, what it has invested in this border, the manpower, the technology, the infrastructure. The area that is my top focus down there is the Tucson sector. We do have some fencing in Nogales, as you know, but we are continuing to basically surge manpower and technology into that sector to shut it down.

Mr. QUAYLE. Well, and from that, if you look at the—what has been happening, where the National Guard troops are going to be taken out, starting June through August, is that correct?

Secretary NAPOLITANO. Well, their current term ends in, I believe, June. I don't know that a decision has been made as to whether they will continue or not. That will be an interagency process with the Department of Defense and also the White House involvement.

Mr. QUAYLE. Now, when we talk about statistics—and statistics can always be skewed a different way—how well do you think that it actually represent what is going on, on the southern border, when most of the statistics revolve around apprehension and not a really good understanding of what is going on in the rural parts

of the border, where there is not as much enforcement and a lot of ranchers and the like are getting inundated from what the reports that they give with drug smugglers and human smugglers across their properties?

Secretary NAPOLITANO. Yes, I think you are talking about the rural areas of the Tucson sector. As I have said before, that is where we are really flooding resources now, shut some of that down. We are in constant touch through my office with the sheriffs along the entire border.

The sheriffs tend to have the—you know, the rural areas, because they have the areas outside of municipalities. We are working directly with them and—on where we need to put resources, what they need.

For example, one of the needs they had last year was help paying overtime, and we did move overtime money—Representative Miller is not here, so I think I can say it—from the northern border down to the southern border to help cover some of that overtime.

We keep looking for efforts like that, but I can guarantee you, Representative, that this is something that gets daily attention at the department.

Mr. LEITER. Thank you, Madam Secretary.

Chairman KING. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. KEATING. Mr. Chair, thank you. Thank you, Ranking Member Thompson.

Chairman KING. Welcome aboard.

Mr. KEATING. Thank you, Secretary Napolitano, for being here.

I am a new Member, but I am coming from a decade of law enforcement experience, dealing with a lot of these issues as a prosecutor. In fact, one of my last cases just a few months ago dealt with an issue that really called into very serious question the issues of aviation and transportation security. It is a situation—dealing with the 100 percent you had in November for successfully checking everyone that is on the watch list and making sure on inbound U.S. travels, as well as within the country, that they are checked.

But in my case, it wasn't involving a person that had a ticket. It wasn't even involving a person that had a false identification. What occurred in that case is a young man, 16-year-old young man, Delvonte Tisdale from North Carolina, had stowed himself into the wheel well of that plane. It departed from Charlotte, and his body was found in Milton, Massachusetts, when the landing gear of that plane was coming down.

Despite the tragedy of losing a young man like that, it raised enormous questions about tarmac security. His video never showed up with investigations, to my knowledge, in the airport, and it didn't even show up near the perimeter.

So what really I am concerned about is: What is being done by Homeland Security for safety on the tarmac that is vital for our aviation security? What other agencies are you working with in that respect?

Because if it wasn't this young man that just stowed himself for his own reasons, if that had been a person with more nefarious motivation, think of what would have happened to that 737 commer-

cial airliner or any of the other airliners that were there at that time. It really raised enormous concerns about aviation safety, and I would like you to address what is being done on the tarmac, as well.

Secretary NAPOLITANO. Well, a couple of things. One is, I will—I am going to ask TSA to respond directly to your question, Representative. The question of who controls what part of the airport, it is a combination.

We work with the local airport authority on the areas of—and we set standards and requirements for things like the perimeter. They are to carry out those standards and requirements.

Clearly, if somebody, a 16-year-old, is able to circumvent those standards and requirements and get into the wheel well of a plane, there has been a breakdown. So I can't sit here, tell you what the after-action analysis was as to how that happened and what corrective action has been taken, but I can share with you that I suspect that that already has occurred and we will get it to you.

Mr. KEATING. I appreciate that.

Mr. Leiter, were you aware of this incident at all? You know—and, really, the concern is not just which agency is catching the ball at a certain time. It is, there has to be a seamless way for the agencies to deal with this locally or all the invasive procedures are there when you are getting a ticket are for naught.

Mr. LEITER. Congressman, I was aware, but only through the press reports. I remember it took some time to figure out that he was actually set away on the plane when the body was first found. What we have been concerned about for quite some time, not just here in the United States but overseas, the insider threat to aviation.

Those individuals who, even if they are not sneaking in, have credentials either to restricted areas of an airport or work for an airline, understand the watchlisting procedures, understand the screening procedures. I know DHS and NCTC work together with the airline industry to discuss those vulnerabilities, screen individuals and the like. But we will certainly continue to work with Secretary Napolitano on this case to see whether or not there is a broader perimeter issue.

Mr. KEATING. I would welcome that information. I can speak for myself and I think for the members of the committee. This is an area that we will work with you on because these are really serious questions, not just in the Boston area but also in the Charlotte area.

Secretary NAPOLITANO. In the Charlotte area, yes, right.

Mr. KEATING. Thank you.

Chairman KING. The gentleman from Virginia. Mr. Rigell is recognized for 5 minutes.

Mr. RIGELL. Thank you, Mr. Chairman. Secretary Napolitano, thank you for being here and Director Leiter.

Last night the House fell short of the votes necessary to extend certain parts of the Patriot Act. Could you just comment on that please? The ramifications if those provisions are not extended.

Mr. LEITER. Congressmen, as I testified before several years ago when this was up, the Patriot Act remains a very important tool, especially with respect to home-grown extremists. So from my per-

spective, to have the Patriot Act expire on February 28 would be extremely problematic and would reduce our ability to detect terrorists.

Mr. RIGELL. Many of my constituents, and I share their view, I have a deep concern about abuse of these powers. I would like to know, and my constituents would like to know, what specific practical steps are being taken to properly balance this tension that does exist between our freedom and our security? So if you could unpack that a bit, I would appreciate it.

Mr. LEITER. Absolutely, Congressmen. I think it is a more-than-reasonable concern. There are significant authorities and there need to be protections. There are three basic provisions. The business records provision, the lone wolf, and the roving wiretap.

First of all, I would say that in almost all cases there are very, very similar tools already being used in the criminal context. But in fundamentally all of these provisions there is a rigorous set of oversight both within the Executive Branch but also through the FISA court, the Foreign Intelligence Surveillance Act court. So in the case of business records, a showing has to be provided to the FISA court of the appropriateness of the order. They then also can do oversight of those records and the like.

So I think this is, in the words of Ronald Reagan, this is trust and verify. It is trusting it will do it right but then it is verifying that we are doing it right through independent means, such as the FISA court.

Mr. RIGELL. Are there examples within the Department where you have identified an abuse where an employee has abused his or her power and you have actually taken action and—

Mr. LEITER. Congressmen, I apologize. I am not quite the right witness for that. I really have to defer to the Department of Justice. I know in other contexts NCTC has had situations where, for example, U.S. person information was not protected to the way we expect it to and require it. We have disciplined those individuals and we have submitted those findings back to the Department of Justice, our inspector general and our civil liberties protection officer. So—

Mr. RIGELL. Director, that is a fair answer. I have the privilege of representing Virginia's Second District, home to a beautiful port entrance to the Chesapeake Bay. So port security is a great concern to me. I notice that again it wasn't really listed in the opening statement as a high-level concern. So please address where on the order of threat assessment does port security come in.

Secretary NAPOLITANO. I will take that one, Representative. Again, it was not in the statement because of the title of the hearing and what we thought the scope of the hearing was. But port security is keenly important for a whole number of reasons.

Our ports are where we—around our ports are where we have a lot of our chemical facilities. The safety of containers bringing cargo into the United States and how they are handled, the ability of the Coast Guard to protect the ports. They serve as the captains of the ports. So we have major initiatives underway in all of those areas.

In particular, we are working globally on the security of the supply chain, which really—with the International Maritime Organiza-

tion. Because that affects how cargo is actually brought across the seas and into the United States.

Mr. RIGELL. Thank you. I yield back.

Chairman KING. It is almost time to expire. I would just add to that that there has been close cooperation between the committee and the Department for at least 5 years in both administrations on the issue of port security. It is a major, major issue and it will definitely be addressed throughout the next 2 years. I can assure you of that. Also, not to speak for the Secretary, but—Department takes it very seriously.

The gentlelady from California, Ms. Speier, is recognized for 5 minutes.

Ms. SPEIER. Thank you, Mr. Chairman. Thank you Madam Secretary and Director Leiter. You know, I think at the outset I would like to say I think you have the toughest jobs around. It is easy for us to sit here and poke holes but you always have to be anticipating where the next threat is coming from.

We have porous borders. We have a system where, if I understand it correctly, waiver programs could easily allow a terrorist to come to this country. I realize that we probably have it because we have comity between our countries and the like. I worry about the lack of exit tracking of visas.

I worry also about cargo surveillance. I had a briefing last week in my district from local mechanics who are concerned about all of the repair work being done offshore now. They showed me pictures in El Salvador of a repair facility where you just showed your ID as you came in. There was no tracking. You could have phony ID. No one would know.

You can anticipate that there are lots of holes still out there and that al-Qaeda and any number of other terrorists are seeing those same holes. From your perspectives, each of you, what do you think is the biggest hole that we have to close?

Secretary NAPOLITANO. Well, Representative, thank you for your kind words. I have gotten out of the business of ranking because it is fluid. It evolves. It changes based on what the current intel is. It requires us to react to what has occurred and also to be thinking ahead.

With respect to the situation you referenced in El Salvador, one of the things that I—to me that illustrates is the absolute importance of good intel gathering and sharing. Not just within the United States, but abroad.

When something is—significant is trying to infiltrate a port and get something like a radioactive or biological weapon inside a cargo container, say for example our ability to know ahead of time to be tipped off to know what to look for, as what happened in October with the air cargo plane, absolutely critical. So as we move forward, strengthening and enlarging those intelligence-gathering relationships is also very important.

Mr. LEITER. Congresswoman, I first of all also thank you and I will say Secretary Napolitano has a harder job than I do. I am also loathe to actually give you what our greatest vulnerabilities are because I know al-Qaeda and other terrorists are listening to what we are seeing, and I don't want them to know what I think are our

greatest vulnerabilities. I am happy to talk to you about that in a closed setting.

What I will say is we have to look at both our greatest vulnerabilities in terms of likelihood and consequences. There are a lot of things that could happen where we have weaknesses, but the consequences of an attack along that angle really might not be that significant. So we have to balance trying to stop the most common attack or the most likely attack with the one that has the greatest consequences.

In that respect, the Chairman raised chemical, biological, radiological, nuclear weapons. I don't think that is remotely the most likely avenue of al-Qaeda or al-Qaeda inspired terrorists to attack this country, but the consequences of that would be so great we have to invest very significant resources to guard against it.

Ms. SPEIER. To follow up on the El Salvador issue, shouldn't we be requiring American airlines—not American Airlines but American airlines—to make sure they have strong kinds of security systems in place when they are doing the work offshore? It appears they do not and we don't require them to.

Secretary NAPOLITANO. Representative, I need to know more about the El Salvador situation, but as I testified earlier we are now requiring 100 percent screening of all in-bound, high-risk cargo that is on a passenger plane. Those are terms that would—that meet—require certain levels be met. We actually do work with the American flag carriers on those. They are part and parcel of this system, even from international ports.

Mr. LEITER. Congresswoman, I will simply add if I could the challenge you identify is unique neither to El Salvador nor to aviation. The counterterrorism effort is truly a global effort and it is why we spend so much time with our overseas partners on aviation security, port security, intelligence, information sharing. We are very reliant on our partners doing what we think needs to be done to keep the homeland safe.

Chairman KING. The gentlelady's time has expired. The gentleman from South Carolina, Mr. Duncan, is recognized.

Mr. DUNCAN. Thank you, Mr. Chairman.

Madam Secretary and Director Leiter, thank you for being here today.

I wanted to first off thank the gentleman from the Virginia Tidewater for mentioning the PATRIOT Act and asking a line of questionings to ensure there are constitutional rights as free Americans aren't trampled.

I consider myself a Tea Party congressman, and many of my colleagues here in the freshman class feel the same way. So during the course of getting to this office, we were questioned a lot about certain things that the United States were doing with regard to patriotic Americans, who may label themselves as Tea Party folks, who peacefully assemble and petition the Government for redress of grievances, all the first amendment rights that we have.

So I am concerned, and they are concerned in South Carolina, about a report of April 2009 from your Department titled "Right Wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment." We understand that the House has passed a resolution of inquiry in the last Con-

gress, and this committee held hearings on it. To my knowledge that document has never been retracted or corrected.

So the question for you today is: Does your Department consider military veterans or groups dedicated to single issues, patriotic Americans, a threat to homeland security and high risk to engage in extremist activity?

Secretary NAPOLITANO. I think that is for me. As I said earlier in this hearing, Representative, that was a report that was begun under the prior administration and issued by mistake by our Department before it had been properly edited.

Now, to the point, of course, we don't consider patriotic Americans to be terrorism threats. Of course, we work closely with our military. My Department—we have now—we have had aggressive hiring within military and veterans coming back, and we have now almost 50,000 veterans in my Department, not to mention active-duty Coast Guard. So we are heavily military reliant, dependent and interconnected.

Mr. DUNCAN. Thank you for that, by the way.

Secretary NAPOLITANO. There you go. Now, I think a larger point is that as we do our work, we cannot categorize by ethnicity or religion or any of those sorts of things. We have to make decisions based on intelligence and intelligent sharing and risk about particular individuals.

That is the way that we have directed it be done in our Department. That is what is required under the United States Constitution. While the FBI is not here today and the Department of Justice is not here, they have very strict standards in that regard.

Mr. DUNCAN. What can you do or what steps have you taken to ensure this type of reporting as demonstrated doesn't happen again? Because in my opinion we have targeted a quote in that report, and we never retracted that. So I just don't want that to happen again.

Secretary NAPOLITANO. Well, that report is no longer available. Congressman, I would simply say that I have been the Secretary for almost 2 years since then, and you have not seen a similar report come out of the Department.

Mr. DUNCAN. Thank you very much.

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

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

Ms. RICHARDSON. Yes. Thank you so much, Mr. Chairman.

Thank you to our two witnesses who are here today for your frankness and efforts to work with this committee.

Just a couple of questions that I have. One is there is much discussion here in the House in terms of reducing budgets back to 2008 levels. Madam Secretary, I would like to hear your opinion. If in fact that were to go into effect, how would that impact your Department? What would you specifically see might need to be cut, since we are not provided any of that direction?

Secretary NAPOLITANO. Well, that is a very difficult question to answer, but this Congress in a bipartisan way has been building this Department. It put 22 some-odd the agencies together. It gave us probably the most varied group of missions of any Department,

and they touch directly on the safety and security of the American people.

They have asked us to protect our ports. They have asked us to protect our borders. They have asked us to protect our communities against terrorists, whether international or homegrown. They have asked us to protect our cyber walls. We have been building to meet those missions. That is what we do. So we are going to be, and the President is going to be, I think, very careful in his request. We are under the same fiscal discipline demand as every other department, and we ought to be. There are some places where I think we can eliminate redundancies and save, and we are constantly looking for those.

But to simply take a big old thing and say we will go back to 2008 without understanding operational impacts for this kind of work would probably not be what I would advise from a budgetary standpoint.

Ms. RICHARDSON. Thank you for that comment. I think it is very helpful to us all.

My second question is we have several trade agreements that are on the horizon. Korea is here—probably soon Colombia and Panama coming. You have heard several questions having to do with the ports. When we asked the question, when you first became Secretary, about implementing the 9/11 recommendations, one of your responses was, well, in order for us to do that, we would have to do all these new agreements.

How involved have you been with the current trade agreements that are on the table, if at all? If you have, do you see the possibility of us implementing some of these 9/11 recommendations with those possible trading partners?

Secretary NAPOLITANO. Representative, I have not personally been involved in negotiating those trade agreements. We will have to get back to you as to whether individuals and the Department may have been. So I am just going to delete my answer at that for now.

Ms. RICHARDSON. Okay. I would say in particular Korea is of great concern. It is my understanding it is coming, and we want to make sure that for any future agreements, that Mr. Kirk is keeping in mind what we need to achieve for this committee.

My second question, building upon previous questions of my colleagues, in this particular committee we will be having an upcoming hearing about looking at the potential radicalization of Muslims in this country. As I just heard your response, your department, you don't evaluate based upon race or religion and so on. You are basing your decisions on intelligence.

So if that is the case, what percentage, if you have one, could you say occurs in terms of people that we need to be concerned about. Would you say 50 percent Muslim? Would you say 50 percent, you know, if you could give us kind of a general idea?

Mr. LEITER. It is a absolutely tiny percentage of the U.S. Muslim population and, frankly, the global Islamic population are those that we are concerned with at the National Counterterrorism Center. If you look at the numbers, they are significant in terms of number of attacks we have, but in terms of the broader Muslim



community within the United States, it is a minute percentage of that population.

Ms. RICHARDSON. Thank you.

With my remaining 49 seconds, I have been doing some work looking at cogs in continuity of government. I think the Department has done an amazing job of coordinating various agencies and being prepared.

I think, though, the last ones that are ready happen to be us as elected officials, and so I just wanted to say, Madam Secretary, I plan on working with your folks to really explore how can we better prepare from the local, State, and Federal level as elected officials when we have to step forward when that disaster occurs, that we know who to call, we know where to go, and we know how to be helpful and not a hindrance in the process.

Secretary NAPOLITANO. Thank you.

Ms. RICHARDSON. Thank you very much.

Thank you, Mr. Chairman.

Chairman KING. Time of the gentlelady has expired.

The gentleman from Texas, Mr. Farenthold, is recognized for 5 minutes.

Mr. FARENTHOLD. Thank you, Mr. Chairman.

At the risk of being redundant, I am probably the fifth or sixth person here who is going to express some concern over the 44 percent operational control number. I think you have done an admirable job defining that as a term of art.

What I would like to ask is let's take the word "operation" out of there and define "control" as what the average American would say. What percentage control do you think we have of either of our borders now—or both of our borders?

Secretary NAPOLITANO. Well, I think in terms of manpower, technology, infrastructure, we have the effective control over the great majority of both borders, particularly at the ports. Then we are using manpower and new technologies to help us between the ports.

It is a project that is never ending. We are relentless in it. We recognize that when you are a country as large as ours with that kind of land borders we have, that you are never going to seal those borders. That is an unrealistic expectation.

But I would say my top priority in terms of the effective control is the Tucson sector of the southwest border.

Mr. FARENTHOLD. You also mentioned that you didn't feel like some of the violence from Mexico is spilling over into the United States annual crime. Just as a personal aside, I would like to take issue with that, because I really do believe that what we have is a very effective distribution network of narcotics that come into this country that I am very concerned could be exploited by terrorists and used for bringing in the tools of the terrorist trade.

The easy availability of drugs in this country I think is an indication that we really don't have the level of control that we would all like to hold. That is—

Secretary NAPOLITANO. Indeed. One of the things that—all I will say in open setting is that we have for some time been thinking ahead about what would happen if, say, al-Qaeda were to unite with the Zetas, one of the drug cartels. I will just leave it at that.

Mr. LEITER. Congressman, if I could just add, one of the things we did post-December 2009 attack in looking at other possible avenues is we embed it for the first time several DEA agents and analysts within NCTC to try to make sure that counter narcotics and counterterrorism information was being shared effectively.

Mr. FARENTHOLD. Great.

Then just, kind of, jumping over to the TSA—and I realize this is probably outside of the scope of this hearing or something that we might want to take in a more classified environment—but where are we with respect to implementing a trusted traveler program that might mitigate the impact of law-abiding Americans of having to undergo these intrusive TSA searches?

My 21-year-old daughter had the misfortune of having a false positive display on one of the body scanners just last weekend and was subjected to a search that I think would rise to the level of sexual assault in most States. The Trusted Traveler Program seems like a way that it would pay for itself by user fees to alleviate that burden on at least the people who chose to take advantage of it.

Secretary NAPOLITANO. Absolutely. We are moving as swiftly as we can, trusted shippers, trusted travelers. We have well over 100,000 Americans signed up for trusted traveler air programs, like Global Entry. I would be happy to sign your daughter up, by the way.

But I think that is the way to go. I mean, we need to have some way to effectively separate passengers and cargo that we need to pay specific attention to from those we don't. We will always have to do some random searches. Unpredictability always has to be a tool in the toolbox. But we need to—we need to be working toward a system where we have better ways to tier and focus on who needs to go through what kind of screening or what needs to go through what kind of screening. That is what we are working toward, Representative.

Mr. FARENTHOLD. Do you think it might be a cost-effective way to use Global Entry also for domestic flights, use something very similar to that infrastructure, and maybe a cost-effective way to implement it?

Secretary NAPOLITANO. Yes, we are looking at that right now as a possibility.

Mr. FARENTHOLD. Thank you.

Chairman KING. The gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, thank you very much. I am very grateful for this hearing and welcome, Secretary and Director Leiter, for what I think is an important discussion.

Let me lay a premise for a series of questions very quickly. The people of Mexico, many of us who live on the border view them as our friend. But I do believe that there is a war going on. For us to ignore that—it is a drug war. It is a violent war. It is human smuggling. It is a war.

When you have two young teenage boys, high school, leave to cross the border for what is perceived as an innocent activity at this juncture and wind up dead, this is—and you can count thousands who have died. We have a vicious and violent war.

So my first question—and I am just going to ask a series—is, as we look to the border, is the Homeland Security Department—and,

of course, Customs and Border Protection as the agency—able to decipher the—and I think our flow of undocumented individuals coming across the border, I think, has actually gone down.

But the point is—and I think you might confirm that—to that kind of war, versus individuals who have come to reunite with family members, whether you agree or disagree to come to work. Has the administration moved away from a concept of comprehensive immigration and border security as being partners in trying to fix the problem for us? That is the first question.

The other question is to compliment TSA for the progress it has made. I still think—even though I am a proponent of ensuring our rail is safe, and I hope that the administration will look at the legislation we had last year that did not move—and I am hoping to work with this majority and this committee to do it again, H.R. 2200, with my colleague, Ranking Member Thompson, and I and Republican Members of this committee joined in on.

Aviation still seems to be the most attractive target. In your perspective, are we where we need to be in aviation security? Can you affirmatively tell me that we are not going to go through the battle of 2001, which is to expand privatization of airport security, when we are making enormous progress, and I think we are being responsible?

We have a new and enriched democracy with diverse persons of many different faith. So I will ask the question that I have heard that has been answered before on dealing with our friends of the Muslim faith, specifically, Madam Secretary—and I will provide you with a letter—I would like to have an investigation on a Houston imam who was a family person and had a religious visa approved. Shortly thereafter, it was either disapproved and that person was deported. We all know that, once deported, it is a complicated process, leaving his family destitute, and we can't imagine the circumstances of that. I think that is very harsh.

I will ask the broader question as to how we address the policies of religious visas. Are we going to see the Muslim community unfairly targeted? Because they have a right to their faith, as well, though we are aware that we all must be diligent.

Last, I would be interested in an answer—is about our cultural competency and the reach in that Department to be diverse and whether or not we have a diverse leadership, which would be under your ship, Director Leiter, you, Madam Secretary, and that includes African-Americans, Hispanics, Asians, Anglos, and, of course, the faith represented by Muslims.

Secretary NAPOLITANO. Representative, let me take some of those in order, and we can respond more fully.

Chairman KING. Secretary, if you would try to keep the answers about 3 or 4 minutes.

Secretary NAPOLITANO. Yes, I will try to keep it short. I am sorry, Mr. Chairman.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

Secretary NAPOLITANO. TSA privatization, the administrator has concluded not to expand privatization for a number of reasons, some of which are security-related, some of which are cost-related. He has announced that policy. As you know, the administrator is the former Deputy Director of the FBI.

With respect to the Mexican border and the drug war in Mexico, we are highly cognizant of the amount of violence going on in Mexico, the number of deaths associated with that violence, particularly in the northern states of Mexico. We are working very closely with the Calderón administration on that.

We have individuals in Mexico themselves working on these issues, but—and we are being very, very vigilant about that war being brought across our border. I will say it again to the cartels: Do not bring that war into the United States. But we need to work with Mexico to end the war.

The administration remains committed to immigration reform and looks forward to working with—

Ms. JACKSON LEE. That includes comprehensive and border security?

Secretary NAPOLITANO. Indeed. Then, last, with respect to the particular case of the religious visa that you referenced, why don't I simply get that from you and I will respond in writing?

Ms. JACKSON LEE. I would appreciate it. Just the cultural diversity issue and including Muslims at the Department of Homeland Security.

Secretary NAPOLITANO. I would be happy—why don't I respond in writing to that?

Ms. JACKSON LEE. Mr. Chairman, could I just raise an inquiry to you, please? I would appreciate it if we could have a classified briefing on the border, on the southern border, particularly as it relates to drug cartels and the intermeshing between issues of terrorism or the porousness that is created and the distinction—and that would be my perspective—separating out undocumented persons that may be coming for work—these people.

Chairman KING. I will work with our staff to make sure we do that. There is bipartisan interest in that, I can assure you.

Ms. JACKSON LEE. Thank you, Mr. Chairman. Thank you very much.

Chairman KING. The time of the gentlelady has expired.

The gentleman from Missouri, you are up next, if you want. Okay. Then I will yield to the—not yield, I will—yes, yield to the gentleman from Florida, Mr. Bilirakis for 5 minutes.

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

Madam Secretary, we have previously discussed the importance of the Visa Security Program and the need to expand ICE's visa security units to additional high-risk areas around the world. I understand that recent budget guidance to DHS for fiscal year 2012 from the Office of Management and Budget does not propose additional funding for the Visa Security Program and directs ICE to reconsider its deployment of personnel overseas for this purpose. I find this recommendation, of course, very troubling.

The ICE personnel that are deployed overseas to high-risk visa issuing posts are uniquely qualified to review visa applications and to identify individuals who might be attempting to enter the United States to do us harm. Do you agree with the OMB recommendation, the guidance regarding the Visa Security Program?

Secretary NAPOLITANO. Well, let me—if I might, Representative—the President's budget request is not yet out. It will be out on Monday. I believe my first hearing on the budget is next Thurs-

day—yes, next Thursday. I think if I might ask your forbearance and respond to budget-related questions at that time.

Mr. BILIRAKIS. Okay. But I would like to keep in touch with you on this vital issue—

Secretary NAPOLITANO. Duly noted.

Mr. BILIRAKIS. Thank you.

Secretary NAPOLITANO. Yes, sir.

Mr. BILIRAKIS. One more question. As you are aware, terrorists involved in both the 1993 and 2001 World Trade Center attacks entered the United States on student visas, later violating their terms. I have long been concerned that there are inadequate security controls in the student visa issuance process. I have similar concerns about the process to monitor visa holders' compliance once they enter the United States. How concerned are you about the fraudulent use of student visas, or any visas for that matter?

Mr. LEITER. We look at all types of visas. But, Congressman, I think you are absolutely right. There is a history with student visas. There is an on-going interest in student visas. So we have built in some extra protections on student visas, both for monitoring and cooperation with the countries that often sponsor those students for additional counterterrorism screening.

Mr. BILIRAKIS. I would like to get with you—I have some recommendations of my own, as well.

Mr. LEITER. Very happy to do that.

Mr. BILIRAKIS. Okay. Thank you very much.

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

Mr. RICHMOND. Thank you. Thank you, Mr. Chairman.

We heard several points about our port security. As we talk about trade deals, I guess my question to you, Madam Secretary, is that, is there a way to evaluate or to inform us of, for example, South Korea and their port security? Because our security is based on how well they do their job over there.

So as these trade agreements come up and as they are negotiated, I think it is very important for people in my district, which has the port of New Orleans and all the trade down there, to get some information on that.

Secretary NAPOLITANO. Congressman, yes. We will respond to you in writing on that. I know one of our six international locations for our maritime cargo scanning technology was in Busan in the Republic of Korea. So we will get some information to you.

Mr. RICHMOND. Second, watching what happened down in Louisiana with the B.P. Horizon incident, how safe are our rigs?

Give me an assessment on, for example, our LOOP, which supplies a lot of oil and stuff for the rest of the country.

So looking at how long it would take to get a backup or to potentially stop the flow of oil, how safe are our German rigs that are off the coast of all of our Gulf States?

Secretary NAPOLITANO. Congressman, I have been on the LOOP and met with those individuals. There are extensive security precautions that are taken around that area.

So there are no guarantees in this business. I think the Director and I would both agree on that.

But do I think they are taking all reasonable security precautions? I feel that they are.

Mr. RICHMOND. Thank you, Mr. Acting Chairman. I yield back the remainder of my time.

Mr. BILIRAKIS. Thank you. Thank you.

Congressman Davis.

Mr. DAVIS. Thank you very—

Mr. BILIRAKIS. You are recognized.

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

Madam Secretary, Mr. Leiter, thank you both very much for being here and for your patience.

As a new Member of this committee, let me just ask if you would quickly help me sharpen my understanding of what we define and designate as being terrorism or acts of terror.

Mr. LEITER. Congressman, there are numerous definitions within Federal law about what terrorism is.

The National Counterterrorism Center uses one of those, which is premeditated, politically-motivated violence by a non-state actor.

So the key piece there—key pieces, it usually comes down to is politically motivated violence.

Mr. DAVIS. Madam Secretary, I am very interested and very concerned about the impact of illegal narcotics on life in our country and, indeed, throughout the world.

We know that Afghanistan supplies about 90 percent of the opium trade. There are also questions about its relationship to funding the Taliban and its relationship with al-Qaeda.

Could you tell me what our goals are there from a DHS vantage point? I mean, what are we attempting to do in that region?

Secretary NAPOLITANO. Well, Congressman, I think a better person to address that question to you would be the Secretary of Defense.

But what our goal is at DHS, working with the government of Afghanistan—I was just there between Christmas and New Year's—is to assist them in building their civilian capacity to have control of their own borders, particularly their ports of entry, and to be able to have the infrastructure, the technology, and the trained and vetted units necessary to do that.

Mr. LEITER. Congressman—I am sorry—if I could just add, is, as you know, the Drug Enforcement Agency has a significant presence in Afghanistan and works—and part of this is important from the terrorism perspective, because, as you say, some of those funds do go to support the Taliban and could effectively go to al-Qaeda if they are not already.

I think it is an important piece to note, because it simply highlights the moral depravity on this front, too, and really the hypocrisy of the organization, al-Qaeda and the Taliban, of pursuing what they are viewing as a vision of Islam while still maintaining and shipping heroin and opium overseas.

Mr. DAVIS. Of course, I come from Chicago, which is considered to be by many, and certainly those of us who are there, the transportation capital of the world.

We place a great deal of focus and interest on airline security, airline safety.

But I also have some concern about what we are doing in relationship to truck transport, buses, the large numbers of people who make use of them, and, of course, rail.

Could you elaborate a bit on what we are doing in those areas to make sure that there is security and safety?

Secretary NAPOLITANO. Indeed, Congressman, and we have a whole surface transportation program and strategy that we will make available to you now.

It is a little bit different because so much of it is controlled locally, bus systems, subway systems and the like.

I think Chicago is fortunate because they have built now some extensive security in this, at least in the—within the municipal limits that come into a hub area so there could be some effective monitoring of surface transportation.

But we have added so-called VIPER teams, which are intermodal transportation security teams, dogs, explosive trace detection equipment in the surface transportation environment.

We have made grants and grant guidance available to localities for things of this nature as well.

Mr. DAVIS. Well, let me just thank you very much and let me, again, as other Members have done, commend you for what I think the outstanding work is that you do. I certainly look forward to working more closely with both of you.

Secretary NAPOLITANO. Thank you, sir.

Mr. DAVIS. I thank you, Mr. Chairman, and I yield back the balance of my time.

Mr. BILIRAKIS. Thank you, sir. It doesn't appear that anyone else is here.

So I thank the witnesses. Thanks for the extra time, for your valuable testimony, and the Members, of course, for their questions.

The Members of the committee may have some additional questions for the witness. We will ask you respond to these questions in writing, please.

The hearing record will be held open for 10 days.

Without objection, the committee stands adjourned. Thank you.  
[Whereupon, at 12:31 p.m., the committee was adjourned.]





## APPENDIX

QUESTIONS FROM RANKING MEMBER BENNIE G. THOMPSON FOR JANET NAPOLITANO

*Question 1.* Madam Secretary, in your testimony you stated that “in some ways, the threat facing us is at its most heightened state” since 9/11. This statement was given with little context and seems to imply an added security threat, yet the committee was not provided any new threat information. Moreover, there was no change to the National Threat Advisory System that is still on the DHS website or the new threat advisory pilot program you have announced to replace the color-coded system. Why is the threat facing the Nation at its “most heightened state,” since 9/11?

Answer. The terrorist threat facing our country has evolved significantly in the last 10 years, and continues to evolve. We face a threat environment where violent extremism is not defined or contained by international borders as evidenced by the Times Square bomber as well as the individual recently arrested in eastern Washington State for allegedly placing a bomb along the route of a Spokane parade in January. Today, we must address threats that are homegrown as well as those that originate abroad. As former Secretaries of Homeland Security have noted on several occasions, the threat of terrorism will never be completely eliminated and therefore, we will continue to operate under a heightened state of security. The Secretary’s annual Congressional testimony on the homeland threat landscape (February 9, 2011), the Director of National Intelligence Annual Threat Assessment (February 10, 2011), and other such vehicles will inform this baseline. The new advisory system will only be initiated for terrorist threats to the homeland that rise above and beyond this baseline.

- From December 2009 through 2010, there were seven attempted terrorist attacks or disrupted plots in the homeland. Two of these operations were linked to al-Qaeda affiliates, one to an al-Qaeda ally, and four to homegrown violent extremists. Most did not reach the execution phase or the intended target, all were operational failures, and none resulted in significant casualties. Nevertheless, al-Qaeda and its affiliates almost certainly perceive the failed attacks as both valuable propaganda opportunities and radicalization and recruitment tools that further its anti-Western narrative.
- Mohamed Osman Mohamud’s failed attempt in November 2010 to allegedly bomb a Christmas celebration in Portland, OR represents a recent example of the increasing threat from homegrown violent extremists—Americans radicalized in the United States, acting independently of foreign terrorist organizations like al-Qaeda.

The United States and our allies also face a threat from Westerners who have traveled overseas to receive terrorist training—with the intention of returning to conduct attacks at home. This presents numerous challenges as the individuals’ status as Westerners provides a simpler method for terrorists to infiltrate the homeland while also increasing the groups’ operational planners’ knowledge of Western targets and security practices.

- Since 2008, U.S. persons, including confessed al-Qaeda operatives Najibullah Zazi and David Headley—the Chicago-based individual who also confessed to being a Lashkar-e-Taiba (LeT) operative—as well as confessed failed Times Square bomber Faisal Shahzad, have traveled to Pakistan for terrorist purposes and, upon their return to the United States, were able to operate under the radar of law enforcement, in some cases for long periods of time.

The past 18 months have also featured the emergence of Western ideologues—particularly American citizens like Anwar al-Awlaki, Omar Hammami, and Adam Gadahn—publishing increasingly sophisticated English-language propaganda on behalf of al-Qaeda and its affiliates. The increasing availability on the internet of their materials espousing violent extremism and providing practical operational advice, combined with social networking tools that facilitate violent extremist communication, complicates the challenge of addressing the threat to the homeland.

- These violent extremist ideologues—al-Awlaki in particular—have also spearheaded recent efforts to provide Americans and other Westerners with the ability to independently plan and execute their own terrorist attacks—without the need to travel overseas for training—through English-language propaganda.
- Finally, we are currently witnessing an evolution in terrorist tactics. Terrorist attacks targeting the United States are trending towards smaller-scale operations executed on a compressed planning cycle that are perceived as successes, regardless of whether they caused physical damage. Violent extremist propaganda praised even operational failures in the West, spinning them as successful in causing economic damage, defeating existing security measures, and forcing the West to spend billions in security upgrades, while highlighting the operations' relatively low cost and ease of planning and execution. We are concerned that the perceived successes of such smaller-scale attacks portends that these operations will occur with greater frequency and offer fewer opportunities for disruption.
- Al-Qaeda in the Arabian Peninsula's (AQAP's) English-language propaganda magazine—referencing the disrupted October 2010 plot to send explosive-laden packages on aircraft—boasted: “To bring down America we do not need to strike big . . . it is more feasible to stage smaller attacks that involve less players and less time to launch and thus we may circumvent the security barriers America worked so hard to erect.”
  - In the same edition, AQAP noted that the October 2010 plot was part of its “strategy of a thousand cuts”—intending to “bleed the enemy to death” and noted that despite the West's success in intercepting the parcels, the \$4,200 operation would force the United States and its allies to spend “billions” on security upgrades.

*Question 2.* The latest Moscow airport suicide attack underscores what seems to be a troubling new trend: Terrorist attacks on soft targets in transportation infrastructure, such as pre-security baggage claims and subways. As you know, in other airports across the world, it is not uncommon to be inspected as soon as you enter the premises. What can we take away from the Moscow attack for our own airport security here at home? What strategy does DHS have in place to address terrorist attacks on soft targets, including shopping malls, pre-security baggage claims, and mass transit?

*Answer.* One of the Department of Homeland Security's (DHS) primary strategies is to work with our partners in the intelligence community and in Federal, State, and local law enforcement to identify and prevent threats before they are carried out. Simultaneously, we work with airport authorities and other stakeholders to implement a layered security approach to mitigate the threat of terrorist attacks against soft targets.

The terrorist attack at Moscow's Domodedovo International Airport demonstrates the importance of having an effective security plan in place at our Nation's airports. There are various layers of security at U.S. airports designed to help prevent or deter this type of an attack. The primary responsibility for security outside of the checkpoints rests with the airport operator, as detailed in the airport security plan that each airport operator submits to the Transportation Security Administration (TSA). Additionally, TSA personnel, including Behavior Detection Officers, Transportation Security Inspectors, and Federal Air Marshals, are engaged and trained to look for anomalies as they provide security, with local airport police, throughout both the public and secure areas of our Nation's airports or any other venue where they are dispatched. I also cannot overstate the importance of public awareness and engagement in alerting law enforcement and security personnel to unusual behavior or activities by individuals. It is why I have placed so much emphasis on the “If You See Something, Say Something” program to solicit assistance from the public and further enhance security in airports and elsewhere.

In light of the Moscow Domodedovo International Airport attack, TSA has increased security in the public areas of all airports both by conducting visible and covert operations. TSA has also developed the tactical response plan (TRP), which details the actions necessary at the field level to support the overall TSA operational response to various scenarios. All of our measures augment the existing security measures employed in all modes of transportation and may be used in combination with each other.

Additional information regarding TSA's mitigation strategy and response plans for a similar attack are considered sensitive security information and can be discussed during a thorough briefing on this topic at your convenience.

Following the Moscow Domodedovo International Airport attack, the DHS Office for Bombing Prevention (OBP) released a Quick Look Report on TRIPwire that provided details on the device and the tactics used to State, local, Tribal, and territorial law enforcement to inform domestic prevention and deterrence efforts. TRIPwire is

DHS's 24/7 on-line, information-sharing network of current terrorist IED tactics, techniques, and procedures, including design and emplacement considerations.

DHS's Office of Infrastructure Protection (IP) has a variety of programs to prepare for and address the threat of terrorist attacks on soft targets, including shopping malls, airports, hotels, sports venues, and other public gathering facilities.

- IP has developed and provided to State, local, Tribal, and territorial agencies a series of reports, known collectively as the Infrastructure Protection Report Series (IPRS), that provide information on characteristics and common vulnerabilities of various types of critical infrastructure, potential indicators of terrorist activity, and associated protective measures to mitigate risks. IP has developed 360 IPRS reports, including reports for airports, shopping malls, hotels, sports venues, and other public gathering facilities.
- IP's OBP provides Surveillance Detection and Soft Target Awareness Training to State and local law enforcement officers and private sector facility security personnel to develop awareness of terrorist threats to critical infrastructure and educate participants on strategies for detecting and mitigating these threats.

IP's field-deployed Protective Security Advisors (PSAs) have conducted numerous outreach efforts to raise awareness of terrorist threats to soft targets and provide tools and resources to mitigate the threat. These outreach efforts included joint Office of Intelligence and Analysis and IP briefings on the terrorist threats, attacks, tactics, and potential protective measures. Notably, and to cite just two examples, these efforts reached 490 hotel, lodging, and major retail facilities in 2009, and 338 sports league venues in 2010.

